



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

MONDAY

DECEMBER 5, 2011

7:00 P.M.

• **5:30 pm – FINANCE COMMITTEE MEETING**

A. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

a. Minutes – November 14, 2011

3. COMMUNICATIONS

- a. Emails – Bernie Philbrick – Rain Garden & Bangor Area Stormwater Group
- b. Emails – Cindy Philbrick – Request for New Election

4. REPORTS

- a. Finance Committee Minutes – 11/21/2011
- b. Pine Tree Landfill Complaint Report – October 2011

B. PUBLIC COMMENTS

C. POLICY AGENDA

1. PUBLIC HEARINGS

- a. Application for Victualer's License received from Carroll Crew, LLC d/b/a Pat's Pizza at 662 Main Road North
- b. Amendment by Substitution of the Town of Hampden Sewer Ordinance

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

a. Report of Election Results 11-08-2011

3. UNFINISHED BUSINESS

- a. 2010 Draft Comprehensive Plan – Citizens Comp Plan Committee Recommendation

NOTE: The Council will take a 5-minute recess at 8:00 pm.

- b. Hampden Academy Re-Use Offer from School Board
- c. Introduce Personnel Rules and Policies Ordinance/Handbook for Public Hearing (To replace Personnel Policy Ordinance by substitution)

4. NEW BUSINESS

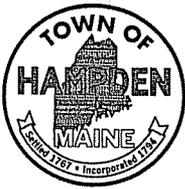
- a. MRC Board of Directors Ballot
- b. VFW – Games of Chance License

D. COMMITTEE REPORTS

E. MANAGER'S REPORT

F. COUNCILORS' COMMENTS

G. ADJOURNMENT



HAMPDEN TOWN COUNCIL MINUTES

Monday, November 14, 2011

Attending:

Mayor Janet Hughes

Councilor Kristen Hornbrook

Councilor Andre Cushing

Councilor Tom Brann

Councilor William Shakespeare

Councilor Shelby Wright

Councilor Jean Lawlis

Town Manager Susan Lessard

Robert Osborne, Planner

Town Attorney, Tom Russell

Residents

The meeting was opened at 7:30 p.m. by Mayor Hughes.

Request by Councilor Shakespeare to pull item A. 3. e. for discussion.

Motion by Councilor Cushing, seconded by Councilor Wright to accept the balance of the consent agenda. Vote 6 – 0.

Councilor Shakespeare read into the record the following email letter from Bernie Philbrick to the Town Council dated Friday, October 28th, as follows:

NOTE: The Council will take a 5-minute recess at 8:00 pm.

Bernie Philbrick <elcobern@aol.com>

Fri, Oct 28, 2011 at 3:03 PM

To: hombrooktowncouncil@hampdenmaine.gov, andrec@hampdenmaine.gov,
shakespearetowncouncil@hampdenmaine.gov, hughestowncouncil@hampdenmaine.gov,
wrighttowncouncil@gmail.com, branntowncouncil@hampdenmaine.gov, lawlistowncouncil@gmail.com

Kristen,

As you always perform due diligence in whatever task you set your mind to, I am sure you have reviewed the Town Charter in regards to "executive sessions". I also have reviewed "Section 211 Procedure" in our Town Charter where executive session are discussed. It appears that executive session should only be used to discuss town personnel, whereas the subject matter could be considered defaming to this person. Whatever the purpose, the public should be notified of a meeting and the said agenda. To not follow this rule is criminal and fraudulent to the public.

I did not see anything where the Charter allows Mayor Hughes or other Council Members to engineer elections behind closed doors. This is a very serious breach of law for elected officials to partake in and this is not the first time. Although the Town Clerk is in charge of our local elections. One must consider the past bias the Town Clerk has shown with her multiple sets of election rules and in doing so I would not show her what you know, yet. This is something that should be handled by an authority higher up. Perhaps the AG would be of some help for our Town to proceed in the future, legally, without bias, where all of the citizens in Hampden are treated as equals and enjoy equal opportunities. Until then our little Town will continue to be known as the Banana Republic.

On another note, a few weeks ago while at the grocery store in Hampden, I ran in to a Town Office employee who informed me of some startling information which I brushed off as rumor at the time. After reading your email I am thinking this rumor may have some value or merit behind it. Apparently Susan Lessard did not quit her job as Town Manager. It was simply a ruse to gain sympathy of the Townspeople and also to cast doubt on those who stand for property rights in our town. Lessard's ploy (which I am told was a calculated effort with Tom Brann and Mayor Hughes) was to announce her resignation. The BDN bought this ploy 100% when they printed the article about her. BUT the Town Council never voted to accept her resignation! So much like the 2001 & 2010 Comp Plans, Lessard's resignation has a cover but lacks anything in between. This is all eerily similar to Brann, Shakspeare and Mayor Hughes announcing in the BDN that they would not seek re-election. Basically they are a bunch of liars and use the BDN as their tool!

Back to Lessard. Apparently she has been telling people that she does not intend to leave her position as Manager pending the outcome of this election. If the successful candidates are in her favor she will decide to stay in Hampden, should the election fall in another direction she will pack her bags and leave. What does this say about Lessard's integrity? If she can't push her ultra liberal land grabbing agenda she can't find a way to remain *neutral*? Should Town Managers have an agenda other than the will of the people. So, does this point to a conflict of interest or a reason to engineer elections and keep your 4 day a week job? Does this indicate wasteful spending with the MMA looking for a replacement manager when one knowingly may not be needed if Lessard can gain favor via the election? Was the Lessard resignation paper not voted on by the Council because of: 1) Complete ignorance or 2) Fraudulent activities within our Town Office?

This seems to be a never ending story with Manager Lessard and her loyal subjects on the Council. Now instead of simply being rude and unprofessional, their actions have breached criminal.

Bernie Philbrick

Motion by Councilor Cushing, seconded by Councilor Wright to accept consent agenda item

A. 3. e. Vote 7 – 0.

A. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

3. COMMUNICATIONS

- a. Special Council Meeting 10/25/2011 Legal Opinion
- b. Executive Session – Attorney Response to Question from Councilor Hornbrook
- c. Legal Opinion – Applicability of Title 21-A – Write-in Candidates
- d. Legal Opinion – Follow up to Write-in Candidate Opinion
- e. Email regarding Manager Resignation – Bernie Philbrick
- f. Email regarding 10/25/2011 meeting – Councilor Hornbrook
- g. Email Request – Information related to Finance & Administration Committee – Councilor Hornbrook
- h. Email Request – Payments to Hughes Brothers – Lisa Carter
- i. Email Request – Cable TV Franchise Agreement, Maine Municipal Association Manager Search Contract, Town Attorney Contract, Information on Special Meetings, Regular Meetings and Executive Sessions from 7/2001 to present – Terry McAvoy
- j. Email Request – Manager Resignation information/terms/etc – Larry Grard, Citizen's Journal
- k. Email Request – Campaign Sign Information requests – Lisa Carter
- l. Information Request – Bid Information 2007-Present – Lisa Carter
- m. Email Request – Write-in Candidate Information – Michael Levesque
- n. Email Request – Setback from Polling Place for Signs – Cynthia Philbrick
- o. Email Request – Zoning Change Information – Ruth Stearns
- p. Information Request – Tree Cutting Penalties – Dept. of Conservation
- q. Lura Hoit Pool – Fundraising Letter
- r. Senator Plowman – Legislative Summary
- s. Cold Brook Road Speed Zone Review – 10/24/2011
- t. Freedom of Information Request – Emails regarding 10/25/2011 Meeting – Larry Grard, Citizen's Journal
- u. Information Request re: Police Officers at Meetings – Councilor Hornbrook
- v. Information Request – Budget Information – Peter Frazier
- w. DEP/Gulf Oil Limited Partnership – Air Emission License Renewal

4. REPORTS

- a. Finance Committee Minutes – 10/17/2011
- b. Infrastructure Committee Meeting Minutes – 10/24/2011
- c. Semi-Annual Water District/Council Meeting Minutes – 10/24/2011
- d. Landfill Complaint Report – September 2011
- e. Lura Hoit Pool Trustees Minutes – 9/8/2011
- f. Edythe Dyer Library Trustees Minutes – 9/24/2011

B. PUBLIC COMMENTS - *None*

C. POLICY AGENDA

1. PUBLIC HEARINGS

- a. Zoning Ordinance Text Amendment – Article 3.3.3 Commercial Services Conditional Uses –Addition of Church to the Contemplated Uses of the District. *Town Planner Robert Osborne introduced the proposed change which proposes to add churches as a conditional use in the Commercial Services District. The Planning Board recommendation for this item was a unanimous ought-to-pass. The Public Hearing was opened by Mayor Hughes.*
Proponents – None
Opponents – None
Neither for nor against – None
Mayor Hughes closed the public hearing.
Motion by Councilor Brann, seconded by Councilor Cushing to approve adoption of the proposed text amendment for Article 3.3.3 as presented. Vote 7 – 0.

- b. Application for Victualers License received from Sub Street, Inc. d/b/a Subway of Hampden at 7 Western Avenue. *The Public Hearing was opened by Mayor Hughes.*
Proponents – None
Opponents – None
Neither for nor against – None
Mayor Hughes closed the public hearing.
Motion by Councilor Cushing, seconded by Councilor Brann to grant a victualers license to Sub Street, Inc. d/b/a Subway of Hampden.
Councilor Shakespeare asked why a public hearing was being held for a victualer's license since the business had been there more than five years. The Town Manager responded that that the public hearing was due to an ownership change. Vote 7 – 0.

- c. Application for Victualers License received from Elisaveta Turla d/b/a Angelo's Pizzeria at 102 Main Road South – *Postponed until 11-21-2011 meeting.*

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. 11/8/2011 Election Results – *The Town Manager read a prepared statement that was sent to candidates and the Town Council, as follows:*

TO: Hampden Town Council
 FROM: Sue Lessard, Town Manager
 DATE: 11-14-2011
 RE: Questions regarding 11-08-2011 Election

The purpose of this memo is to bring the Council up to date on a question that has been raised as to voters being given the wrong ballot for their voting district on November 8th. I received an email from candidate Mark Gray's wife Kim who indicated that he had received a call telling him that persons from District II had been given ballots from District I. I told Mrs.

Gray that I would forward the information to the Town Clerk and the Town Attorney for response. Subsequently, I received an email from Mark Cormier indicated that his parents, who live on Evergreen Drive, had received a District 1 Ballot instead of a District II ballot and that his father would be in on Monday to discuss it. I responded to Mark that I would forward the email to the Town Clerk and the Town Attorney for response and that we looked forward to seeing his father on Monday.

In order to determine whether or not there is a significant problem with the issuance of ballots, the Town Clerk will be sorting the incoming voter list from the election by district to get a count of the number of voters from each district that appeared at the polls. Those numbers will be compared to the number of ballots tallied for each district. The incoming voters list is currently sealed by the Secretary of State's Office as part of regular election law that requires it to be sealed for five business days following an election. That list will not be released until 5 p.m. on Wednesday, after which the above-cited work will be done.

Although it has been custom and practice for the Town Council to 'approve' election results at the first Council meeting held after an election, there is no statutory requirement or authority for that action. The Warden certifies the election as of the close of the election on voting day, which was November 8th. Candidates will have five business days from the close of the election to request a recount. In the case of the Town of Hampden, that deadline would be 6 p.m. on Thursday, November 17th. That is calculated by counting Wednesday, November 10th as Day 1, Monday, November 14th as Day 2 (since the office was closed Thursday and Friday), Tuesday, November 15th as Day 3, Wednesday, November 16th as Day 4, and Thursday, November 17th as Day 5.

All candidates have been apprised of this information.

Motion by Councilor Cushing, seconded by Councilor Lawlis to postpone action on this item until after information is verified by the Town Clerk. Vote 7 – 0.

3. UNFINISHED BUSINESS

- a. Contract for Sale of Lot 5, Hampden Business Park – Planning & Development Committee Recommendation – Mayor Hughes and Councilor Brann explained that terms of the lot sale proposed to Central Maine Diesel. Town Attorney Russell suggested that two changes be made to the agreement to make it consistent with other purchase/sales agreements done for sale of lots in the business park. Those two items were a pro-rated amount in lieu of property taxes and a change to the document for the allocation of transfer tax responsibility. Motion by Councilor Brann, seconded by Councilor Lawlis to sell lot five in the business park to Central Maine Diesel for \$88,000 and to authorize the Town Manager to sign the agreement including the two cited changes. Vote 7 – 0.
- b. Town Manager Resignation Acceptance – Councilor Hornbrook – Motion by Councilor Hornbrook, seconded by Councilor Shakespeare to accept the town manager's resignation as presented in the August 15th resignation letter.

The Town Manager reiterated her reasons for leaving and took the opportunity to address the statements made via email by Bernie Philbrick that her resignation was a fraud and part of a plan with some Councilors to stay employed with the town and not hire a new manager. She denied the charges made by Mr. Philbrick and reiterated her desire for the town to make a smooth transition from one manager to the next.

Public Comment – James Kiser indicated that he felt that the Town Council should set a deadline of 12/31/2011 for the current town manager to complete her employment with the Town. He likened the need for the Council to expedite its work in selecting a new town manager to the deadline given to the Citizen's Comp Plan Committee for completion of its work.

The vote on the motion to accept the resignation was 7 – 0.

The Town attorney recommended a second vote to accept the Manager's offer to serve an extended notice to assist the Town until a new manager was named. Vote 7 – 0.

- c. *Billington LLC Subdivision Conservation Easement Acceptance – Planning & Development Committee Recommendation – Town Planner Robert Osborne explained that the Planning and Development Committee had met to discuss the proposed open space and conservation easement and that the Committee had recommended acceptance of the conservation easement but not possession of the open space land.*

Public comment- Jim Kiser, agent for Billington, LLC indicated that it was the desire of the developer for the Town to accept the open space land as well as the conservation easement so that it could be used by the public. Attorney Russell disagreed with this statement and provided language that conflicted with Mr. Kiser's statement.

Motion by Councilor Brann, seconded by Councilor Cushing to accept the conservation easement as proposed but not ownership of the open space land itself. Vote 7 - 0

Mr. Kiser expressed concern that the motion was not sufficient to allow his client to prepare final plan documents for the proposed subdivision.

Motion by Councilor Cushing to rescind the prior motion, seconded by Councilor Brann, vote 7-0.

Motion by Councilor Cushing, seconded by Councilor Brann to postpone action on this item until the 11/21/2011 meeting to allow the Planning & Development Committee to consider the information. Vote 7-0.

A ten-minute break was taken at 8:50 p.m. Councilor Wright left the meeting at 9 p.m. due to illness. Motion by Councilor Brann, seconded by Councilor Cushing to excuse Councilor Wright for the remainder of the meeting. Vote 6 – 0.

- d. *Hampden Academy Re-use Update – Mayor Hughes explained the offer received from RSU 22 for sale of the old Hampden Academy site to the Town. Councilor Brann, Mayor Hughes, the Economic Development Director, the Town Planner and the Town Recreation Director met with RSU 22 and their consultant from WBRC regarding demolition costs and the market value of the property. Further information was requested on quantities/types/ costs of material to be disposed. The Economic Development Director is working with an appraisal firm to review the appraisal provided by RSU 22 and provide assessment of the property value including the buildings. The report is due back to the Town Council for the first meeting in December.*

Public Comment – Jeremy Williams – 1334 Carmel Road North – stated that consideration should be given to marketing the property including the existing buildings because they might have some value for a certain type of developer.

- e. *School/Town MOU for Trails – Services Committee Recommendation – Services Committee Chair Councilor Lawlis reported that the MOU remained as a work in progress between the Town and the School. Completion of it is not a requirement of the grant application being done by RSU 22.*
- f. *Concept Approval Letter for Trails – Services Committee Recommendation Concern was raised by Councilor Hornbrook over the discrepancy between the proposed Trail Use Agreement to be submitted with the grant that stated that snowmobiling would be an allowed use and the draft MOU between the school and the Town that excluded snowmobiles. After some discussion, it was the consensus of the council to include snowmobiling as an allowed use in the Trail Agreement and adjust the MOU as necessary prior to its completion.*

Public Comment – Rich Armstrong – Kennebec Road – Spoke in favor of including snowmobiling as an allowed use in the Trail Use Agreement.

Motion by Councilor Lawlis, seconded by Councilor Cushing to authorize the Town Manager to sign the Trail Use Permit after review by the Town Attorney. Vote 5 – 1 (Hornbrook)

Motion by Councilor Lawlis/seconded by Councilor Brann to authorize the Town Manager to sign the concept approval letter for the Trail project. Vote 6 – 0.

4. NEW BUSINESS

- a. Sewer Commitment – 7/1/2011 to 9/30/2011 – *Motion by Councilor Cushing, seconded by Councilor Lawlis to approve the Sewer Commitment for 7/1/2011 to 9/30/2011. Vote 6 – 0.*
- b. Draft Zoning Ordinance Text Amendment – Interchange District – Referral to Planning Board – Planning & Development Committee Information – *Motion by Councilor Brann, seconded by Councilor Cushing to send this item to the Planning Board for review. Vote 6 – 0.*
- c. Channel 7 Sound Quality – Mayor Hughes – *Mayor Hughes stated that on election day she heard from constituents that the sound quality on Cable Channel 7 was not good. She requested that the Communications Committee look at this issue. Councilor Brann indicated that he believed that the subject should be referred to the Infrastructure Committee since it was hardware related, and that other items such a bandwidth, internet capacity, etc should be discussed as well.. Councilor Hornbrook disagreed and indicated that it should be discussed by the Communications Committee, and that that Committee had already been discussing bandwidth and video streaming. No vote was taken. The subject will be discussed by the Communications Committee with necessary hardware components then reviewed by the Infrastructure Committee.*
- d. Questions regarding Fines & Fees in the Community – Mayor Hughes – *Mayor Hughes discussed concerns expressed by people on election day related to fines/penalties for cutting trees and asked that Staff provide a comprehensive list for the Council of fees/fines related to tree cutting.*

Public Comment – Alex King – 807 Kennebec Road – indicated that the Shoreland Zoning Ordinance required a licensed forester to do a cutting plan for trees cut in the shoreland zone and that perhaps that was what people were concerned about.

The Town Manager stated that persons had called the office after a local radio broadcast in which they reported hearing that people in Hampden could be fined \$500 or face jail time for cutting a tree on their own property. The Tree Ordinance contains fines/penalties for cutting trees on public property – not private property. Staff will compile a list for the Council to review.

- e. Discussion regarding Concerns Related to Disclosure of Information from Executive Sessions – Mayor Hughes – *Mayor Hughes asked Town Attorney Tom Russell to review the rules regarding executive sessions as to what can be discussed in executive session and what information in an executive session is protected and what is not. Following that explanation was public comments.*

Lisa Carter – Western Avenue – Expressed frustration and disgust at the length of time that residents had to wait for an opportunity to express their views on this agenda item. She indicated that citizens had endured a 3 hour wait as well as grandstanding, ridicule, snide remarks and haughtiness. She believes that this line item was meant to unfairly target Councilor Hornbrook regarding recent sessions, one of which was not even a legal executive session.

Councilor Hornbrook thanked Mrs. Carter for her comments and indicated that she was well aware of the Freedom of Information act and what was and was not allowed in regard to executive sessions.

Mayor Hughes will not be present for the next Council meeting on November 21st and there was a discussion regarding who would chair the meeting if the Deputy Mayor was also not available. Councilor Cushing will be present and act as chair but it was discussed that the Council needs to include in its rules who will preside if both the Mayor and the Deputy Mayor are not at a meeting..

- f. *Application for Liquor License received from Countrymeadow, Inc. d/b/a Pizza Gourmet at 60 Main Road North, Ste. A – Motion by Councilor Lawlis, seconded by Councilor Cushing to approve the liquor license for Countrymeadow, Inc. d/b/a Pizza Gourmet. Vote 6 – 0.*

D. COMMITTEE REPORTS

Infrastructure – Councilor Shakespeare read the minutes of the October 24th Infrastructure.

Services – Councilor Lawlis reported that the Services Committee had met prior to the Council meeting to discuss items related to the Trails project discussed as part of the Council agenda as well as a beginning review of the outdoor facilities ordinance.

Planning & Development – Councilor Brann reported that the Committee had worked on the Billington subdivision open space question, the lot 5 sale in the Business Park, a recreation plan being developed, progress on the Marina park project, an ordinance related to the waterfront district, and development of a sign ordinance.

Communications – Councilor Hornbrook reminded people that the next meeting of the Communications Committee will be on Tuesday, December 13th at 6 p.m.

Finance – No finance Committee meeting was held prior to the Council meeting due to the fact that the Services Committee was meeting.

- E. *MANAGER'S REPORT – A copy of the Manager's Report is attached.*

F. COUNCILORS' COMMENTS

Councilor Hornbrook – Thanked those who attended for coming to the meeting and those at home watching for taking the time to do so.

Councilor Lawlis – Stated that research she had done shows that 1 of every 20 people in Hampden is handicapped/disabled and the town needs to take that into consideration in the development of both infrastructure and ordinances.

Councilor Shakespeare – Stated that he took offense to remarks about the council made by Mrs. Carter during the discussion of the executive session item. He also stated that the Citizen's Journal had printed erroneous information in regard to protection orders, stalking, etc. and that he wished to correct the record on those articles.

G. ADJOURNMENT

*Motion by Councilor Cushing, seconded by Councilor Lawlis to adjourn at 10:15 p.m.
Vote 6-0.*

Respectfully submitted,

*Susan Lessard
Town Manager*



Susan Lessard <manager@ham

Rain Garden Information

13 messages

Bernie Philbrick <elcobern@aol.com>

Wed, Nov 16, 2011 at 2:13 PM

To: manager@hampdenmaine.gov

Att: Sue Lessard, Town Manager

Dear Sue,

After reading the last edition of the Hampden Highlights I am curious about the costs incurred to date in creating the Rain Garden in front of the Town Office. Could you please in as much detail as you can, show the cost expended to create the Rain Garden in Hampden? As you are aware, our family has a special interest in green living. We are one of the few in Hampden who actually practice green living via green heat and electricity generation. We are aware that green living does ultimately come with a cost. I think this information could be helpful when educating the community with regards to Green Stewardship. Your help will be greatly appreciated!

Rain Garden:

1. Special grants, awards or donations from outside agencies or businesses.
2. Any matching funds the Town allotted in the past and future to receive grants or awards from outside agencies or businesses.
3. Labor hours expended by Town employees creating or recreating the rain garden.
4. Town equipment used and hours of use creating or recreating the Rain Garden.
5. Specific dollar amounts for all expenditures related to creating or recreating the Rain Garden.
6. Coordination and supervision costs?
7. Engineering costs associated with the Rain Garden.
8. Plantings?

As stated above any help you can provide is greatly appreciated.

Thank You,
Bernie Philbrick
Hampden, ME

Bernie Philbrick <elcobern@aol.com>

Fri, Nov 18, 2011 at 9:36 AM

To: manager@hampdenmaine.gov

Sue,

I know you have been busy lately working at night and all, but I do actually need answers to the questions below. If you are going to force me to pursue this information via FOIA then

please forward me the appropriate paperwork. The Citizens have the right to know how their money is being spent.

Thank You,
Bernie Philbrick
Hampden, ME

[Quoted text hidden]

Susan Lessard <manager@hampdenmaine.gov>

**Fri, Nov 18, 2011 at
10:10 AM**

To: Bernie Philbrick <elcobern@aol.com>
Cc: Andre Cushing <andrec@roadrunner.com>, Bill Shakespeare <shakespearetowncouncil@hampdenmaine.gov>, Denise <clerk@hampdenmaine.gov>, Janet Hughes <hughestowncouncil@hampdenmaine.gov>, Jean Lawlis <lawlistowncouncil@gmail.com>, Kristen L Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>, Shelby Wright <wrighttowncouncil@gmail.com>, "Thomas A. Russell" <tar@frrlegal.com>, Tom Brann <branntowncouncil@hampdenmaine.gov>

Bernie-

You do not have to do a FOIA request for the information. You made the request Wednesday, November 16th. I will have the information to you by Monday, November 21st. The project has spanned a couple of fiscal years and I want to make sure that I provide you with information from the very beginning of the idea until now. Thank you for your patience.

Susan

[Quoted text hidden]

Jean Lawlis <lawlistowncouncil@gmail.com>

Sun, Nov 20, 2011 at 11:49 AM

To: Susan Lessard <manager@hampdenmaine.gov>

I forwarded Mr. Philbrook's request for information on the rain garden to a few knowledgeable citizens to ask their opinion of the usefulness of a demonstration rain garden. I heard how rain gardens can save money and be more ecologically beneficial than other drainage solutions, when they work. Ours is not looking so great at the moment, but gardening is an iterative process - and learning what is required will make us more able to help citizens and developers when they want to solve drainage problems this way.

From the two people who responded, I got the same question in response, "What are all these requests for information and requests for legal opinion costing the town?" I know this is hard to quantify - we pay salaries whether someone is standing at the copy machine or doing other work for the town. I also appreciate the irony of adding yet another request for information - but perhaps some of this is accessible by gross budget comparisons? Can you estimate (back of the

envelope, or email counts, or by whatever method is easiest) what information requests quantities were like in Calendar year 2010 versus 2011? And what the resulting increase in expenses has been?

Thanks in advance,
Jean

[Quoted text hidden]

Susan Lessard <manager@hampdenmaine.gov>

**Mon, Nov 21, 2011 at
3:06 PM**

To: Bernie Philbrick <elcobern@aol.com>
Cc: Andre Cushing <andrec@roadrunner.com>, Bill Shakespeare <shakespearetowncouncil@hampdenmaine.gov>, Denise <clerk@hampdenmaine.gov>, Janet Hughes <hughestowncouncil@hampdenmaine.gov>, Jean Lawlis <lawlistowncouncil@gmail.com>, Kristen L Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>, Shelby Wright <wrighttowncouncil@gmail.com>, "Thomas A. Russell" <tar@frrlegal.com>, Tom Brann <branntowncouncil@hampdenmaine.gov>

Mr. Philbrick -

I am still working on putting together your information. Since the rain garden involved not only multiple fiscal years, but many people/organizations as well (the Bangor Area Stormwater Group, personnel from the University of Maine, volunteers from Maine Savings Bank and the high school as well as numerous staff members) - it is taking a bit of time to insure that you get everything that you have requested. I have left messages for some persons outside of this office for additional information and will finalize my response to you once that is received. I am in hopes that that is by 6 today.

Sue Lessard

On Fri, Nov 18, 2011 at 9:36 AM, Bernie Philbrick <elcobern@aol.com> wrote:

[Quoted text hidden]

Bernie Philbrick <elcobern@aol.com>

Mon, Nov 21, 2011 at 3:12 PM

To: manager@hampdenmaine.gov

Thank You Sue.

Bernie

[Quoted text hidden]

Susan Lessard <manager@hampdenmaine.gov>

**Tue, Nov 22, 2011 at
9:36 AM**

To: Bernie Philbrick <elcobern@aol.com>
Cc: Andre Cushing <andrec@roadrunner.com>, Bill Shakespeare <shakespearetowncouncil@hampdenmaine.gov>, Denise <clerk@hampdenmaine.gov>, Janet Hughes <hughestowncouncil@hampdenmaine.gov>, Jean Lawlis <lawlistowncouncil@gmail.com>, Kristen L Hornbrook

<hornbrooktowncouncil@hampdenmaine.gov>, Shelby Wright
<wrighttowncouncil@gmail.com>, "Thomas A. Russell" <tar@frrlegal.com>, Tom Brann
<branntowncouncil@hampdenmaine.gov>

On Wed, Nov 16, 2011 at 2:13 PM, Bernie Philbrick <elcobern@aol.com> wrote:
Att: Sue Lessard, Town Manager

Dear Sue,

After reading the last edition of the Hampden Highlights I am curious about the costs incurred to date in creating the Rain Garden in front of the Town Office. Could you please in as much detail as you can, show the cost expended to create the Rain Garden in Hampden? As you are aware, our family has a special interest in green living. We are one of the few in Hampden who actually practice green living via green heat and electricity generation. We are aware that green living does ultimately come with a cost. I think this information could be helpful when educating the community with regards to Green Stewardship. Your help will be greatly appreciated!

Rain Garden:

Dear Mr. Philbrick -

The rain garden idea originated as part of a discussion with the Bangor Area Stormwater Group of which the Town of Hampden is a member. Because of our proximity to Bangor and our designation as an MS4 community required to have a permit for stormwater associated with the urban compact area of the Town, we are required to do public education on management of stormwater as part of our DEP-issued permit, as well as to actively manage and inspect all stormwater systems in the urban compact area. We meet the public education requirement by putting articles in the newsletter, by painting reminders on storm drains, and by participating in regional education offerings. Rain gardens have been part of that educational effort - and are promoted because of their ability to act as a passive filtration and management structure for stormwater runoff. The Town applied for a grant from Project Canopy in 2008 to construct a rain garden that could act as a host site for the first large-scale rain garden in the greater Bangor area, which could then be used as a demonstration for the entire region. The grant was not received. However, the Council decided to go forward with the project, received a cash donation from the Bangor Area Stormwater Group to assist, and designated local funds, both cash and in-kind work contributions. One section of the garden since construction has worked fine. The second section was not initially 'shaped' correctly to handle the significant amount of runoff from the municipal building parking lot and had to be redone. Given the lateness of the year, it will be replanted in the spring. The answers to your questions are below. I hope that this information is helpful.

Sue

1. Special grants, awards or donations from outside agencies or businesses. *The Town received a grant of \$2,500 from the Bangor Area Stormwater group to assist with the design and construction of the rain garden. The Town also received donations of labor from the following:*

Maine Savings Employees - 6 people, 8 hours each - estimated
 value \$960.00
MSAD #22 Students/Scout Group - 2 visits - 12 people , 2 hours each
 estimated value \$385.92
Bangor Area Storm Water Group - Labor estimated
 value \$1,800
Laura Wilson, UMaine Extension - planning, advice, ordering
plants, design layout
50 hours time donated estimated
 value \$2,125
Chris Brewer, Penobscot County Soil & Water Conservation District -
planning
advice, plant layout time donation 50 hours estimated
 value \$1,750
CES Engineering - topo survey, project layout, volume calculations,
construction recommendations time donation
 value \$2,500

Total donated time estimated value
 \$9,520.92

2. Any matching funds the Town allotted in the past and future to receive grants or awards from outside agencies or businesses. *At a regular Town Council meeting on February 4, 2008, the Council approved the expenditure of up to \$5,000 for the rain garden from Host Community Benefits, and a donation of \$10,000 in-kind work on the garden (staff/public works time)*
3. Labor hours expended by Town employees creating or recreating the rain garden. *As cited above, the Council approved up to \$10,000 in in-kind work. Thus far Town employees have spent 231 hours on the project and equipment use has been 40 hours of backhoe work and 40 hours of truck work. The estimated value of that work according to the Public Works Director is \$5,800.*
4. Town equipment used and hours of use creating or recreating the Rain Garden. *See question 3.*
5. Specific dollar amounts for all expenditures related to creating or recreating the Rain Garden. *The following cash expenditures have been made for the rain garden to date:*

<i>Landscape fabric and staples</i>	<i>\$ 200.01</i>
<i>Engineering costs -CES</i>	<i>\$5,406.42</i>
<i>Plantings -</i>	<i>\$900.00</i>
<i>Total Cash Expenditure</i>	<i>\$6,506.43 (of the</i>

total \$7,500 available from the combination of the Town allocation of \$5000 and the Stormwater group allocation of \$2,500.

6. Coordination and supervision costs? - *This time allocation is answered as part of #3. If the hours were extracted from the total 231 hours, it would be 83 hours.*
7. Engineering costs associated with the Rain Garden. *See question 5.*
8. Plantings? - *See question 5*

As stated above any help you can provide is greatly appreciated.

Thank You,
Bernie Philbrick
Hampden, ME

Bernie Philbrick <elcobern@aol.com>

Tue, Nov 22, 2011 at 4:05 PM

To: manager@hampdenmaine.gov

Att: Sue Lessard:

I went to the Bangor Area Stormwater Group's website. Very interesting. What exactly are the fee's associated with Hampden being an active MS4 member of this group? What is the extent of town resources devoted to this group? Specifically, what grants have we received from this group? Are these true grants or matching funds?

Thank You,
Bernie Philbrick
Hampden, ME

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

-----Original Message-----

From: Susan Lessard <manager@hampdenmaine.gov>

To: Bernie Philbrick <elcobern@aol.com>

Cc: Andre Cushing <andrec@roadrunner.com>; Bill Shakespeare <shakespearetowncouncil@hampdenmaine.gov>; Denise <clerk@hampdenmaine.gov>; Janet Hughes <hughestowncouncil@hampdenmaine.gov>; Jean Lawlis <lawlistowncouncil@gmail.com>; Kristen L Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>; Shelby Wright <wrighttowncouncil@gmail.com>; Thomas A. Russell <tar@frrlegal.com>; Tom Brann <branntowncouncil@hampdenmaine.gov>

Sent: Tue, Nov 22, 2011 9:36 am

Subject: Re: Rain Garden Information

[Quoted text hidden]

Susan Lessard <manager@hampdenmaine.gov>

**Tue, Nov 22, 2011 at
4:28 PM**

To: Bernie Philbrick <elcobern@aol.com>

Cc: Andre Cushing <andrec@roadrunner.com>, Bill Shakespeare <shakespearetowncouncil@hampdenmaine.gov>, Denise <clerk@hampdenmaine.gov>, Janet Hughes <hughestowncouncil@hampdenmaine.gov>, Jean Lawlis <lawlistowncouncil@gmail.com>, Kristen L Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>, Shelby Wright <wrighttowncouncil@gmail.com>, "Thomas A. Russell" <tar@frrlegal.com>, Tom Brann <branntowncouncil@hampdenmaine.gov>

Good Afternoon-

The Town did not 'choose' to be an MS 4 community. We are designated as such by the State (as the agent for the EPA) due to our proximity to Bangor and the population density in the urban compact area. As such, we are required to file a five year MS4 stormwater permit with the Maine Department of Environmental Protection. That permit has all sorts of requirements that the Town must meet in regard to stormwater systems in the urban compact area. I will get a copy of the permit and the underlying legislation that requires Hampden to meet these requirements and forward that information to you.

The Town joined the Bangor Area Stormwater Group as a cost sharing and saving measure. All other communities/entities in this region that are named MS4 entities are also members. The dues to this group pay for shared services related to permit preparation, the computer program that manages the database of stormwater structures in all communities, etc. I will get you the dues costs since we have been a member, a list of shared costs, etc.

If you have been following the discussion in Bangor at all and heard mention about a proposed 'rain tax' - it is the subject of stormwater management regulations that is driving it. This is a very complicated program - and one with a HUGE number of 'musts' - all that cost money. Every community that has been named as an MS4 community is dealing with it. Town staff involved meets monthly on the subject in order to stay abreast of requirements and meet the regulations of our permit.

Indeed this is a subject that everyone should be concerned about. It is a Federal regulation that is, in the case of Maine, delegated to State management through DEP.

I will get you the documentation of costs, the copy of the latest permit, and the legislation that names us as an MS4 community before the holiday weekend.

Take care -

Sue Lessard

[Quoted text hidden]

Bernie Philbrick <elcobern@aol.com>

Tue, Nov 22, 2011 at 4:45 PM

To: manager@hampdenmaine.gov

Att: Sue Lessard:

Please do not feel as though you have to get me this information prior to this weekend. Next week will be fine. Also, I was not implying that Hampden chose to be an MS4 community. Though it does appear that we chose to become a member of the Bangor Area Stormwater Group.

Thank You,
Bernie Philbrick
Hampden, ME

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender

2010: \$3,670.15

2009: \$3,670.15

2008: \$3,390.14

2007: \$2,400.10

As you can see, BASWG has held the line with their budget because of the pressure each town has faced with their own budgets.

What is the extent of town resources devoted to this group?

The town also occasionally pays BASWG for workshops and trainings, and for student interns to collect data required for our permits. For example, we have had people attend a workshop on road salt application, held a training on oil spill prevention, and have had interns collect data on our outfalls and catch basins. Since 10/2007, this has totaled \$1,922.21

Specifically, what grants have we received from this group?

The only grant I am aware of is for the rain garden as mentioned previously.

Are these true grants or matching funds?

That grant was a match to what the Council put up.

~G

Gretchen Heldmann
GIS/IT Specialist, Town of Hampden
GeoLibrary Board - Chair & Municipal Representative
<http://www.maine.gov/geolib/>
OFFICE HOURS: Mon.-Thurs. 7:30am-6pm
106 Western Avenue
Hampden, ME 04444
Phone: (207)862.4500 x142
<http://www.hampdenmaine.gov/>

[Quoted text hidden]

immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

-----Original Message-----

From: Susan Lessard <manager@hampdenmaine.gov>

To: Bernie Philbrick <elcobern@aol.com>

Cc: Andre Cushing <andrec@roadrunner.com>; Bill Shakespeare <shakespearetowncouncil@hampdenmaine.gov>; Denise <clerk@hampdenmaine.gov>; Janet Hughes <hughestowncouncil@hampdenmaine.gov>; Jean Lawlis <lawlistowncouncil@gmail.com>; Kristen L Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>; Shelby Wright <wrighttowncouncil@gmail.com>; Thomas A. Russell <tar@frlegal.com>; Tom Brann <branntowncouncil@hampdenmaine.gov>

[Quoted text hidden]

Susan Lessard <manager@hampdenmaine.gov>

Tue, Nov 22, 2011 at 4:58 PM

To: Bernie Philbrick <elcobern@aol.com>

Thank you for the clarification. The Town did choose to become a member of the regional group to share costs and resources. There is a similar group in the southern Maine area that encompasses those MS4 communities. I will get you the information.
Sue

[Quoted text hidden]



Susan Lessard <manager@hampdenmaine.gov>

Bangor Area Stormwater Group Information

1 message

Susan Lessard <manager@hampdenmaine.gov>

Tue, Nov 29, 2011 at
11:11 AM

To: Bernie Philbrick <elcobern@aol.com>

Cc: Andre Cushing <andrec@roadrunner.com>, Bill Shakespeare <shakespearetowncouncil@hampdenmaine.gov>, Denise <clerk@hampdenmaine.gov>, Janet Hughes <hughestowncouncil@hampdenmaine.gov>, Jean Lawlis <lawlistowncouncil@gmail.com>, Kristen L Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>, Shelby Wright <wrighttowncouncil@gmail.com>, "Thomas A. Russell" <tar@frrlegal.com>, Tom Brann <branntowncouncil@hampdenmaine.gov>

Dear Mr. Philbrick -

The following are answers to the questions related to the Bangor Area Stormwater Group. Do you want a copy of the Town's MS4 permit with the State? If so - I will provide that.
Sue Lessard

What exactly are the fee's associated with Hampden being an active MS4 member of this group? Yearly membership fees can change, as they are a calculation based on town population and total assessed value. BASWG comes up with a budget, and plugs the number into this formula, to come up with the allotment for each town or participating entity.

Fees for the last five years are as follows:

2011: \$3,670.15

2010: \$3,670.15

2009: \$3,670.15

2008: \$3,390.14

2007: \$2,400.10

As you can see, BASWG has held the line with their budget because of the pressure each town has faced with their own budgets.

What is the extent of town resources devoted to this group?

The town also occasionally pays BASWG for workshops and trainings, and for student interns to collect data required for our permits. For example, we have had people attend a workshop on road salt application, held a training on oil spill prevention, and have had interns collect data on our outfalls and catch basins. Since 10/2007, this has totaled \$1,922.21

Specifically, what grants have we received from this group?

The only grant I am aware of is for the rain garden as mentioned previously.

Are these true grants or matching funds?

That grant was a match to what the Council provided.



Susan Lessard <manager@hamp

New Election

3 messages

Cindy Philbrick <philbrickcindy@aol.com>

Thu, Nov 17, 2011 at 4:34 PM

To: manager@hampdenmaine.gov

Good afternoon,

Because of the reported errors that took place during this last election with voters getting the wrong ballots, even after they argued that they were given the wrong ballots, I believe that we need a new election. How will we ever know how many people were handed the wrong ballots? Let this email go on record this 17th day in November, 2011 that I hereby request a new election in Hampden, Maine.

Cindy Philbrick

cc Secretary of State

Susan Lessard <manager@hampdenmaine.gov>

**Thu, Nov 17, 2011 at
4:56 PM**

To: Andre Cushing <andrec@roadrunner.com>, Bill Shakespeare <shakespearetowncouncil@hampdenmaine.gov>, Denise <clerk@hampdenmaine.gov>, Janet Hughes <hughestowncouncil@hampdenmaine.gov>, Jean Lawlis <lawlistowncouncil@gmail.com>, Kristen L Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>, Shelby Wright <wrighttowncouncil@gmail.com>, "Thomas A. Russell" <tar@frrlegal.com>, Tom Brann <branntowncouncil@hampdenmaine.gov>

Cindy

I have forwarded your email to the Town Council.

Susan

[Quoted text hidden]

Susan Lessard <manager@hampdenmaine.gov>

Thu, Nov 17, 2011 at 6:00 PM

To: editor@svweekly.com, Andrew Neff <anef@bangordailynews.com>

[Quoted text hidden]

FINANCE COMMITTEE MEETING MINUTES

November 21, 2011

A-4-a

Attending:

Councilor Andre Cushing
Councilor Jean Lawlis
Councilor Shelby Wright
Councilor William Shakespeare

Councilor Tom Brann
Town Manager Susan Les
Residents

The meeting was opened at 6:18 p.m. by Councilor Cushing.

1. Review Minutes of 10/17/2011 – Motion by Councilor Wright, seconded by Councilor Shakespeare to approve the minutes, vote 5-0.
2. Review & Signature of Warrants – Warrants were reviewed and signed by Committee members. Since Mayor Hughes was going to be absent from this meeting, she had reviewed the warrants prior to the meeting and signed them.
3. Old Business
 - a. Personnel Handbook – The Town Manager presented the draft of the personnel handbook that codifies all the rules that relate to employees of the Town. Motion by Councilor Lawlis, seconded by Councilor Shakespeare to recommend to the Council that the Personnel Handbook be introduced for Public Hearing. Vote 5 – 0.
4. New Business
 - a. Carole & Aubrey Hoyle – Request to Purchase Map 9, Lot 66 – The Town Manager presented the additional information supplied by the Assessor and Code Officer regarding the value of the lot in question and if it had any development potential. The land is constrained by wetlands and setbacks and is not buildable. Motion by Councilor Wright, seconded by Councilor Shakespeare to recommend to the Council the sale of Map 9 lot 66 to abutters Carol and Aubrey Hoyle for \$100. Vote 5 – 0.
 - b. Design and Consulting Services – Betsy Poulin – Marina Project – The Town Manager presented the recommendation of the Planning and Development Committee to contract with Betsy Poulin for technical services related to the Marina project for a cost not to exceed \$9,500 to be paid for from the Chevron grant escrow. Motion by Councilor Lawlis, seconded by Councilor Shakespeare to recommend to the Council that they approve

the Planning and Development Committee recommendation to contract with Betsy Poulin for design and technical services related to the Marina Project for a cost not to exceed \$9,500 to be paid from proceeds of the Chevron grant. Vote 5 – 0.

- c. Contract – In Depth Archeology – Marina Project – The Town Manager explained that the Maine Historic Preservation Commission is requiring a Phase I Archeological survey of the marina project area. The Economic and Community Development Director sent out requests to all agencies identified by MHPC who do this work and In Depth Archeology was the low bidder who could do the work the quickest. Planning and Development Committee recommends hiring In Depth Archeology for the Phase I Archeological survey for a price of \$6,300 to be paid from Chevron grant funds. Motion by Councilor Wright, seconded by Councilor Shakespeare to recommend to the Council that they approve the contract with In Depth Archeology for a Phase I Archeological survey for the price of \$6,300 to be funded from the Chevron grant. Vote 5 -0.

5. Public Comment - None

6. Committee Member Comments – None

The meeting was adjourned at 6:45 p.m.

Respectfully submitted,

Susan Lessard
Town Manager

November 17, 2011

Susan Lessard
Town Manager
Town of Hampden
106 Western Avenue
Hampden, Maine 04444

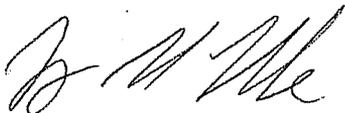
**RE: Pine Tree Landfill
Monthly Report of Landfill Complaints**

Dear Susan:

During the Month of October 2011, no complaints were received pertaining to Pine Tree Landfill.

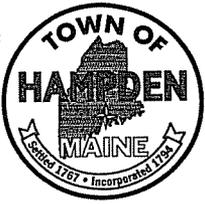
If you should require any additional information, please feel free to contact me at 862-4200, ext. 233.

Sincerely,
New England Waste Services of Maine, Inc.



Jeremy Labbe, P.E.
Engineer & Environmental Manager

CC: Cyndi Darling, MDEP
Wayne Boyd, Casella Waste Systems, Inc.
Don Meagher, Casella Waste Systems, Inc.
Toni King, Casella Waste Systems, Inc.



C-1-a

TOWN OF HAMPDEN
TOWN CLERK'S OFFICE

COMMENTS ON:

Date of Council Action: 12/5/2011

Public Hearing: Yes X No

- Application for Liquor License
- Application for Victualer's License
- Application for Off-premises Catering
- Application for Outdoor Wood-burning Furnace License

NAME: Carroll Crew, LLC
d/b/a Pat's Pizza
Business Name

Mark & Tina Carroll
Individual

ADDRESS: 662 Main Rd. North

PHONE: 947-6488

MAP/LOT: Map 20, Lot 31

DATE: 11/15/2011

DEPARTMENT REPORT:

Appears to comply with the Town of Hampden
Victualer's Ordinance

DATE: 11/28/11

BY: [Signature]
Title: CODE ENFORCEMENT OFFICER

BY: [Signature]
Title: FIRE/BUILDING INSPECTOR

TOWN OF HAMPDEN, MAINE

APPLICATION FOR VICTUALER'S LICENSE

DATE: 11.7.11 PHONE NUMBER: 947-6488

NAME(S): Carroll Crew LLC (Mark & Tina Carroll)

ADDRESS: 662 Main Rd N

NAME OF BUSINESS: Pats Pizza

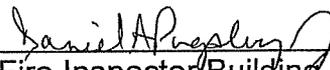
LOCATION OF BUSINESS: 662 Main Rd N Hampden ME

SIGNATURE: Tina Carroll 04444

(FOR TOWN USE ONLY)

*This facility has been inspected and meets ordinance criteria.


Code Enforcement Officer


Fire Inspector/Building Inspector

*All sewer user fees and personal property taxes are paid in full to date.

Tax Collector

Town Treasurer

Please return completed form to: **Town Clerk**
Town of Hampden
106 Western Avenue
Hampden, ME 04444

LICENSE FEE: \$125.00 Date Received/Fee Paid: _____ / _____
(Fee Includes Notice of Public Hearing)

C-1-b

**TOWN OF HAMPDEN
Draft**

**The Town of Hampden Hereby Ordains
Proposed Amendments to the Sewer Ordinance**

Amendment is by substitution.

**TOWN OF HAMPDEN, MAINE
SEWER ORDINANCE**

ADOPTED Hampden Town Council,
Effective Date:

DRAFT

11/21/2011 - Introduced for public hearing

TOWN OF HAMPDEN, MAINE

SEWER ORDINANCE

TABLE OF CONTENTS

	Page
Preamble	
ARTICLE 1 - GENERAL ADMINISTRATION	
1.1 Definitions -----	4
1.2 Powers and Authority of Inspectors -----	12
1.3 Repeal of Prior Ordinance -----	12
1.4 Conflict with Other Ordinances -----	12
1.5 Severability -----	13
1.6 Effective Date -----	13
ARTICLE 2 - USE OF PUBLIC SEWERS REQUIRED	
2.1 Discharges -----	13
2.2 Discharges to Land -----	13
2.3 Private Sewers -----	13
2.4 Connections of Toilet Facilities to Public Sewers -----	13
2.5 Waiver from Connecting to Public Sewer -----	13
ARTICLE 3 - PRIVATE SEWAGE DISPOSAL	
3.1 Unavailability of Public Sewers -----	13
3.2 Construction of Private Sewers -----	13
3.3 State Department of Health Recommendations -----	14
3.4 Conversion to Public Sewer -----	14
3.5 Additional Requirements -----	14
3.6 Septage Disposal -----	14
ARTICLE 4 - BUILDING SEWERS AND CONNECTIONS TO PUBLIC SEWERS	
4.1 State Plumbing Code -----	15
4.2 Connections to Public Sewers -----	15
4.3 Permits and Inspection Fees -----	15
4.4 Shared Building Sewers -----	16
4.5 Quality and Weight of Materials -----	16
4.6 Size and Slope of Sewer -----	16
4.7 Elevation and Location of Sewer -----	16
4.8 Building Drains -----	16
4.9 Excavations and Backfilling -----	16
4.10 Joints and Connections -----	16
4.11 Connections -----	17
4.12 Inspections; and Connection to Public Sewers -----	18
4.13 Building Sewers Requiring Frequent Maintenance -----	19
4.14 Infiltration -----	19
4.15 Costs and Expenses Borne by the Owner -----	19

ARTICLE 5- SEWER EXTENSIONS

5.1	Sewer Extensions Constructed by the Town -----	19
5.2	Sewer Extensions Constructed by Private Developer -----	19
5.3	Requirements for Extending Sanitary Sewer Systems -----	20
5.4	Testing -----	24
5.5	Transfer of Ownership to the Town -----	26
5.6	Privately Owned Sewer Extensions -----	26
5.7	Requirement for Building Permits-----	26

ARTICLE 6 – USE OF PUBLIC SEWERS

6.1	Unlawful Deposits and Discharges -----	27
6.2	Storm Sewers -----	27
6.3	General Sewer Use Requirements -----	27
6.4	Wastewater Surveys -----	32
6.5	Wastewater Discharge Permits -----	34
6.6	Reporting Requirements -----	38
6.7	Compliance Monitoring; Right of Entry -----	42
6.8	Confidential Information -----	43
6.9	Publication of User in Significant Non-Compliance -----	43
6.10	Administrative Enforcement Remedies -----	43
6.11	Judicial Enforcement Remedies -----	46
6.12	Supplemental Enforcement Action -----	47
6.13	Affirmative Defenses to Discharge Violations -----	47

ARTICLE 7 – PROTECTION FROM DAMAGE

7.1	Tampering with Municipal Sewage Works -----	49
7.2	Contractor’s Liability Insurance -----	49

ARTICLE 8 – INDUSTRIAL/COMMERCIAL ENFORCEMENT RESPONSE PLAN

8.1	Purpose -----	49
8.2	Significant Non-Compliance -----	49
8.3	Selection of Enforcement Responses -----	50
8.4	Definitions -----	52
8.5	Enforcement Table 1 -----	53

ARTICLE 9 – PENALTIES – RESIDENTIAL

9.1	Violation of Sewer Ordinance -----	58
9.2	Fines -----	58
9.3	Alternate Penalties -----	58
9.4	Liabilities to the Town -----	58

ARTICLE 10 – SEWER SERVICE CHARGE

10.1	Establishment of a Sewer Service Charge -----	58
10.2	Sewer Service Charge Rate -----	58
10.3	Special Charge for Industrial Organizations -----	59
10.4	Reserved Right to Charge Sewer Service Charge -----	59
10.5	Charge for Property Owners Outside Town Limits -----	59

Preamble

An Ordinance to promote the general welfare, to prevent disease and to promote health, and to provide for the public safety by regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer systems, and providing penalties for violations thereof in the Town of Hampden, County of Penobscot, State of Maine.

**ARTICLE 1
GENERAL ADMINISTRATION**

Section 1.1. Definitions. As used in this Ordinance, "shall" is mandatory and "may" is permissive. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance will be as follows:

ACT OR THE ACT: The Federal Water Pollution Control Act, also known as the "Clean Water Act," 33 U.S.C. § 1251 et seq.

APPROVAL AUTHORITY: The Maine Department of Environmental Protection.

ASTM: American Society for Testing and Materials.

AUTHORIZED REPRESENTATIVE OF THE USER:

(1) If the user is a corporation:

(a) The president, secretary, treasurer or a vice president of the corporation in charge of a principal business function or any other person who performs similar policymaking or decision making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the user is a partnership or sole proprietorship, a general partner or proprietor, respectively.

(3) If the user is a federal, state or local government facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility or his/her designee.

(4) The individuals described in Subsections (1) through (3) above may designate another authorized representative if the authorization is in writing; the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company; and the written authorization is submitted to the Town.

BEST MANAGEMENT PRACTICES (BMPs): Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 6.3. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

BIOCHEMICAL OXYGEN DEMAND (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter, (mg/l).

BUILDER: Any person, persons, or corporation who undertake to construct, either under contract or for resale, any habitable building.

BUILDING DRAIN: The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside a building and conveys it to the building sewer beginning eight (8) feet outside of the building wall.

BUILDING SEWER: The extension from the building drain to the point of connection to the public sewer or other place of disposal.

CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in Title 40 of the Code of Federal Regulations, Chapter 1, Subchapter N, Parts 405 through 471.

CATEGORICAL USER: Any user of the Town's wastewater treatment system whose discharges are regulated under 40 CFR 403 and 40 CFR 405 through 471 or who is otherwise subject to United States Environmental Protection Agency pretreatment requirements as a categorical user.

CITY: The City of Bangor, Maine.

CITY ENGINEER: The City official appointed and designated by the City Manager as the City Engineer for the City of Bangor.

CODE ENFORCEMENT OFFICER: The individual(s) retained or designated by the Manager to enforce provisions of this ordinance. For purposes of this Ordinance, the Local Plumbing Inspector shall act under the authority and direction of the Code Enforcement Officer.

COLOR: The optical density at the visual wavelength of maximum absorption, relative to distilled water. One-hundred-percent transmittance is equivalent to zero optical density.

COMBINED SEWER: A sewer receiving both surface runoff and sewage.

COMPOSITE SAMPLE: The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

CONTRACTOR: Any person, firm, or corporation approved by the Town Council to do work in the Town of Hampden.

DAILY MAXIMUM LIMIT: The maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

DEP: Maine Department of Environmental Protection.

DEVELOPER: Any person, persons or corporation who undertake to construct simultaneously more than one housing unit on a given tract or land subdivision.

DISCHARGE: Any substance knowingly put or allowed to flow into any part of the Town's POTW.

DISCHARGER: All industrial users, including categorical users and significant industrial users as defined in this section. "Discharger" also refers to any nonindustrial user of the Town's POTW which discharges wastewater into the POTW.

DOMESTIC SEWAGE: Water and water-carried wastes and sewage normally discharged into the

sanitary sewers from dwellings, including single-family homes, multifamily homes and hotels, and from office buildings, factories and institutions, but not including stormwater drainage or surface water drainage and not including industrial wastes as defined in this section.

ENVIRONMENTAL PROTECTION AGENCY: The United States Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director or other duly authorized official of said agency.

EXCESSIVE LOADING: Any discharge resulting in a BOD or TSS loading in excess of 350 mg/l or a loading of fats, oils or greases of animal or vegetable origin or oil and grease or other petroleum or mineral oil products in excess of 140 mg/l. Where a correlation is established between BOD and COD or TOC, a discharge in excess of the equivalent COD or TOC loading shall constitute excessive loading.

EXISTING SOURCE: Any source of discharge the construction or operation of which commenced prior to the publication by the EPA of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

GARBAGE: Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

GRAB SAMPLE: A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

HAZARDOUS WASTE: A hazardous waste as that term is defined in 40 CFR 261 or Maine Department of Environmental Protection regulations Chapter 850

HIGH-STRENGTH CONVENTIONAL WASTE: Any nonindustrial waste of a substantially greater density, toxicity or acidity than normal domestic sewage, including all wastes likely to cause excessive loading as defined in this section.

INDIRECT DISCHARGE or DISCHARGE: The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act.

INDUSTRIAL USER or USER: A source of indirect discharge. This term covers discharges from any source, including agriculture, forestry, fishing, mining, manufacturing, transportation, communication, electrical, gas and sanitary services and other industrial services discharging into the POTW any industrial waste or discharging into the POTW any waste other than domestic sewage as defined in this section. This term may also apply to any other source of pollutant which adversely affects the POTW.

INDUSTRIAL WASTES: All water, water-carried solids, liquid and gas wastes resulting from any industrial, manufacturing or food processing operation or process or from the development of any natural resource or any mixture of these fluids and domestic sewage or any mixture of these fluids with any other water or with any other liquid.

INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT: The maximum concentration or loading of a pollutant allowed to be discharged at any time, determined from the analysis of any grab or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

INTERFERENCE: A discharge that, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the Town's POTW, treatment processes or operations or its sludge processes, use or disposal; and
- (2) Which thus contributes to cause a violation of any requirement of the Town's MEPDES permit, including an increase in the magnitude or duration of a violation, or of the prevention of sludge use or disposal in compliance with statutory provisions and regulations or permits issued under Section 405 of

the Clean Water Act, RCRA, the Clean Air Act, SWDA, the Toxic Substances Control Act, the Marine Protection, Research and Sanctuaries Act and any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of RCRA.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM (MEPDES): Permit program of the Maine Department of Environmental Protection.

MANAGER: The term Manager shall have the same meaning as Town Manager.

MASS-BASED LIMITATIONS: Users implementing process changes, including best management practices, may request permit discharge limitations be based on mass limitations in lieu of concentration-based limitations. The intent of mass-based limitations is to encourage and allow best management practices, pollution prevention and/or water conservation measures that may result in increased pollutant concentrations while not increasing actual mass of pollutant discharged. Mass-based limitations shall be calculated from current, pollutant-specific concentration and user discharge flow. Mass-based limitations shall not exceed the previous mass of specific pollutant discharged (prior to the implementation of process changes or best management practices) based on the historic performance of that user. Decisions on granting requests for mass-based limitations will be based on user-specific information and current operating conditions of the POTW and will be at the discretion of the Town. Implementation of mass-based limitations shall not contravene any requirements or limitations of federal or state law and/or regulations implemented thereunder and may not waive applicable categorical pretreatment standards.

MEDICAL WASTE: Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

MILLIGRAMS PER LITER: A weight to volume ratio. The figure appearing before the symbol "mg/l" shall be the number of milligrams to be found in one liter of the substance being tested. This figure can be transposed to pounds per million gallons of water by multiplying said figure by 8.34.

NATURAL OUTLET: Any outlet into a watercourse, ditch, pond, lake, or other body of surface or ground water.

NEW SOURCE:

(1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section of the Act, provided that:

- (a) The building, structure, facility or installation is constructed at a site at which no other source is located; or
- (b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (c) The production or wastewater-generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether the sources are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Subsection 1.1(1)(b) or (c) above but otherwise alters, replaces or adds to existing process or production equipment.

(3) Construction of a new source as defined under this section has commenced if the owner or operator has:

- (a) Begun, or caused to begin, as part of a continuous on-site construction program, any placement, assembly or installation of facilities or equipment or significant site preparation work,

including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in his or her operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this subsection.

NONCONTACT COOLING WATER: Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

NORMAL DOMESTIC SEWAGE: Sewage in which the average concentration of TSS does not exceed 250 mg/l and in which the five-day BOD does not exceed 250 mg/l and fats, oils or greases of animal or vegetable origin or oil and grease and other petroleum or mineral oil products do not exceed 100 mg/l.

NPDES: The National Pollutant Discharge Elimination System permit program of the EPA.

OWNER: Any individual, firm, company, association, society, or group having title to real property.

PASS-THROUGH: Any discharge from the Town's POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, cause a violation of any requirement of the Town's MEPDES permit, including an increase in the magnitude or duration of a violation.

PERSON: Any individual, partnership, firm, company, association, society, corporation, group, joint-stock company, trust, estate, governmental entity or any other legal entity of whatever relationship or their legal representatives, agents or assigns. This definition includes all federal, state or local governmental entities.

pH: The logarithm (base 10) of the reciprocal of the hydrogen ions concentration expressed in moles per liter. pH shall be determined by standard methods as defined in this section.

POLLUTANT: Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sludge, pretreatment by-products, munitions, wastewater, medical wastes, chemical wastes, biological materials, metals, oil and grease, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes and other waste or material that alters or adversely affects the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, TTO, TOC or odor).

PREMISES: Any building or lot under individual ownership or individual use where water service is metered independently or that discharges wastewater to the POTW.

PRETREATMENT: The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes or by other means, except by diluting the concentration of the pollutants, unless allowed by an applicable pretreatment standard.

PRETREATMENT PROGRAM COORDINATOR: The Town's designated individual responsible for supervision of the Town's wastewater pretreatment program.

PRETREATMENT REQUIREMENTS: Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

PRETREATMENT STANDARD or STANDARDS: Prohibited discharge standards, categorical pretreatment standards and local limits.

PRIVATELY OWNED SEWER EXTENSION: An extension of the public sewer where ownership and

maintenance is retained by the developer or property owner.

PRIVATE SUBSURFACE DISPOSAL SYSTEM: A disposal system generally consisting of a subsurface storage tank and leaching field most commonly used in residential housing.

PROHIBITED DISCHARGE STANDARD or PROHIBITED DISCHARGES: Absolute prohibitions against the discharge of certain substances. These prohibitions appear in Article 6 of this Ordinance.

PROPERLY SHREDDED GARBAGE: The wastes from the preparation, cooking, and dispensing of food or produce that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

PROPERTY LINE: The property boundary line if the building sewer is to connect with the public sewer in a public street, or the edge of a sewer right-of-way in those instances where the building sewers connect to the public sewer in a right-of-way.

PUBLICLY OWNED TREATMENT WORKS (POTW): A treatment works, as defined by Section 212 of the Act (33 U.S.C. § 1292), which is owned by the City/Town. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of wastewater of a liquid nature and any conveyances which convey wastewater to a treatment plant. Depending on the context, POTW may include the collection, transport and treatment facilities of the City of Bangor that handle wastewater from the Town's POTW.

PUBLIC SEWER: A sewer in which all owners of abutting property have equal rights and which is controlled by public authority.

PUBLIC WORKS DIRECTOR: The individual retained or designated by the Manager to supervise and oversee the operation and maintenance of the municipal sewer system and treatment facilities.

SANITARY SEWER: A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

SEPTIC TANK WASTE: Any wastewater from holding tanks, such as vessels, chemical toilets, campers, trailers and septic tanks.

SEWAGE: A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such incidental ground, surface, and storm water that may be present.

SEWER: A pipe or conduit for carrying sewage.

SEWER EXTENSION: The connection of any public or private sewer to the existing sewer system, except as required under Section 5.1 of this Ordinance.

SIGNIFICANT INDUSTRIAL USER:

- (1) A user subject to categorical pretreatment standards; or
- (2) A user that:
 - (a) Discharges an average of 25,000 gpd or more of process wastewater to the POTW, excluding sanitary, noncontact cooling and boiler blowdown wastewater; or
 - (b) Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW; or
 - (c) Is designated as such by the Town on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the

Town may at any time, on its own initiative or in response to a petition received from a user and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

SIGNIFICANT NONCOMPLIANCE: Includes the following:

- (1) Chronic violations of wastewater discharge limits, defined here as those violations in which 66% or more of all the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in Section 1.1;
- (2) Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous limit, as defined in Section 1.1, multiplied by the applicable criteria 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment standard or requirement as defined by Section 1.1 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Town or Pretreatment Program Coordinator determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public as defined in this section;
- (4) Any discharge of a pollutant that has caused an imminent danger to human health, including the health of the Town's or City's POTW personnel, or to the environment or has required an exercise of the Town's or City's emergency authority to halt the discharge under 40 CFR 403.8(f)(2)(vi)(B);
- (5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report any noncompliance with permit requirements; or
- (8) Any other violation or group of violations, which may include a violation of best management practices, which the Town determines will adversely affect the operation or implementation of the Town's pretreatment program.

SLUDGE: A by-product of the primary and secondary treatment processes of the POTW, also known as "biosolids." This term does not include by-products resulting from the pretreatment of industrial wastes.

SLUG or SLUG LOAD: Any discharge at a flow rate or concentration which could cause a violation of the general prohibitions of Section 6.3.1 and the specific prohibitions of Section 6.3.2 of this Ordinance. A "slug discharge" is any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge, which has a reasonable potential to cause interference or pass-through or in any other way violate the POTW's regulations, local limits or permit conditions.

STANDARD INDUSTRIAL CLASSIFICATION CODE: A classification pursuant to the Standard Industrial Classification Manual issued from time to time by the United States Office of Management and Budget.

STANDARD METHODS: Testing methods and techniques prescribed in 40 CFR Part 136 or, if not found therein, other appropriate procedures approved by the EPA..

STATE PLUMBING CODE: The latest edition of the State of Maine Plumbing Code.

STORM SEWER OR STORM DITCH: A pipe or conduit which carries storm, surface waters and drainage but excludes sewage and industrial wastes.

STORMWATER: Any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.

SUPERINTENDENT: The Wastewater Treatment Plant Superintendent of the City of Bangor POTW or his or her authorized deputy, agent or representative.

SUSPENDED SOLIDS: Solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering in accordance with Standard Methods.

TOTAL TOXIC ORGANICS: The summation of all quantifiable values greater than 0.01 mg/l for the toxic organics listed at 40 CFR 413.02(i).

TOWN: The Town of Hampden, Maine.

TOWN MANAGER: The Town Manager of Hampden or the individual designated by the Town Council to perform this function, or the authorized deputy, agent or representative of this individual which shall include but not be limited to the Code Enforcement Officer, Public Works Director, POTW Superintendent, City Engineer, etc.

TOWN COUNCIL: The duly elected Town Council of the Town of Hampden, Maine, or its authorized representative.

TOXIC POLLUTANT: One of 126 pollutants or a combination of those pollutants listed as toxic in regulations promulgated by the EPA pursuant to Section 307 (33 U.S.C. § 1317) of the Act. This term also includes any pollutants that may be added to this promulgated list by amendment.

TREATMENT PLANT EFFLUENT: The discharge from the POTW into waters of the United States.

TREATMENT PLANT INFLUENT: The wastewater in the POTW which is presented for treatment at the City's wastewater plant.

UPSET: An exceptional incident in which a discharger is in a state of noncompliance with the categorical pretreatment standards due to factors beyond the reasonable control of the discharger. This term excludes noncompliance due to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, careless or improper operation of the treatment facilities or other similar reason.

WASTEWATER: Liquid and water-carried industrial wastes and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, which are contributed to the POTW.

WASTEWATER PLANT: Any facility owned by the City and used for receiving and treating wastewater.

WATERCOURSE: A channel in which a flow of water occurs, either continuously or intermittently.

Subsection 1.1.1 Abbreviations.

The following abbreviations shall have the designated meanings:

ASTM	American Society for Testing and Materials
BOD	Biochemical oxygen demand
BMP	Best management practices

CFR	Code of Federal Regulations
COD	Chemical oxygen demand
DEP	Maine Department of Environmental Protection
EPA	United States Environmental Protection Agency
Gpd	Gallons per day
L	Liter
MEPDES	Maine Pollutant Discharge Elimination System
Mg	Milligrams
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
O&M	Operation(s) and maintenance
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification Code
SWDA	Solid Waste Disposal Act
TOC	Total organic carbon
TSS	Total suspended solids
TTO	Total toxic organics
U.S.C.	United States Code
WEF	Water Environment Federation

Section 1.2. Powers and Authority of Inspectors: The Town Manager or his/her designee, shall administer, implement and enforce the provisions of this Ordinance. The appointed designee, including but not limited to Hampden Code Enforcement Officer, Public Works Director, and Superintendent of the POTW or their designee, shall be permitted to enter upon all properties for the purpose of inspection, observation, enforcement and measurement sampling and testing in accordance with the provisions of this Ordinance.

Section 1.3. Repeal of Prior Ordinances: The Sewer Ordinance enacted on June 19, 1978, as amended, shall stand repealed as of the effective date of this Ordinance. The enactment of this Ordinance, however, shall not affect or prevent any pending or future prosecution of, or action to abate, any violation of the Ordinance repealed hereby.

Section 1.4. Conflict with Other Ordinances: Whenever the requirements of this Ordinance are in conflict with any other rule, regulation, or ordinance, that imposing the most restrictive or higher standard shall govern.

Section 1.5. Severability: In the event that any section, subsection, or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection, or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 1.6 Effective Date: Pursuant to Section 213(c) of the Town Charter, this Ordinance shall become effective at the expiration of thirty (30) days after its adoption by the Town Council.

ARTICLE 2 USE OF PUBLIC SEWERS REQUIRED

Section 2.1. Discharges: It shall be unlawful to discharge to any watercourse, either directly or through any storm sewer, within the Town or to any area under the jurisdiction of the Town, any sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with federal, state or local laws.

Section 2.2. Discharges to Land: It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner on public or private property within the Town or to any area under the jurisdiction of the Town, any human or animal excrement, garbage, or other objectionable waste. This section shall exclude normal agricultural practices.

Section 2.3. Private Sewers: Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, leaching pit, or other facility intended or used for the disposal of sewage.

Section 2.4. Connection of Plumbing Facilities to Public Sewers: The owner of any house, structure, building or property used for human occupancy, employment, recreation, or other purpose, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the Town, is hereby required, at owner's expense, to install suitable plumbing facilities therein, including but not limited to toilets, and to connect such facilities to the public sewer, in accordance with the provisions of this Ordinance, within ninety (90) days after the date of official notice to do so, provided that said public sewer is located opposite any portion of the frontage of the property to be served by said sewer.

Section 2.5. Waivers from Connecting to Public Sewer: The Town Council may waive the requirement to connect to the public sewer under certain circumstances. Waivers may be obtained where 1) unusual circumstances exist due to the presence of ledge, incompatible elevations, and financial hardship, 2) excavation of a public highway is prohibited by State law or regulation, 3) a new subsurface wastewater disposal system had been installed within the previous five (5) year period. The Town Council may impose conditions on waivers as they see necessary to carry out the intent of this ordinance. All waivers granted by the Town Council shall be recorded at the Penobscot Registry of Deeds.

ARTICLE 3 PRIVATE SEWAGE DISPOSAL

Section 3.1. Unavailability of Public Sewers: Where a public sanitary sewer is not available under the provisions of Section 2.4, the building sewer shall be connected to a private subsurface disposal system complying with the provisions of this Article and the State Plumbing Code.

Section 3.2. Construction of Private Subsurface Disposal Systems: Construction of private subsurface disposal systems shall comply in all respects with requirements of the State Plumbing Code. Before commencement of construction of a private subsurface disposal system, the owner shall first obtain a permit from the Town. The application for such permit shall be made on a form furnished by the Division of Health Engineering, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Town.

A use permit for a private subsurface disposal system shall not become effective until the installation is completed to the satisfaction of the Town. The Town shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Town when the work is ready for final inspection, and before any underground portions are covered.

No additional private subsurface disposal system serving more than one private residence or commercial establishment shall be connected to, nor in any way discharge to, any portion of the Town's POTW, except as provided in Article 5.

Whereas maintenance of the POTW in compliance with Federal and State pollution abatement legislation is essential to the public good; no existing private sewers discharge to the POTW shall be increased in extent or flow, and upon issuance of written notice by the Town Manager, all existing private sewers shall be maintained in full compliance with construction and infiltration standards of this Ordinance, at no expense to the Town.

Failure to maintain an existing private sewer in compliance with this Ordinance within 90 days of issuance of written notice shall be adequate cause for the Town to cease accepting discharge from the private sewer into the sewage works and to take such action as necessary, including plugging of the private sewer at the point of connection to the sewage works, as necessary to protect the public interest.

Section 3.3. Division of Health Engineering State Department of Health Recommendations: The type, capacities, location, and layout of a private subsurface disposal system shall comply with all requirements of the Division of Health Engineering, State of Maine.

Section 3.4. Conversion to Public Sewer: At such time as a public sewer system becomes available to a property served by a private sewer system, as provided in Section 2.4, connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools or similar private sewage disposal facilities shall be abandoned and filled with suitable material. Septic tanks, cesspools or similar private sewage disposal facilities shall be suitably cleaned and septage disposed of in accordance with current State and Federal regulations. Tanks and similar structures shall be removed or broken and filled with minus 4" compacted well-graded granular material.

Section 3.5. Additional Requirements: No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Town.

Section 3.6. Septage Disposal: Septic tank waste and hauled industrial waste may be introduced into the POTW only at the designated receiving structure of the POTW and at such times as are established by the Town. Such wastes shall not violate Section 6.3 of this Ordinance or any other requirements established or adopted by the Town. Wastewater discharge permits for individual vehicles to use such facilities may be issued by the Town.

The Town may issue wastewater discharge permits to original sources of hauled industrial waste. The Town shall also have the authority to prohibit the disposal of hauled industrial wastes.

Waste haulers may only discharge loads at locations specifically designated by the Town. No load may be discharged without prior consent of the Town. The Town may collect samples of each hauled load to ensure compliance with this Ordinance. The Town may require the hauler to provide a waste analysis of any load prior to discharge.

Waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, sources of waste and volume and characteristics of waste. In addition, for hauled industrial waste, the form shall identify the type of industry, known or suspected constituents and whether any wastes are RCRA hazardous wastes.

Waste haulers must dispose of hauled wastewater at the designated receiving structure only during such days and times as designated by the Town. Waste haulers using trucks having a volume gauge or sight glass will be charged at the applicable rate per 1,000 gallons of wastewater discharged. Trucks lacking such a volumetric measuring device or other means satisfactory to the Town to measure the volume of wastewater discharged will be presumed full and will be charged accordingly.

Any person who discharges hauled wastewater at any other location in the Town or at the designated receiving structure at other than the times allowed shall be subject to applicable civil and criminal penalties, including those prescribed at 30-A M.R.S.A. § 4452 and 38 M.R.S.A. §§ 349 and 1319-T.

A suitable odor-control chemical approved by the Town shall be introduced to the hauled wastewater prior to its transportation to the designated receiving structure. Sufficient quantities of such chemical shall be used by the waste hauler to adequately control odors emanating from the hauled wastewater.

If at any time, in the opinion of the Town, the discharge of hauled wastewater is placing an excessive burden on the POTW's treatment process or is otherwise causing a nuisance, the Town can refuse to accept such wastewater for treatment in the POTW.

ARTICLE 4 BUILDING SEWERS AND CONNECTIONS TO PUBLIC SEWERS

Section 4.1. State Plumbing Code: The provisions of this article shall be deemed to supplement provisions of the State Plumbing Code with respect to building sewers and connections thereof to public sewers. In event of conflicts between this article and the state plumbing code, the provisions of this article shall be deemed to apply. Permits and fees stipulated hereunder are additional to any permits or fees, or both, required under the State Plumbing Code.

Section 4.2. Connection to Public Sewers: No person shall uncover, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town Manager. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Town at least 45 days prior to the proposed change or connection.

4.2.1. Backwater Valves Required: To protect from the possibility of backflow of sewage, backwater valves shall be required for all new connections to public sewers and shall also be required when existing sewer services are excavated.

1. **Material.** All bearing parts of backwater valves shall be of corrosion-resistant material. Backwater valves shall comply with ASME A112.14.1, CSA B181.1 or CSA B181.2.
2. **Seal.** Backwater valves shall be so constructed as to provide a mechanical seal against backflow.
3. **Diameter.** Backwater valves, when fully opened, shall have a capacity not less than that of the pipes in which they are installed.
4. **Access.** Backwater valves shall be installed so that access is provided to the working parts for service and repair.

Section 4.3. Permits and Inspection Fees: There shall be two (2) classes of building sewer permits:

1. for residential service, and
2. for commercial, industrial, and other nonresidential service.

In either case, the owner or owner's agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent to the judgment of the Town. A permit and inspection fee at the rate prevailing at

the date of application shall be paid to the Town at the time an application is filed. The Town Council shall fix a permit and inspection fee for each commercial, industrial, or other non-residential building, after recommendation of the Town Manager based on size and nature of the operation proposed in such commercial, industrial, or other non-residential building as compared to the demands of a residential structure.

Section 4.4. Shared Building Sewers: A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, in which case the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Separate clean outs shall be provided for both buildings. Existing building sewers may be used in connection with new buildings only when they are demonstrated by examination to be in full conformance with all requirements of this ordinance.

Section 4.5. Quality and Weight of Materials: The building sewer shall be cast iron soil pipe, PVC pipe or other suitable materials approved by the Town and meeting current State Plumbing Code. The quality and weight of materials shall conform to the specifications of the State Plumbing Code. All joints shall be gastight and watertight. Where the building sewer is exposed to damage by tree roots or is installed in filled or unstable ground, the Town shall have the authority to stipulate such special pipe materials or installation provisions as it deems necessary for the circumstances. Testing of the building sewer installation shall be done at no cost to the Town, in the presence of the Town Representative and using a Town approved method.

Section 4.6. Size and Slope of Sewer: The size and slope of the building sewer shall be regulated by the State Plumbing Code, but in no event shall the diameter be less than 4 inches. The slope of a 4 inch pipe shall not be less than one-quarter inch per foot. The slope of a six-inch pipe shall not be less than one-eighth inch per foot.

Section 4.7. Elevation and Location of Sewer: Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. If frost protection depth of (5ft. min) is not attainable due to ledge or other circumstances, rigid styrofoam insulation may be used at the rate of 1 inch per 12 inches of soil depth required. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with approved pipe and fittings.

Section 4.8. Building Drains: In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

Section 4.9. Excavations and Backfilling: All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Town. Pipe laying and backfill shall be performed in accordance with ASTM Specification C12 except that no backfill shall be placed until the work has been inspected by the Town.

Section 4.10. Joints and Connections:

4.10.1. Cast Iron Pipe: Cast iron pipe joints shall be of the push-on type and conform to ASTM 0564-70 (Rubber Gaskets) and ANSI (A21.11). Fittings shall be of the type specifically manufactured for the cast iron pipe used. Cast iron pipe, joints, and fittings shall be cement lined and double asphalt coated inside and bituminous coated outside. Lubricants shall be suitable for lubricating the gasket to facilitate assembly of the pipe joint. The lubricant shall be non-toxic, shall not support the growth of bacteria and shall have no deteriorating affects on the gasket material.

4.10.2. Plastic Pipe:

4.10.2.1. ABS pipe fittings and connection shall conform to ASTM (D1527) for Schedule 40, 80, 120 or ASTM (2661) for DMV Schedule 40.

4.10.2.2. Schedule 40 PVC fittings and connections shall conform to ASTM (D2665) for DMV Schedule 40 or ASTM (D1785) for Schedule 40, 80, 120 PVC. Fittings and connections shall be installed in accordance with the manufacturer's written instructions.

4.10.2.3. SDR 35 pipe fittings and accessories shall be as manufactured and furnished by the pipe supplier or approved equal and have a bell and/or spigot configuration compatible with SDR 35 PVC. Joints shall meet the requirements of ASTM (D3212) "Joints for Drain and Sewer Plastic Pipe Using Elastomeric Seals".

4.10.3. Joints: All Joints shall be sealed with gaskets of rubber, or other approved elastomeric material, as provided by the manufacturer of the pipe being installed. Joints shall be made up in conformance with the manufacturer's written installation instructions. Copies of the installation instructions shall be submitted to the Town a minimum of one week prior to the construction.

4.10.4. Alternate Materials and Methods: Alternate jointing materials and methods may be used only if of standard manufacture for the pipe and fittings being installed and submitted for approval to the Town.

Section 4.11. Connections: Connections of a building sewer into a public sewer shall be made, at a location determined by the Town.

4.11.1. Connections at Manholes: Tapping of pre-cast manholes shall be done with core drill or other approved method. A flexible pipe to manhole connector shall be employed in the connection of service lines to pre-cast manholes. The connector shall be the sole element relied on to assure a flexible watertight seal of the pipe to the manhole. No adhesives or lubricants shall be employed in the installation of the connector into the manhole. The rubber for the connector shall comply with ASTM C443 and ASTM C923 and consist of EPDM and elastomer designed to be resistant to ozone, weather elements, chemicals, including acids, alkalis, animal and vegetable fats, oils and petroleum products from spills.

All stainless steel elements of the connector shall be totally non-magnetic Series 304 Stainless, excluding the worm screw for tightening the steel band around the pipe which shall be Series 305 Stainless. The worm screw for tightening the steel band shall be torqued by a break-away torque wrench available from the pre-cast manhole supplier, and set 60 - 70 inch/lbs.

The connector shall be installed in the manhole wall by activating the expanding mechanism in strict accordance with the recommendation of the connector manufacturer.

The connector shall be of a size specifically designed for the pipe material and size being utilized on the project.

The contractor shall furnish evidence that materials meet or exceed the requirements given in ASTM Specification C923-84, which covers rubber seals used in concrete sewer pipe and culvert Joints.

	PHYSICAL PROPERTIES	ASTM C-023	ACTUAL
I.	Chemical Resistance		
	1 N Sulfuric Acid	No weight loss	No weight loss
	1 N Hydrochloric Acid	No weight loss	No weight loss
II.	Tensile, psi, min	1,200 psi	1,550 psi
	Elongation at break	350% min	450% min
	Hardness	+ 5 from the manufacturer's specified hardness	44 + 5
III.	Accelerated Oven Aging: 96 hrs @ 158°F		

	Tensile Change, % max	15	10.4
	Elongation Change, % max	20	14.0
IV.	Comp.Set, % max	25	19.6
V.	Water Absorption: 48 hrs @158°F Weight increase, % max	10	3.5
VI.	Ozone Resistance 120 Hrs @ 100° + 02°F	0	0
VII.	Low-temperature brittle point Fracture @ -40°C	None	None
VIII.	Tear Resistance	200 lbf/in	200 lbf/in

On completion of the installation, the Contractor shall patch all cracks, gaps or other damage to the manhole with non-shrink epoxy grout or other approved material. Following installation the contractor shall pneumatically test the service per Article 5 - Section 5.4.2 of this Ordinance.

4.11.2. Connections at Wye Branches: When connecting a 4 or 6 inch building sewer to a public sewer, an inline wye branch fitting or tapped gasketed saddle connection shall be used. The fitting shall be of the proper design for the public sewer pipe materials. Any building sewer greater than 6 inch diameter shall be connected to the public sewer at a manhole. If a manhole is not available within the project limits, the developer and/or owner shall install one at a location determined by the Town.

The tap shall be made with a hole saw and all rough edges sanded smooth. The tap location shall be centered horizontally on the pipe spring line. The service shall extend horizontally from the public sewer a distance not less than 2 feet.

The wye-saddle gasket shall be rubber or elastomeric material of section designed to effect a water tight seal without transfer of significant stress to the sewer pipe. The wye-saddle shall be securely clamped in place with a minimum of two each 3/4 inch wide, Type 304 stainless steel bonds.

4.11.3. Service Marker: Electronic markers shall be provided at the terminus points of all new services or point of reconnection for all existing services. Marker disks shall be placed directly over the point of termination at least 6 inches above the pipe. Depth of marker burial shall not be less than 4 feet or more than 6 feet. Markers shall be laid in a level position and hand backfilled to 1 foot above the disk to prevent movement or damage.

Markers disks shall consist of a passive waterproof device capable of reflecting a specifically designated repulse frequency turned to the utility being installed. Marker disks shall be color coded green (for Sanitary) in accordance with AWWPA Utility Location and Coordinating Council Standards. Markers shall be of the brand and style specified by the Town.

4.11.4. Swing Ties: Swing ties locating the terminus points of all new services or point of reconnection for all existing services shall be provided to the Town. Ties shall consist of measurements to permanent structures tabulated on reproducible record drawings submitted to the Town at completion of construction.

Section 4.12. Inspection and Connection to Public Sewers: The applicant for the building sewer permit shall notify the Town when the building sewer is ready for inspection and connection to the public sewer. No public sewer shall be disturbed except under the supervision of the Town. The Town shall be available to supervise and inspect the connection within 48 hours of notification of readiness.

4.12.1. Guarding of Excavations: All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard.

4.12.2. Restoration of Public Property: Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

Section 4.13. Building Sewers Requiring Frequent Maintenance: Maintenance of the building sewer, as defined in section 1.0 of this Ordinance, shall be the responsibility of the property owner. Any building sewer serving a school, hospital, or similar institution or public building, or serving a complex of commercial or industrial buildings, or which, in the opinion of the Town, will receive sewage or industrial wastes of such volume or character that frequent maintenance of said building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. If required, a new manhole shall be installed in the public sewer and the location of this manhole and the building sewer connection to it or to any existing manhole shall be as specified by the Town.

4.13.1 Interceptors and Traps: Grease oil and sand interceptors or traps shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; (except that such interceptors shall be required for private living quarters or dwelling units). All interceptors shall be of a type and capacity approved by the Town and shall be located so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors or traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

Section 4.14. Infiltration: The maximum acceptable infiltration rate for all sewers constructed after enactment of this amendment shall be 100 gpd/in-mile of extent including service connection to the building foundation.

The maximum acceptable infiltration rate for all existing private sewers shall be 1,000 gpd/in-mile of extent, including service connection to the building foundation.

Infiltration rate measurements shall be made using manufacturer calibrated insert weirs and sound engineering practices. Infiltration measurements shall be reported in tabular form, showing all reaches monitored, antecedent precipitation, and groundwater conditions, and signed by a professional engineer registered in the State of Maine. A current manufacturer's calibration certificate for the weirs used to take the infiltration measurements shall be included with the report.

Section 4.15. Costs and Expenses Borne by the Owner: All costs and expense incident to the installation, connection and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation, maintenance, or failure of the building sewer.

ARTICLE 5 SEWER EXTENSIONS

Section 5.1. Sewer Extensions Constructed by the Town: Public sewer extensions may be constructed by the Town under public contract if, in the opinion of the Town Council, the number of properties to be served by such extension warrants its cost. Property owners may propose such sewer extensions within the Town by drafting a written petition signed by a majority of the benefited property owners, and filing it with the Town Council. The cost of such extensions may be assessed to the benefited property owners in any lawful manner determined by the town council. Under this arrangement the property owner shall pay for and install the building sewer from the public sewer to the property to be served in accordance with the requirements of Article 4.

Section 5.2. Sewer Extensions Constructed by Private Developer: If the Town does not elect to construct a sewer extension under public contract, the property owner, builder, or developer may construct the necessary sewer extension, if such extension is approved by the Town Council and constructed in accordance with the requirements of Section 5.3. The cost of sewer extensions thus made,

including all building sewers, shall be absorbed by the developers or property owners. Each building sewer must be installed and inspected as previously required and the inspection fees shall be paid therefore. Design of sewers shall be as specified in Section 5.3. and Section 5.3.1. The installation of the sewer extension shall be subject to inspection by the Town and the expenses for this inspection shall be paid for by the owner, builder or developer. The Town's decision shall be final in matters of quality and methods of construction. Before it may be used, the sewer as-constructed must pass the inspection test(s) specified under Section 5.4.

To the maximum extent practicable all sewerage extension shall be constructed within approved street right-of-ways. Otherwise, sewerage extensions shall be constructed centered in a 20 foot wide right-of-way deeded to the Town.

Section 5.3. Requirements for Extending Sanitary Sewer Systems: All extensions to the sanitary sewer system shall be properly designed in accordance with this Ordinance and the most recent edition of the Recommended Standards for Sewage Works, as adopted by the Great Lakes Upper Mississippi River Board of State Sanitary Engineers. All design computations, plans and specifications shall be stamped and signed by a professional engineer, currently registered in the State of Maine. Plans and specifications and computations for sewer extension shall be submitted to and approval obtained from the Town before construction may proceed. Plans and profiles of proposed sewerline construction shall be a scale of 1 inch equals 40 feet horizontal and 1 inch equals 4 feet vertical. Topographic base mapping shall be controlled with minimum 2 foot contour intervals. All mapping shall be based on MSL (Mean Sea Level) and Digital Data of GEO referenced plans as described below:

Submission of digital data/preparation of geo-referenced plans: The digital submission should include all applicable sewer features (pipes, junctions pumps, etc), topography, property lines, wetlands, or any other applicable features as would be shown on a printed plan. Features are to be GPS located using at least sub-meter accuracy GPS units. Plans are to be geographically referenced using no less than four non-linear (dispersed across the area) projected control points of at least sub-meter accuracy and shall be submitted in one of two acceptable formats: 1) Universal Transverse Mercator (UTM) Zone 19 meters, or 2) US State Plan Coordinate System Maine Zone East 1983 feet. Accepted file types are MapInfo .tab and associated files, ESRI .shp and associated files, AutoCAD .dwg files. AutoCAD files must be purged of all empty layers and presented with model space objects only. All files are to be submitted with clear layer names, such as "Sewer-Line-8inch" that obviously describe each layer (for example, "gp-pl-0" is not acceptable). Metadata should be included if available. If not available, a text file should be included with the following: surveyor or engineer name and license number, phone number, mailing address, email address, projection and datum used, date of preparation of data, description of equipment used to collect data (make, model, manufacturer's reported accuracy level), any disclaimers, limitations, or other notes. Files should be submitted on a CD or DVD.

5.3.1 All extensions of the sanitary sewer system constructed under Section 5.2 shall be designed to provide gravity collection and flow from the development to the point of connection with the existing public sewer system. Pump stations shall not be incorporated in the design of sewer systems in any proposed development within the Town of Hampden, Maine except under the following conditions:

5.3.1.1 Lift stations serving individual single-family homes are exempt from the foregoing requirements of Section 5.3.1, unless said homes are part of a common scheme of development, such as a subdivision or group development.

5.3.1.2 The parcel of land on which the development is to be located shall be no more than 500 feet from an existing public gravity sewer line.

5.3.1.3 No force main shall exceed 2,000 feet in length.

5.3.1.4 A gravity sewer is not feasible. For example: Although a 2" force main sewer might be less expensive to install than an 8" gravity sewer, the gravity sewer must be not feasible, not simply more expensive.

5.3.1.5 The private pump stations and sewer extensions must be maintained in perpetuity by either a single private entity or a maintenance association.

5.3.1.6 Any private pump stations and sewer extension must be designed and stamped by a duly licensed and qualified professional engineer, registered in the State of Maine.

5.3.1.7 The private pump station design, and the construction thereof, must include a redundant sewage lift pump, backup electrical generator and approved alarm system to provide warning in case of mechanical failure.

The Planning Board shall not approve any development or subdivision that includes private pump stations or private sewer extensions unless the design thereof and the legal documents showing evidence of their perpetual maintenance have been reviewed and approved by the Town Council with written recommendation of the Town Manager, Town Attorney and Town engineering consultant.

5.3.2. Materials, Joints and Connection to Building Sewers: Gravity sewer pipe and fittings shall be Ductile Iron (DI) or Polyvinyl Chloride (PVC) unless otherwise approved by the Town.

Minimum internal pipe diameter shall be 8 inches. DI pipe shall be a minimum of Class 51 conforming to the requirements of ANSI A21.5 and ANSI A21.11 push on joints. Pipe shall be cement lined and double asphalt seal coated inside and bituminous coated outside. PVC sewer pipe and fittings 15 inches or less in diameter shall conform to the requirements of ASTM D3034 or ASTM F789, sizes 18 inches through 27 inches shall conform to ASTM P679. Pipe wall thickness shall be sized in accordance with ASTM D2412.

Pipe joining shall be bell and spigot with elastomeric gaskets. Pipe will be furnished in standard lengths. PVC to be installed at a depth greater than 14 feet shall meet the requirements of AWWA C900 (PVC Pressure Pipe). All Class 100 pipe shall meet the requirements of DR 25, Class 150 pipe shall meet the requirements of DR 18 and Class 200 shall meet the requirements of DR 14.

Wye branch fittings shall be installed for connections to building sewers in accordance with Section 4.10.

5.3.3. Excavation: Excavation for pipe lines shall be true to line and grade and shall be carried to the bottom of the pipe or to 6 inches below the bottom of the pipe. The Town may require additional excavation and backfill with granular material if unstable soil conditions are encountered.

For pipe diameters 12 inches and less the trench width - two pipe diameters above the pipe invert - shall be 36 inches. The trench width for diameters in excess of 12 inches - two pipe diameters above the pipe invert - shall be the pipe outside diameter "O" plus 2 feet. The trench width for parallel pipes in the same trench shall be 4 feet 6 inches, two pipe diameters above the highest pipe invert. The trench width shall not exceed the above limits unless authorized by the Town.

All Excavated areas shall be properly shored and braced so that earth will not slide or settle and so that all surrounding property and structures of any kind will be duly protected from damage. Work shall be performed in accordance with all existing State and Federal safety requirements. If in the opinion of the Town the work area and procedures are unsafe, the Town representative shall have the right to notify the proper authorities. (i.e. OSHA)

5.3.4. Bedding Material: Pipe bedding shall consist of a foundation, side-fill to the pipe spring line, and as appropriate, fill from the spring to the top of the pipe embedment zone.

PVC pipe shall be bedded in accordance with UNI B-5 Class I Bedding Conditions.

Backfill in the embedment zone for PVC pipe shall be machine placed bedding material, placed in 6 inch layers and compacted to 90% of relative density as determined by ASTM-D2049. Bedding

material shall be crushed stone or gravel similar to MDOT Specification 703.06A Aggregate Base, conforming to following gradation:

Sieve Size	Percent Passing
1 1/2"	100
1/2	45-70
1/4"	30-55
No. 4	5-20
No. 200	0-5

Crushed stone without fine grained material will be allowed. Bedding Material – If crushed stone material is used for pipe bedding in roadway areas, filter fabric shall be placed over the full trench width and length just above the stone cover prior to placing backfill material. Samples and a sieve analysis of the bedding material may be requested by the Town for approval prior to use.

Additionally, sieve analyses of randomly drawn samples of placed bedding material at a frequency of 1 per 2000 LF of pipe shall be provided if in the judgment of the Town, there is an apparent change in consistency of bedding material. All sampling and analyses specified herein shall be performed at no cost to the Town.

5.3.5. Pipe Thickness and Field Strength: Pipe thickness and field strength shall be calculated on the following criteria:

1. Safety factor: 1.9,
2. Load factor: 1.7,
3. Weight of soil: 120/cubic foot,
4. Wheel loading: 6,000 pounds.

Utilizing the above information, design shall then be made as outlined in Chapter IX of the Water Pollution Control Federation Manual of Practice No. 9, "Design and Construction of Sanitary and Storm Sewers," current edition.

5.3.6. Manholes: Manholes shall be constructed at all changes in slope or alignment or at intervals not exceeding 400 LF.

Components: Manhole components consist of: a pre-cast reinforced concrete base section with pre-cast invert channel and steps in either 2 foot or 4 foot lengths, 4 foot lengths will be required whenever the pipe diameter is greater than 18 inches; pre-cast concrete transition rings from one barrel diameter to another; a pre-cast reinforced concrete eccentric top section, with steps, in 4 foot lengths; pre-cast concrete transition rings from one barrel diameter to another; pre-cast reinforced concrete barrel sections with steps, in 1 foot, 2 foot, 3 foot or 4 foot lengths; a boot type pipe to manhole seal; concrete riser rings in 2 inch, 3 inch or 6 inch thickness; and a metal frame and cover. No exterior face of the finished manhole above the base shall be inclined away from the vertical manhole centerline.

Concrete work shall be in accordance with applicable requirements of ACI 318 except as modified herein. Concrete shall be normal weight (i.e., produced using normal weight aggregate) having a minimum ultimate strength of 4,000 psi at 28 days. Maximum size of coarse aggregate shall be 3/4 inch. Cement shall be Type 1 conforming to ASTM C150. Reinforcement shall be Grade 40. The finished concrete shall be durable, dense and water-resistant, free from honeycombs, voids, cracks, pop-outs, scaling and dusting. All components shall be designed to accept H-20 loading. Four concrete compression test specimens shall be made from the working mix and broken for each 100 vertical feet of manhole sections. All testing shall be done in conformance with applicable ASTM requirements for sampling and testing concrete. Certified copies of the test results shall be submitted to the Town.

Each section of the pre-cast manholes shall have cast in place pins for the purpose of lifting, handling and setting.

The boot type pipe to manhole seal shall be of molded neoprene compound conforming to ASTM C443, with 3/8 inch wall thickness throughout. A series of beads shall be molded into the boot surfaces that contact the manhole part and pipe barrel to fill surface irregularities when clamped in place. Boot attachment bands and draw bolts shall be corrosion resistant non-magnetic stainless steel.

Manhole steps shall be copolymer polypropylene type designed for a minimum concentrated live load of 300 pounds and meeting ASTM 2146 Polypropylene, BOWCO step and socket system or approved equal, spaced vertically 12 inches on center. Irregular or non-vertical spacing of steps shall be cause for rejection.

Pre-cast concrete manhole sections shall be of lapped joint construction. All joints shall be triple sealed with:

1. Flexible butyl resin sealant on the inner lap conforming to Federal Specification SS-S-210A and AASHTO M-1983. Minimum acceptable product application range shall be 10°F to 130°F.
2. Flexible strip consisting of butyl rubber-hydrocarbon (24+/-1%) and sodium bentonite (75+/-1%) sealant on the outer lap. Minimum acceptable product application range shall be 5°F to 125°F.
3. Flexible 9 inch wide wrap consisting of 0.045 inch EPDM rubber backing supporting a 0.035 inch thick self-bonding butyl compound applied to the exterior face of the manhole and centered on the joint.

All sealing compounds shall be applied to clean, dry, primed surfaces in accordance with manufacturer's instructions. All joint sealants shall be fully applied prior to vacuum testing.

Riser rings will be pre-cast and shall be reinforced and fitted with lifting pins. Brick and mortar will be used for final finish grade adjustment. Finish grade adjustment with riser rings and bricks shall not exceed 14 inches (not including frame height). If more than 14 inches is needed to adjust to finish grade, an additional manhole barrel section shall be used.

Cast iron manhole frames and covers shall be cast of material conforming to the requirements of ASTM A48 and be of uniform quality, free from blow-holes, porosity, hard spots, shrinkage distortion or other defects. They shall be smooth and well-cleaned by shot-blasting or other approved method. They shall be of heavy duty construction weighing not less than 300 pounds and machined on both vertical and horizontal seating surfaces. Covers shall be of checkered top design embossed with the word "SEWER" in 2 inch letters. Frames shall have a minimum clear opening of 23 3/4 inches.

Locking or watertight frames and covers shall conform to the above. In addition, covers shall be gasketed and attached with four brass or stainless steel bolts.

Brick for manhole inverts shall meet Standard Specifications for Sewer Brick, AASHTO Designation M91-42, Grade SA, Size No. 1, wire cut. Mortar shall be a mixture of sand and cement consisting of one part cement, three parts clean, well-graded hard, durable sand, and water. The amount of water shall be held to the minimum that yields a workable mortar.

5.3.7. Shop Drawings: Prior to issuance of the construction permit, shop drawings for all materials and components to be incorporated in the work shall be submitted for review and approval of the Town. No portion of the work shall be commenced unless and until shop drawings for materials and components to be incorporated in the work have been approved.

Shop drawings shall consist of manufacturer's standard product literature and technical data sheets

which clearly demonstrate the proposed materials and components to be in full compliance with the requirements of this Ordinance.

Five sets of shop drawings shall be submitted to the Town for review and approval. Upon completion of review two copies will be retained by the Town and the remaining three sets shall be returned to the developer. The developer shall maintain one complete set of approved shop drawings at the job site throughout the construction.

All shop drawings must be reviewed and approved or disapproved by the Town within four weeks of receipt of same. Shop drawings held longer than four weeks shall be considered approved as submitted.

5.3.8. Flushing: All completed sewer lines, manholes and appurtenances shall be flushed and cleaned to remove grit and other debris. Care shall be taken to ensure that grit and debris are contained and removed from the line. Under no circumstances shall grit and debris from installation be permitted to enter Town sewers. Flushing shall be performed at no expense to the Town.

Section 5.4. Testing: All public sewers shall conform to the requirement of the following tests before they will be approved and sewage flow accepted from them by the Town. Final testing and retesting as stipulated below shall be performed in the presence of the Town and at no expense to the Town. Results of tests performed in the absence of the Town will not be accepted.

5.4.1. Vacuum Testing of Manholes: Each manhole shall be tested immediately after assembly or modification, and prior to backfilling. All lift holes shall be plugged with an approved non-shrink epoxy grout. All pipes entering the manhole shall be plugged, taking care to securely brace the plug from being drawn into the manhole. The test head shall be placed at the inside of the top of the cone section and the seal inflated in accordance with the manufacturer's recommendations. A vacuum of 10 inches of mercury shall be drawn and the vacuum pump shut off. With the valves closed, the time shall be measured for the vacuum to drop to 9 inches. The manhole shall pass if the time is greater than 60 seconds for 48 inch diameter, 75 seconds for 60 inch diameter and 90 seconds for 72 inch diameter manholes. If the manhole fails the initial test it shall be repaired and retested until it passes.

5.4.2. Pneumatic Pipe Test: All newly installed, repaired or modified sewers shall pass a pneumatic test prior to acceptance by the Town. Pneumatic testing shall be administered after installation and capping of house service fittings and leads at their upper termination, and after completing backfill of the gravity sewer trench.

Pneumatic testing shall be performed using equipment and procedures outlined herein.

Equipment used shall meet the following minimum requirements:

1. Pneumatic plugs shall have a sealing length equal to or greater than the diameter of the pipe to be inspected.
2. Pneumatic plugs shall resist internal test pressures without requiring external bracing or blocking.
3. All air used shall pass through a single control panel.
4. Three individual hoses shall be used for the following connections:
 - a. From control panel to pneumatic plugs for inflation.
 - b. From control panel to sealed line for introducing the low pressure air.
 - c. From sealed line to control panel for continually monitoring the air pressure rise in the sealed line.
5. Internal pipe pressure gauge shall have a psi range from 0 to 25 max.

All pneumatic plugs shall be seal tested before being used in the actual test installation. One length of pipe shall be laid on the ground and sealed at both ends with pneumatic plugs to be checked. Air

shall be introduced into the plugs to 25 psig. The sealed pipe shall be pressurized to 5 psig. The plugs shall hold against this pressure without bracing and without movement of the plugs out of the pipe.

After a manhole to manhole reach of pipe has been backfilled and cleaned, and the pneumatic plugs are checked by the above procedure, the plugs shall be placed in the line at each manhole and inflated to 25 psig. Low pressure air shall be introduced into this sealed line until the internal air pressure reaches 4 psig greater than the average back pressure of any groundwater that may be over the pipe. At least two minutes shall be allowed for the air pressure to stabilize.

After the stabilization period (3.5 psig minimum pressure in the pipe), the air hose from the control panel to the air supply shall be disconnected. The portion of line being tested shall be termed "acceptable" if the time required in minutes for the pressure to decrease from 3.5 to 2.5 psig (greater than the average back pressure of any groundwater that may be over the pipe) shall not be less than the time shown for the given diameters in the following table:

Pipe Diameter in Inches	Minutes
4	2.0
6	3.0
8	4.0
10	5.0
12	5.5
15	7.5
18	8.5
21	10.0
24	11.5

In areas where groundwater is known to exist, a 1/2-inch diameter capped pipe nipple, approximately 10 inches long, shall be installed through the manhole wall on top of one of the sewer lines entering the manhole. This shall be done at the time the sewerline is installed. Immediately prior to the performance of the Line Acceptance Test, the groundwater shall be determined by removing the pipe cap, blowing air through the pipe nipple into the ground so as to clear it, and then connecting a clear plastic tube to the nipple. The hose shall be held vertically and a measurement of the height in feet shall be divided by 2.3 to establish the pounds of pressure that will be added to all readings. (For example, if the height of water is 11 1/2 feet, then the added pressure will be 5 psig, and the 2.5 psig increased to 7.5 psig. The allowable drop of one pound and the timing remain the same).

If the installation fails the pneumatic test, the source of leakage shall be determined and eliminated by repair or replacement at no expense to the Town.

5.4.3. Deflection Test: An in-place deflection test shall be performed on all PVC gravity pipe by drawing a gauge plug through each section of sewer. Equipment used shall meet the following minimum requirements.

1. The gauge plug shall be constructed of durable, abrasion resistant material in a cylindrical shape. The full diameter barrel length to pipe diameter ratio shall not be less than 1.5 and the minimum barrel diameter shall be 5% less than the un-deflected inside diameter of the pipe being tested. Each end of the cylinder shall be radiused at not less than one-fourth of the pipe diameter being tested. Each gauge shall have a 1/4 inch tie rod drilled through the entire unit. Tie rod terminations shall be closed eyes.
2. Pull cord shall be attached to the gauge eyes with safety snaps. This cord shall be high quality material with a minimum test strength of 250 pounds. Cord on each side of the gauge shall be of sufficient length to span the maximum distance between any two adjacent manholes at the project site. This cord shall be marked in such a way that the user can determine the location of any constrictions found in the line as the test is being performed. The gauge plug and pull cord shall be submitted to the Town Manager for approval prior to use.

The deflection test shall be performed after the trench has been completely backfilled and compacted, and adequate settlement of the area around the trench has occurred (not less than 30 days following installation of the pipe).

To perform this test, the gauge is inserted into the pipe at the upstream manhole and slowly drawn through the line to the downstream manhole. When a constriction is encountered the cord shall be pulled with a force not to exceed 100 pounds, until it can go no further. Location of the constriction shall be noted, the spindle shall be withdrawn to the upstream manhole, and the section of pipe shall be excavated to correct the problem. When the area around the new pipe section has adequately settled, the deflection test shall be performed again along the entire section where the constriction occurred.

5.4.4 Video Testing: Video Testing may be acceptable to the Town in Lieu of pressure testing if the newly installed sewer has active house services connected to the public sewer. This option is at the discretion of the Town.

Testing shall consist of passing a video camera completely through the interior of the new sewer from the upstream manhole to the downstream manhole, while recording and viewing the results. The video camera shall be self powered and capable of rotating its lens to look into service connections. A Written report noting any deficient area will be given to the Town upon completion of the test with (2) electronic copies of the video. Video testing shall be done by a competent firm approved by the Town.

A Town representative shall be present at the time of testing.

Section 5.5. Transfer of Ownership to the Town: All extensions of public sewerage shall become the property of the Town through the following procedures initiated by the Developer:

The developer shall:

1. Request written approval from the Town indicating that all sewer improvements have been completed as specified herein to their satisfaction.
2. Indicate in writing to the Manager that said improvements will be guaranteed against defects in materials or workmanship for a period of 18 months from the time of acceptance by the Town.
3. Indicate in writing to the Manager that said sewer improvements are free and clear of any liens, all right-of-ways have been deeded to the Town as shown on the approved subdivision plans.
4. Petition the Manager in writing to go before the Council to request acceptance of the sewer line.

After all the above items have been completed by the developer, the manager may then schedule the item for review by the Town Council. The Town Council shall be the ruling authority on acceptance.

Section 5.6. Privately Owned Sewer Extension: Privately owned sewer extensions of the public sewer will be permitted with the following additional conditions:

5.6.1 Maintaining the privately owned sewer extension shall include an annual inspection report of the complete system. This shall include, but not limited to, the condition of manholes, (interior and frame/covers), brick and mortar, inverts, pump stations, generators, infiltration and inflow sources and any other pertinent areas. The report shall be filed with the Town Manager and signed by a professional engineer (PE) registered in the State of Maine. All other construction requirements of this ordinance shall apply to privately owned sewer extensions.

Section 5.7. Requirements for Building Permits: No builder or developer shall be issued a building permit for new dwelling or structure requiring sanitary facilities within the Town, unless a suitable and approved method of waste disposal has been constructed and is available for service.

**ARTICLE 6
USE OF PUBLIC SEWERS**

Section 6.1. Unlawful deposits and discharges; use of public sewers required:

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town, or in any area under the jurisdiction of the Town, any human or animal excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of the Town, any wastewaters, except where suitable treatment has been provided in accordance with this Ordinance.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of domestic sewage.
- D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Town is hereby required, at the owner's expense, to install suitable plumbing facilities therein, including but not limited to toilets, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet (30.5 meters) of the property line.

Section 6.2. Storm Sewers: Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet, as approved in writing by the Town Manager. Industrial cooling water or unpolluted process waters may be discharged, upon written approval of the Town Manager, to a storm sewer or natural outlet, provided however, that such discharge shall be in accord with all State and Federal regulations.

Section 6.3. General Sewer Use Requirements:

6.3.1 General prohibitions: No discharger or user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass-through or interference. These general prohibitions apply to all users of the POTW, whether or not they are subject to categorical pretreatment standards or any other federal, state or local pretreatment standards or requirements. The provisions of this section shall apply to wastewater originating in the Town of Hampden, which is introduced to the Town's POTW.

6.3.2. Specific prohibitions: No discharger or user shall introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:

- (1) Pollutants which create a fire or explosive hazard in the POTW, including but not limited to waste streams with a closed-cup flashpoint of less than 140° F. (60°C). using the test methods specified in 40 CFR 261.21
- (2) Wastewater having a pH less than 5.0 or more than 12.0 or otherwise causing corrosive structural damage to the POTW or equipment. Any pH above 12.5 is considered hazardous under 40 CFR 261.22.
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case shall solids greater than three inches or 7.6 centimeters in any dimension be introduced to the POTW.
- (4) Pollutants, including oxygen-demanding pollutants (BOD, COD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.
- (5) Wastewater having a temperature greater than 150° F. (65° C.) or which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater which causes the temperature of the treatment plant influent of the POTW to exceed 104° F. (40° C.).

- (6) Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass-through.
- (7) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (8) Trucked or hauled pollutants, except at discharge points designated by the Town pursuant to Section 3.6 of this ordinance.
- (9) Noxious or malodorous liquids, gases, solids or other wastewater which, either singly or by interaction with other wastes, is sufficient to create a public nuisance or a hazard to life or prevent entry into the sewers for maintenance or repair.
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's MEPDES permit.
- (11) Stormwater, groundwater, roof runoff, subsurface drainage or any water from downspouts, yard drains, fountains and ponds, swimming pool drainage, sump pumps, septic tanks, lawn sprays or geothermal-type heating or cooling systems, unless such drainage from such sources is discharged into drains specifically designated for such purposes by the Town. Industrial cooling water may be discharged only after approval and to a receptor site designated by the Town. Such industrial cooling water discharges shall comply with the requirements of 38 M.R.S.A. § 413.
- (12) Sludges, screenings or other residues or by-products from the pretreatment of industrial wastes.
- (13) Wastewater containing any radioactive wastes or isotopes, except as specifically approved by the Town. Such approval shall only be given upon certification by the discharger or user that applicable federal and state regulations concerning such wastewater have been complied with before such a discharge. Radioactive waste includes, but is not limited to, any substance required by the United States Department of Transportation to have Type A or B packaging, pursuant to 49 CFR 173.426.
- (14) Medical wastes, except as specifically authorized by the Town in a wastewater discharge permit.
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (16) Fats, oil or greases of animal or vegetable origin or oil and grease and other petroleum or mineral oil products in concentrations greater than 200 mg/l.
- (17) Toxic pollutants or any other toxic substances hereinafter determined by the Town not to be amenable to treatment or reduction by the wastewater treatment processes of the Town or which might interfere with the effectiveness of the POTW's processes or which might limit the potential end uses of the POTW's sludges.
- (18) Any substance or material prohibited under 40 CFR 403, in particular 403.5(a) and (b). Also any other substance or material the discharge of which results in a violation by the Town of the regulations, now or herein after existing, of any public entity, including the EPA, or results in a violation of the City's MEPDES permit.
- (19) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gases.
- (20) Any garbage except properly shredded garbage.
- (21) Any hazardous waste.

6.3.3 Action by Town outflow metering.

(1) If any wastewater or other wastes are discharged or proposed to be discharged to the public sewers, which wastewaters or other wastes contain the substances or possess the characteristics enumerated in this section and which in the judgment of the Town may have a deleterious effect upon the Town's POTW processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Town may:

- (a) Reject the wastewater or other wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the POTW;
- (c) Require control over the quantities and rates of discharge;
- (d) Require payment to cover the added cost of handling and treating the wastes; and/or
- (e) Take any appropriate enforcement action against an industrial user or user which violates the prohibitions of this section.

(2) If the Town permits the pretreatment or flow equalization of waste flows, the design and installation of the plant and equipment for such pretreatment or flow equalization shall be subject to the review and approval of the Town and subject to the requirements of all applicable Town, state and federal codes, ordinances and laws. The Town's approval, if granted, shall not be deemed to relieve the discharger of its responsibility to comply with its wastewater discharge permit requirements and shall not constitute an acceptance of the adequacy of the pretreatment process equipment selected. Where preliminary treatment or flow-equalizing facilities are provided for any wastewater or other wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

(3) Outflow metering.

(a) Whenever the Town has reason to believe that a particular discharger is discharging unmetered flows into the Town's POTW or public sewers in the form of storm runoff, groundwater, roof runoff or subsurface drainage or from any other source listed in Subsection 6.3.2(11) of this section or otherwise and that the volume of such flows, on a percentage basis, exceeds the Town-wide average for such flows, the Town may install, or require the discharger to install, an outflow metering device and may thereafter charge the discharger the Town's cost, if any, of installing the outflow metering device and the Town's cost of treating such flows as provided in the Town's approved schedule of sewer fees. All charges imposed by the Town under this Subsection 6.3.3(3) shall be collected in the same manner as other sewer fees established under 30-A M.R.S.A. § 5405.

(b) Prior to imposing charges under this Subsection, the Town shall give the discharger written notice of a show cause hearing, as provided in Section 6.10.4 of this Ordinance. At the show cause hearing, the discharger shall be afforded an opportunity to show that its discharges into the Town's POTW or public sewers do not include excessive unmetered flows or that such flows were caused by an upset or unavoidable malfunction. For this purpose, the term "unavoidable malfunction" shall be defined as provided in 38 M.R.S.A. § 359, Subsection 9. In the event of excessive unmetered flows caused by an unavoidable malfunction, the Town shall issue an order directing correction of the malfunction within 90 days of the order date. This period may be extended for an additional period of up to 90 days if the malfunction cannot be corrected within the original ninety-day period due to winter weather conditions. If the malfunction remains uncorrected upon expiration of the specified period, the Town shall impose the additional charges provided in this Subsection retroactively to the date of the Town's order.

(c) Imposition of additional charges as provided in this Subsection 6.3.3(3) shall not bar or be a prerequisite for other enforcement action under Sections 6.10, 6.11 or 6.12 of this Ordinance.

6.3.4 Grease, oil and sand interceptors shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, sand or other harmful ingredients, except that such interceptors shall not be required for private residential living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Town and shall be located so as to be readily and easily accessible for cleaning and inspection.

6.3.5 No discharger or user shall increase the use of potable or process water, in any way, for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Ordinance. Pollutants, substances or wastewater prohibited by this section shall not be processed or stored in a manner that would allow it to be discharged to the POTW.

6.3.6 Federal Categorical Pretreatment Standards. The categorical pretreatment standards found at Title 40 of the Code of Federal Regulations, Chapter I, Subchapter N, Parts 405 through 471, are incorporated herein by reference. These standards must be adhered to by dischargers to, or users of, the POTW.

(1) When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an industrial user may request that the Town convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Town. The Town may establish equivalent mass limits only if the industrial user meets all the conditions set forth in Subsection 6.2.6(a) through (c) below.

(a) To be eligible for equivalent mass limits, the industrial user must:

[1] Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;

[2] Currently use control and treatment technologies adequate to achieve compliance with the applicable pretreatment standard and not have used dilution as a substitute for treatment;

[3] Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

[4] Not have daily flow rates, production levels, or pollution levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and

[5] Have consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.

(b) An industrial user subject to equivalent mass limits must:

[1] Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

[2] Continue to record the facility's flow rates through the use of a continuous flow monitoring device;

[3] Continue to record the facility's production rates and notify the Town whenever production rates are expected to vary by more than 20% from its baseline production rates determined in Section 6.2.6. Upon notification of a revised production rate, the Town will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

[4] Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to Subsection 6.3.6 (1)(a)[1] so long as it discharges under an equivalent mass limit.

(c) When developing equivalent mass limit, the Town:

[1] Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;

[2] Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

[3] May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 6.3.5. The industrial user must also be in compliance Section 6.13.3 regarding the prohibition of bypass.

(2) Once included in its permit, the industrial user must comply with the equivalent limitations developed as per this section in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

(3) Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the Town within two business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the Town of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate.

6.3.7. Local limits.

(1) Limits for certain pollutants will be established to protect against pass-through or interference. No person shall discharge wastewater containing in excess of the instantaneous maximum allowable discharge limits as identified on the user's wastewater discharge permit. All discharge local limits shall be technically based and approved by the DEP.

(2) Local limits may be set for the following pollutants: arsenic, barium, cadmium, chromium, copper, cyanide, lead, mercury, nickel, fats, oils or other greases of animal or vegetable origin or oil and grease and other petroleum or mineral oil products, silver, TTO and zinc. This list may be amended or local limits may be developed for any other pollutants deemed appropriate, including pollutants that can cause pass-through, interference, worker health and safety problems, fume toxicity, etc. The Town will provide advanced written notice of new local limits to users prior to initiating enforcement actions.

(3) The discharge local limits must be met at the point where the user's wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless otherwise indicated on the wastewater discharge permit. The Town may impose mass limitations in addition to or in place of concentration-based limitations.

(4) The Town may develop best management practices (BMPs) and mass-based limits by ordinance or in individual wastewater discharge permits, to implement local limits and any other general discharge prohibitions as regulated in Section 6.2.

6.3.8. Town's right of revision. The Town reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

6.3.9. Special agreement. The Town reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. A user may also request a variance from the categorical pretreatment standard from the approval authority. Such a request will be approved only if the user can prove that the factors relating to its discharge are fundamentally different from the factors considered by the EPA when establishing that categorical pretreatment standard. A user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13. The Town is authorized to set appropriate fees or other charges for such agreements.

6.3.10. Pretreatment facilities. Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in this Ordinance within the time limitations specified by the EPA, the state or the Town, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the Town shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Town for review and shall be approved by the Town before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the Town's POTW under the provisions of this Ordinance.

6.3.11. Accidental discharge/slugg control plans. The Town may require any user to develop and implement an accidental discharge/slugg control plan. At least once every two years the Town shall evaluate whether each significant industrial user needs such a plan. Any user required to develop and implement an accidental discharge/slugg control plan shall submit a plan which addresses, at a minimum, the following:

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

Section 6.4. Wastewater surveys.

6.4.1. It shall be unlawful to discharge wastewater to any public or private sewer within the Town of Hampden where such discharged wastewater reaches the Town's POTW without having first complied with the provisions of this Ordinance.

6.4.2. When requested by the Town, all users must complete a wastewater survey form, on a form supplied by the Town, which contains information on the nature and characteristics of their wastewater. This form must be submitted to the Town prior to discharge of the user's wastewater into the Town's POTW. The Town is authorized to prepare a form for this purpose and may periodically

require users to update the survey. Failure to complete this wastewater survey form shall be reasonable grounds for terminating service to the user and shall be considered a violation of this Ordinance. Existing industrial dischargers shall file wastewater survey forms within 30 days after being notified by the Town and proposed new dischargers shall file such forms at least 90 days prior to connecting to the POTW. The information to be supplied to the Town by the user shall include, but not be limited to, the following information:

- (1) The name, address and location of the user and the number of employees.
- (2) The SIC of the user.
- (3) The known or suspected to be present wastewater constituents and characteristics, including but not limited to those mentioned in this Ordinance. Any sampling and analysis that is required by the Town shall be performed in accordance with standard methods and/or those contained in 40 CFR 136. The costs of all such sampling, analysis and reporting shall be fully borne by the user.
- (4) The time and duration of discharges.
- (5) The average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be as actually measured unless other verifiable techniques are approved by the Town due to cost or non-feasibility.
- (6) The site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation adjacent to or at the user's premises.
- (7) The activities, facilities and plant process on the premises, including all materials which are or may be discharged to the POTW.
- (8) The nature and concentration of any known or suspected pollutants or materials prohibited by this Ordinance from being included in the discharge, together with a statement regarding whether or not compliance is being achieved with this Ordinance on a consistent basis and, if not, whether additional O&M activities and/or additional pretreatment is required for the user to comply with this Ordinance.
- (9) The identification of each product produced by the user by type, amount, process or processes and rate of production.
- (10) The type and amount of raw materials utilized, average and maximum per day, by the user.

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

6.4.4. The Town will evaluate the completed wastewater survey forms and material safety data sheets furnished by the user and may require the user to furnish additional information. The user shall provide all requested additional information within 15 days after receiving notification from the Town that additional information is required. After full evaluation and acceptance of all submitted data, the Town shall make the determination as to whether the user is subject to EPA pretreatment requirements. If the Town determines that the user is subject to EPA pretreatment requirements, the

Town shall require the user to apply for a wastewater discharge permit as required by Section 6.5 of this Ordinance. The user shall make application for a wastewater discharge permit, on a form provided by the Town, within 30 days after having received notification from the Town to do so. The user shall provide, with the permit application, at the user's own expense, the results of all sampling and analysis of the user's wastewater effluent as the Town may be required to accompany the permit application. If so requested by the Town, the user shall collect all required samples in the presence of the Town.

Section 6.5. Wastewater discharge permits.

6.5.1. Every new or existing user of the Town's POTW or wastewater plant which is determined to be a categorical user or significant industrial user as defined in Section 1.1 of this Ordinance. Section 1.1 of this Ordinance is required to obtain a wastewater discharge permit from the Town.

6.5.2. The Town may prescribe special license, disclosure and reporting requirements for nonindustrial users of high-strength conventional waste distinct from the requirements imposed on industrial users under this section. Such requirements shall not be more burdensome than the requirements imposed on industrial users by this section.

6.5.3. Wastewater discharge permits shall be subject to all provisions of this Ordinance and all other regulations, user charges and fees established by the Town. The conditions of wastewater discharge permits shall be enforced in accordance with this Ordinance and applicable state and federal regulations.

6.5.4. Wastewater discharge permits may impose effluent restrictions or limits on the user if the Town determines that such limits are necessary to protect the quality of the treatment plant influent, effluent or sludge or to maintain compliance with any applicable federal or state law, including requirements under the Town's NPDES permit and national categorical pretreatment standards for new and existing sources set out in Title 40 of the Code of Federal Regulations, Chapter I, Subchapter N, Parts 401 through 471.

6.5.5. The Town will evaluate the data furnished by the user and may require additional information to complete the user's wastewater discharge permit application. Within 14 days of receipt of a complete wastewater discharge permit application, the Town will determine whether a wastewater discharge permit is required and, if so, whether a wastewater discharge permit should be issued. The Town may deny any application for a wastewater discharge permit. The Town shall notify the user, in writing, of the decision on the wastewater discharge permit application.

6.5.6. Wastewater discharge permits shall be issued for a specified time period, not to exceed five years. Each wastewater discharge permit shall indicate a specific date upon which it will expire.

6.5.7. Wastewater discharge permits are issued to a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner or a new user, different premises or a new or changed operation. To facilitate the issuance of new, separate permits, the Town may allow new owners or individuals to operate under an existing wastewater discharge permit for a period not to exceed 90 days.

6.5.8. Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Town to prevent pass-through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal and protect against damage to the POTW.

(1) Wastewater discharge permits shall contain the following conditions:

(a) A statement that indicates the wastewater discharge permit duration.

(b) A statement that indicates that the wastewater discharge permit is nontransferable pursuant to Section 6.5.7 of this section and a provision requiring any new owner or operator to be furnished with a copy of the existing wastewater discharge permit by the prior user.

(c) Pretreatment standards and effluent limits based on the general and specific prohibited discharge standards, categorical pretreatment standards, local limits, including best management practices and mass-based limitations, and all applicable law.

(d) Self-monitoring, sampling, reporting, notification and recordkeeping requirements. These requirements shall include a sampling frequency and sample type based on federal, state and local law.

(e) A statement of applicable penalties for violation of pretreatment standards and requirements and any required compliance schedule. Such schedule may not extend the time for compliance beyond that required by federal, state or local law.

(f) Other specific conditions the Town deems necessary to ensure compliance with this Ordinance and federal and state regulations and statutes.

(2) Wastewater discharge permits may contain, but need not be limited to, the following conditions:

(a) Limits on the average and/or maximum rate of discharge, time of discharge and/or requirements for flow regulation and flow equalization.

(b) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass or other measure of identified wastewater pollutants or properties.

(c) Requirements for the installation of pretreatment technology, pollution control or construction of appropriate containment devices, any of which would be designed to reduce, eliminate or prevent the introduction of pollutants into the POTW.

(d) Requirements for the development and implementation of spill and/or slug control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated or routine discharge.

(e) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW by the user.

(f) The unit charge or schedule of user charges and fees for the management of the user's wastewater discharged to the POTW.

(g) Requirements for the installation and maintenance of inspection and sampling facilities and equipment.

(h) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit.

(i) Identification by the user of the location of the user's outfall to the POTW.

(j) Other specific conditions the Town deems necessary to ensure compliance with this Ordinance and federal and state regulations and statutes.

6.5.9. Any aggrieved person, including the user, may file a petition with the Town, in writing, to reconsider the terms of a wastewater discharge permit or the denial of a wastewater discharge permit application within 15 days of the permit's issuance or notification of the Town's denial.

(1) Failure to submit a timely petition for review shall be deemed to be a waiver of any administrative appeal.

(2) In its petition, the petitioner must indicate the wastewater discharge permit provisions objected to, the reasons for this objection and the alternative condition, if any, it seeks to place in the wastewater discharge permit. A petitioner seeking review of a permit denial must specifically allege reasons why a permit should be issued, along with conditions of issuance that the petitioner believes should satisfy any concerns the Town may have about the suitability of the user's wastewater for discharge to the Town's POTW.

(3) The requirements or conditions of any wastewater discharge permit shall not be stayed by the Town pending the outcome of the administrative appeal.

(4) Upon receipt of the petition, the Town may act to grant the petitioner's request. Said action must take place within 14 days of receipt of the petition. If the Town refuses to grant the petitioner's request, however, the Town Manager shall notify, in writing, the Town Council.

(a) The Town Council shall schedule an administrative hearing, which shall be recorded within 30 days of notification by the Town Manager or as soon thereafter as may be arranged. The Town Council shall conduct the hearing so as to develop an adequate administrative record, and the Town Council may choose to limit the asking of questions to the members of the Town Council only. The petitioner will bear the burden of proof at the hearing and will present its case first.

(b) The Town Council shall issue its decision, in writing, within 45 days of the hearing. The Town Council's decision must be guided by the provisions of this Ordinance. Failure by the Town Council to issue a decision within that time period shall constitute a denial of the administrative appeal; however, the record of the administrative hearing, including any exhibits, shall be made a part of any further judicial reviews. Town Council decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, not to modify a wastewater discharge permit or to issue a modified wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

(5) Parties seeking judicial review of the final administrative action must do so by filing a complaint with the Penobscot County Superior Court pursuant to Maine Rules of Civil Procedure 80B.

6.5.10. Modifications.

(1) The Town may modify at any time the wastewater discharge permit for good cause, including but not limited to the following:

(a) To incorporate any new or revised federal, state or local pretreatment standards or requirements.

(b) To address significant alterations or additions to the user's operation, processes or wastewater volume or character since the issuance of the wastewater discharge permit.

(c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.

(d) Information is received by the Town indicating that the permitted discharge poses a threat to the Town's POTW, Town personnel or the receiving waters.

(e) Violation of any terms or conditions of the wastewater discharge permit.

(f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater survey form, wastewater discharge permit application or in any other required reporting.

(g) Revision of, or a grant of a variance from, categorical pretreatment standards pursuant to 40 CFR 403.13.

(h) To correct typographical or other errors or omissions in the wastewater discharge permit.

(2) Challenges to any such modifications can be made pursuant to the provisions of Subsection I of this section.

6.5.11. Any user which violates any condition of its permit or of this Ordinance or of applicable state and federal statutes and regulations may have its permit revoked by the Town. Violations subjecting a user to possible revocation of its permit include, but are not limited to, the following:

(1) Failure of a user to accurately report the wastewater constituents and characteristics of its discharge.

(2) Failure of a user to report significant changes in operations or its wastewater constituents and characteristics.

(3) Refusal of reasonable access by the Town to the user's premises during regular business hours for the purpose of inspection or monitoring.

(4) Violations of the conditions of the permit.

(5) Failure to provide advance notice of the transfer of the ownership of a permitted user.

(6) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application, any required wastewater surveys or other required reporting.

(7) Falsifying monitoring reports or tampering with monitoring equipment.

(8) Failure to pay surcharges, user fees, permit fees, fines or other required payments.

(9) Failure to meet the requirements of a compliance schedule.

6.5.12. Compliance schedules.

(1) Where additional pretreatment and/or O&M activities will be required to comply with this Ordinance, the user shall provide a declaration of the shortest schedule by which the user will provide such additional pretreatment and/or implementation of additional O&M activities.

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

(3) Under no circumstances shall the Town permit a time increment for any single step directed toward compliance which exceeds nine months.

(4) No later than 14 days following each milestone date in the schedule and the final date for compliance, the user shall submit a progress report to the Town, including, at a minimum, a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the approved schedule. In no event shall more than nine months elapse between such progress reports to the Town.

Section 6.6. Reporting Requirements:

6.6.1. Baseline monitoring reports.

(1) Within either 180 days after the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall be required to submit to the Town a report which contains the information listed in Subsection 6.5.1(2) below. At least 90 days prior to commencement of their discharge, new sources and sources that become categorical users subsequent to the promulgation of an applicable categorical standard shall be required to submit to the Town a report which contains the information listed in Subsection 6.5.1(2) below. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

(2) Users described in Subsection 6.6.1(1) above shall submit the information set forth below:

(a) The name and address of the facility, including the name of the operator and owner.

(b) A list of any environmental control permits held by or for the facility.

(c) A brief description of the nature, average rate of production and SIC of the operations carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(d) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).

(e) Categorical pretreatment standards; sampling results.

[1] The categorical pretreatment standards applicable to each regulated process.

[2] The results of sampling and analysis identifying the nature and concentration and/or mass, where required by the standard or by the Town, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be sampled and analyzed in accordance with the provisions of Sections 6.6.9 and 6.6.10 of this section.

(f) A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional O&M and/or pretreatment is required to meet the pretreatment standards and requirements.

(g) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 6.5.12 of this Ordinance.

(h) All baseline monitoring reports must be signed and certified in accordance with Section 6.4.3 of this Ordinance.

6.6.2. Compliance schedule progress report. The requirements imposed by Section 6.5.12 of this Ordinance shall apply to the compliance schedule required by Subsection 6.6.1(2)(g) of this section.

6.6.3. Report on compliance with categorical pretreatment standard deadline. Within 90 days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Town a report containing the information described in Subsection 6.6(2)(d) through (f) of this section. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production or other measure of operation, this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6.4.3 of this Ordinance.

6.6.4. Periodic compliance reports.

(1) All significant industrial users shall, at a frequency determined by the Town, but in no case less than twice per year in June and December, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the user must submit documentation required by the Town or the pretreatment standard necessary to determine the compliance status of the user. All periodic compliance reports must be signed and certified in accordance with Section 6.4.3 of this Ordinance.

(2) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(3) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the POTW, using the analytical requirements and sampling procedures prescribed in Sections 6.6.9 and 6.6.10 of this section, the results of this monitoring shall be included in the report.

6.6.5. Report of changed conditions. Each user must notify the Town of any planned significant changes to the user's operations or process systems which might alter the nature, quality or volume of its wastewater at least 60 days before the change.

(1) The Town may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 6.5 of this Ordinance.

(2) The Town may issue a wastewater discharge permit under Section 6.5 of this Ordinance or modify an existing wastewater discharge permit under Section 6.5.10 of this Ordinance in response to changed conditions or anticipated changed conditions.

(3) No user shall implement the planned changed conditions until and unless the Town has responded, in writing, to the user's notice.

(4) For purposes of this subsection, significant changes include, but are not limited to, flow increases of 10% or greater and the discharge of any previously unreported pollutants.

6.6.6. Reports of potential problems.

(1) In the case of any discharge, including but not limited to hazardous waste discharges, accidental discharges, discharges of a non-routine or episodic nature, a non-customary batch discharge or a slug load that may cause potential problems for the POTW, the user shall immediately telephone and notify the Town of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(2) Within five days following such a discharge, the user shall submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, natural resources or other damage to person or property, nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this Ordinance.

(3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Subsection 6.5.6(1) above. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

(4) Significant industrial users are required to notify the Town immediately of any changes at their facility affecting the potential for a slug discharge.

6.6.7. Notification of the discharge of hazardous waste. In addition to all other requirements of this Ordinance, any user which discharges hazardous waste into the POTW shall notify the POTW, the EPA Regional Waste Management Division Director and Maine hazardous waste authorities, in writing, within five days of the discharge, of any such discharge. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, the type of discharge (continuous, batch or other) and the user's plan to avoid future discharges of the same or other hazardous waste. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, natural resources or other damage to person or property, nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this Ordinance.

6.6.8. Notice of violation/repeat sampling and reporting. If sampling performed by a user or the POTW indicates a violation, the user must notify the Town within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Town within 30 days after becoming aware of the violation. The user is not required to resample if the POTW monitors at the user's facility at least once a month or if the POTW samples between the user's initial sampling and when the user receives the results of this sampling.

6.6.9. Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or a report required by this Ordinance shall be performed in accordance with the techniques prescribed in 40 CFR 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with appropriate procedures approved by the EPA.

6.6.10. Sample collection.

(1) Except as indicated in Subsection 6.6.10(2) below, the user must collect wastewater samples using twenty-four-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Town. Where time-proportional composite sampling or grab sampling is authorized by the Town, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and

oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Town, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(2) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides and volatile organic chemicals must be obtained using grab sample collection techniques.

(3) For sampling required in support of baseline monitoring and ninety-day compliance reports required in Sections 6.6.1 and 6.6.3 of this section and 40 CFR 403.12(b) and (d), a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical data are available, the Town may authorize a lower minimum. For the reports required by Section 6.6.4 of this section and 40 CFR 403.12(e) and 403.12(h), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

6.6.11. Determination of noncompliance. The Town will use appropriate sampling to determine noncompliance with pretreatment standards, including the use of standard methods.

6.6.12. Timing. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall control.

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

6.6.14. State requirements. State requirements and limitations on discharges to the POTW shall be met by all users which are subject to such requirements and limitations; provided, however, that such requirements and limitations are more stringent than the provisions of this Ordinance or federal law requirements or limitations.

6.6.15. Reports from unpermitted users. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Town upon the request of the Town.

6.6.16. Certification of permit applications, user reports and initial monitoring waiver. The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with Section 6.4.4, users submitting baseline monitoring reports under Section 6.6.1, users submitting reports on compliance with the categorical pretreatment standard deadlines under Section 6.6.3, and users submitting periodic compliance reports required by Section 6.6.4. The following certification statement must be signed by an authorized representative as defined in Section 1.1:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Section 6.7. Compliance monitoring; right of entry.

6.6.1. Inspection and sampling. The Town/City shall have the right to enter the facilities of any user to ascertain whether the purpose of this Ordinance, and any permit or order issued hereunder, is being met and whether the user is complying with all requirements thereof. All users shall allow the Town ready access to all parts of the premises for the purpose of inspection, sampling, records examination and copying and the performance of any additional duties as the Town Manager deems necessary.

- (1) Each user shall provide and operate, at its own expense, a monitoring facility to allow inspection, sampling and flow measurement of the user's wastewater discharge to the POTW.
- (2) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Town will be permitted to enter without delay for the purposes of performing specific responsibilities, such as compliance monitoring.
- (3) The Town shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations. The user shall bear the costs of such setup or installation.
- (4) The Town shall require the user to install monitoring equipment as the Town deems necessary. The user's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated quarterly (four times per year) to ensure their accuracy.
- (5) Any temporary or permanent obstruction to the safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Town and the obstruction shall not be replaced. The costs of clearing such access shall be borne by the user.
- (6) Unreasonable delays in allowing the Town access to the user's premises shall be a violation of this Ordinance.
- (7) In the event that the user is in or has previously been in noncompliance with this Ordinance or with the user's wastewater discharge permit, the user shall be required to pay the full cost of all additional sampling and analysis that the Town may conduct to determine the user's compliance with this Ordinance.
- (8) All monitoring facilities shall be constructed and maintained in accordance with all applicable construction codes, standards or specifications. Construction, if required, shall be completed within 120 days of receipt of the wastewater discharge permit by the user.

6.7.2. Administrative inspection warrants. If the Town has been refused access to any building, structure or property, or any part thereof, for the purpose of inspecting, sampling or otherwise monitoring compliance with this Ordinance, the Town shall seek to secure an administrative inspection warrant pursuant to Maine Rules of Civil Procedure 80E. The warrant, if issued by the District Court,

shall be executed pursuant to Maine Rules of Civil Procedure 80E, and the Town shall be accompanied by a uniformed Town police officer during said execution.

Section 6.8. Confidential information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit and monitoring programs and from the Town's inspection and sampling activities shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Town, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the user under applicable state law. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose such confidential information shall not be made available for inspection by the public but shall be made available immediately upon request to state and federal governmental agencies for uses related to the MEPDES program or pretreatment program and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data as defined by 40 CFR 2.302, will not be recognized as confidential information and will be available to the public without restriction.

Section 6.9. Publication of users in significant noncompliance.

The Town shall publish annually, in a newspaper of general circulation that provides a meaningful public notice within the jurisdiction served by the POTW, a list of the users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" as defined in Section 1.1 shall be applicable to all significant industrial users (or any other industrial user) as defined in Section 1.1 of this Ordinance.

Section 6.10 Administrative Enforcement Remedies.

6.10.1. At the time of enactment of this Ordinance, the Town will have developed an enforcement response plan (ERP) which outlines the Town's general procedure for the enforcement of this Ordinance. The ERP shall be initially adopted by Town Council order and may be subsequently amended by order. The Town will follow the ERP to the greatest extent possible when contemplating compliance with and enforcement of this Ordinance; however, nothing in the ERP or this Ordinance will preclude or otherwise limit the Town from taking any action, including emergency actions or other enforcement actions, prior to undertaking any initial enforcement procedure in the ERP, including issuance of a notice of violation (NOV).

6.10.2. Notice of violation (NOV). When the Town finds that a user has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Town may serve upon that user a written NOV. Within 30 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, which must include specific required actions, shall be submitted by the user to the Town. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the NOV.

6.10.3. Consent orders. The Town may enter into consent orders, assurances of voluntary compliance or other documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 6.10.5 and 6.10.6 of this section and shall include language which make them judicially enforceable. Such orders may require the payment of administrative fines pursuant to Section 6.10.7 of this section.

6.10.4. Show cause hearing. The Town may order a user which has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement to appear before the Town and show cause why the proposed enforcement should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally by the Town or by registered or certified mail, return receipt requested, at

least 14 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. Failure to appear for a show cause hearing may be grounds for revocation of the user's wastewater discharge permit and disconnection from or termination of discharge to the POTW.

6.10.5. Compliance orders. When the Town finds that a user has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Town may issue an order to the user responsible for the discharge directing that the user comes into compliance within 30 days. If the user does not come into compliance within 30 days, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

6.10.6. Cease and desist orders.

(1) When the Town determines that a user violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement or that the user's past violations are likely to recur, the Town may issue an order to the user directing it to cease and desist any such violations and directing the user to:

(a) Immediately comply with all requirements; and

(b) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge to the POTW.

(2) Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

6.10.7. Administrative fines.

(1) When the Town finds that a user violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, including a user's failure to obtain a wastewater discharge permit pursuant to Section 6.5 of this Ordinance, the Town may fine such user in an amount not to exceed \$2,500 per day. Each day of violation shall constitute a separate offense subject to fine. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation. In the case of failure to obtain a required wastewater discharge permit, the fine shall accrue on a daily basis commencing on the day the user first was notified or became aware of the need for such a permit. The Town may add the costs of preparing administrative enforcement actions, such as notices and orders, to any fine assessed.

(2) Any and all unpaid charges, fines and penalties under this Ordinance shall, after 30 calendar days from the due date, be assessed an additional penalty of 12% of the unpaid balance, and interest shall accrue thereafter at a rate of 1% per month. A lien against the user's property may be sought for unpaid charges, fines and penalties as allowed under state law.

(3) Users desiring to dispute such fines must file a written request for the Town to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. The Town shall convene an administrative hearing on the matter and conduct said hearing in accordance with the procedures delineated in Section 6.5.9 of this Ordinance. Failure to file a timely request for an administrative hearing constitutes a waiver of any administrative appeal. The decision of the Town Council conducting the administrative hearing, including a decision to not reduce the fine, shall be final, and any appeal must follow the requirements of Maine Rules of Civil Procedure 80B. In the

event that the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user.

(4) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

6.10.8. Emergency suspensions. The Town may immediately suspend a user's discharge either with or without written or verbal notice to the user whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of the public. The Town may also immediately suspend a user's discharge, either with or without written or verbal notice, that threatens to interfere with the operation of the POTW or which presents or may present an endangerment to the environment.

(1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its discharge to the POTW. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Town shall take such steps as deemed necessary, including immediate severance of the connection to the POTW, to prevent or minimize damage to the POTW, its receiving waters or endangerment to any persons. The Town shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Town that the period of endangerment has passed, unless the termination proceedings in Section 6.10.9 of this section are initiated against the user.

(2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement to the Town describing the causes of the harmful contribution and the measures taken to prevent any future occurrence. Said report must be submitted as least seven days prior to the date of any show cause or termination hearing held pursuant to Sections 6.10.4 and 6.10.9 of this section.

(3) Nothing in this subsection shall be interpreted as requiring a hearing prior to any emergency suspension under this subsection.

6.10.9. Termination of discharge.

(1) In addition to the provisions in Section 6.5.11 of this Ordinance, any user that violates the following conditions is subject to termination of the user's discharge to the POTW:

(a) Violation of wastewater discharge permit conditions;

(b) Failure to accurately report the wastewater constituents and characteristics of the user's discharge;

(c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;

(d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling; or

(e) Violation of the pretreatment standards in Section 6.3 of this Ordinance.

(2) Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause pursuant to Section 6.10.4 of this section why the proposed action should not be taken. Additionally, the user may request an administrative hearing, in writing, within 30 days of the decision of the show cause hearing. The hearing shall be conducted in accordance with the procedures delineated in Subsection 6.10.7(3) of this section. Exercise of this option by the Town shall not be a bar to, or a prerequisite for, taking any other action against the user.

Section 6.11. Judicial enforcement remedies.

6.11.1. Injunctive relief. When the Town determines that a user has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Town may request that the Town Attorney seek appropriate injunctive relief pursuant to the laws of this state which restrains or compels the specific performance of the conditions of the wastewater discharge permit, order or other requirements imposed by this Ordinance on activities of the user. The Town may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. The decision whether to seek injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

6.11.2. Civil penalties and criminal referral.

(1) Any person who violates the provisions of this Ordinance shall be subject to civil penalties pursuant to 30-A M.R.S.A. § 4452, as well as applicable civil or criminal penalties pursuant to 38 M.R.S.A. §§ 349 and 1319-T. The penalties in those statutes shall be in addition to the specific penalties in this Ordinance.

(2) A user which has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or other permit issued hereunder or any other pretreatment standard or requirement shall be required to pay a fine of not less than \$1,000 per day and not more than \$2,500 per day for each and every day of a violation for a first offense. These fines shall increase to a minimum of \$2,500 per day and a maximum of \$25,000 per day for a second offense of the same or a similar nature occurring within two years of the first offense. Each day of violation shall constitute a separate offense subject to fine. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(3) Pursuant to 30-A M.R.S.A. § 4452 and Maine Rules of Civil Procedure 80K, the Town may seek reasonable attorney fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Town.

(4) In determining the amount of civil liability, the court shall be asked to take into account all relevant circumstances, including but not limited to the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions undertaken by the user, the compliance history of the user and any other factor as justice requires.

(5) No person shall willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment or other part of, or otherwise harm, the POTW. Penalties for violations of this provision of this Ordinance shall be a minimum fine of \$1,000 for the first offense. A second offense committed within five years shall be punished by a minimum fine of \$10,000. These penalties are in addition to any penalties associated with other civil or criminal provisions of state and federal law which said person may be subject to for such action.

6.11.3. Filing a suit for civil penalties or making a criminal referral shall not be a bar against, or a prerequisite for, taking any other action against a user.

6.11.4. The Town reserves the right to make appropriate referrals for criminal prosecution pursuant to the provisions of 38 M.R.S.A. §§ 349 and 1319-T, as well as any other applicable federal or state law. Additionally, enforcement of this Ordinance shall not preclude criminal prosecution for other violations of state or federal law, and the Town will cooperate in any such prosecutions.

6.11.5. The provisions of Sections 6.10 and 6.11 of this Ordinance are not exclusive remedies. The Town reserves the right to take any and all enforcement actions or combinations thereof against a noncompliant user.

Section 6.12. Supplemental enforcement action.

6.12.1. Performance bonds. The Town may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this Ordinance, a previous wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement unless such user first files a satisfactory bond with the Town, payable to the Town, in a sum not to exceed a value determined by the Town to be necessary to achieve consistent compliance with this Ordinance.

6.12.2. Liability insurance. The Town may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this Ordinance, a previous wastewater discharge permit or order issued hereunder or any pretreatment standard or requirement unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge, which shall include naming the Town as an additional insured.

6.12.3. Water supply severance. Whenever a user violates or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Town will work with the Water District to sever water service to the user under district regulations, if applicable. Service will only recommence at the user's expense, after the user has satisfactorily demonstrated its ability to comply with this Ordinance.

Section 6.13. Affirmative defenses to discharge violations.

6.13.1. Upset.

(1) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of Subsection 6.13.1(2) below are met.

(2) A user which wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:

(a) An upset occurred and the user can identify the cause(s) of the upset;

(b) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable O&M procedures; and

(c) The user has submitted the following information to the Town within 24 hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five days.

[1] A description of the indirect discharge and cause of noncompliance;

[2] The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time period the noncompliance is expected to continue; and

[3] Steps being taken and/or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.

(3) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(4) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(5) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

6.13.2 Prohibited discharge standards. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 6.3.1 of this Ordinance or the specific prohibitions in Subsection 6.3.2(3) through (18) and (20) of this Ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass-through or interference and that either:

(1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass-through or interference; or

(2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Town was regularly in compliance with its NPDES permit and, in the case of interference, was in compliance with applicable sludge use or disposal requirements.

6.13.3. Bypass.

(1) For the purposes of this Ordinance, the following terms shall have the meanings indicated:

BYPASS - The intentional diversion of waste streams from any portion of a user's treatment facility.

SEVERE PROPERTY DAMAGE - Any substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Subsections 6.13.3(3) and 6.13.3(4).

(3) Notice.

(a) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Town at least 10 days before the date of the bypass, if possible.

(b) A user shall submit oral notice to the Town of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The Town may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(4) Enforcement action.

(a) Bypass is prohibited, and the Town may take an enforcement action against a user for a bypass, unless:

[1] Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

[2] There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

[3] The user submitted notices as required under Subsection 6.13.3(3).

(b) The Town may approve an anticipated bypass, after considering the adverse effects, if the Town determines that it will meet the three conditions listed in Subsection 6.13.3(4)(a).

ARTICLE 7 PROTECTION FROM DAMAGE

Section 7.1. Tampering with Town's Publicly Owned Works: No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of or will affect operation of the Town's POTW. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct, and shall be subject to any of the penalty provisions of this Ordinance or state law.

Section 7.2. Contractor's Liability Insurance: A contractor must present a certificate showing proof of liability insurance before a permit will be issued for construction of building sewers, sewer extensions, or disposal of private sewage.

ARTICLE 8 Town of Hampden Industrial/Commercial Enforcement Response Plan

Section 8.1. PURPOSE:

The purpose of this plan is to document a well defined, legally defensible sequence of steps to be followed when dealing with industrial users who are out of compliance with the Town of Hampden's Industrial Pretreatment Program and Sewer Ordinance. These formal enforcement actions will help to resolve any confusion between the Town and its Industrial Users as to consequences of one-time, repeated or continuing non-compliance and are intended to ensure equitable treatment of Industrial Users.

EPA regulations require the Town to take specific enforcement action against Industrial Users found to be in Significant Non-Compliance with the pretreatment requirements of this Ordinance. This Enforcement Response Plan defines the conditions under which the Town must cite a User for Significant Non-Compliance and lists appropriate enforcement measures to remedy such situations.

EPA guidelines also require that the selected enforcement response be appropriate to the extent of the Pretreatment Program violation. While a telephone call to the Industry might be appropriate for a late submission, a more severe response is needed for a more serious violation which, for example, might result in an upset of the Wastewater Treatment Plant caused by an Industrial discharge. This EPA guideline based Enforcement Response Plan will consider the Following criteria when assessing the appropriateness of a particular response.

- A) Magnitude of the violation;
- B) Duration of the violation;
- C) Effect of the violation on the receiving water;
- D) Effect of the violation on the Treatment Plant
- E) Compliance history of the Industrial User;
- F) Good faith efforts on the part of the Industrial User; and
- G) Degree of the Industrial User's responsibility for the violation.

8.2 SIGNIFICANT NON-COMPLIANCE:

EPA requires the Town to identify Industrial Users that are in Significant Non-Compliance (SNC) with the requirements of the federally mandated Pretreatment Program regulations. Users found to be in SNC are subject to enforcement action by the Town, and to public notification of the violation(s) once per year in the newspaper. Federal regulations define Significant Non-Compliance as violations which meet at least one of the following criteria:

- 8.2.1. Chronic Violations- Sixty six percent (66%) or more of all the measurements taken for the same pollutant parameter during a six month period exceed by any magnitude a numeric

Pretreatment Standard or Requirement including Instantaneous Limits as defined in Section 1.1 of the Sewer Ordinance.

8.2.2. Technical Review Criteria (TRC) Violations- Thirty three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined in Section. 1.1 of the Sewer Ordinance multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).

8.2.3. Any other violation of a Pretreatment Standard or Requirement as defined by Sec. 1.1 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Town or Pretreatment Coordinator determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public as defined by Section. 1.1 of the Sewer Ordinance.

8.2.4. Any discharge of a pollutant that caused imminent danger to human health, including the health of the Town's or City's POTW personnel, or to the environment or has required an exercise of the Town's emergency authority to halt the discharge under 40 CFR 403.8(f)(2)(vi)(B).

8.2.5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

8.2.6. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance schedules.

8.2.7. Failure to accurately report any non-compliance with permit requirements.

8.2.8. Any other violation or group of violations, which may include a violation of Best Management Practices, which the Town determines will adversely affect the operation or implementation of the Town's pretreatment program.

8.3 SELECTION OF ENFORCEMENT RESPONSES:

Table 1 attached to this Ordinance represents an Enforcement Response Guide based on EPA recommended response measures for varying degrees of permit violations. The Guide will be used by the Town to determine appropriate measures in the event of a violation of the Town's Pretreatment Program and/or Sewer Ordinance. Selection of appropriate enforcement response will be based on the following steps:

8.3.1. The Town will locate the type of non-compliance in the first column (1) of the Response Guide.

8.3.2. Using column two (2), the Town will identify the most accurate description of the nature of the violation.

8.3.3. The Town will assess the appropriateness of the recommended responses in column three (3). First time offenders, or those demonstrating "good faith" progress may merit a more lenient response. Similarly, repeat or frequent offenders or those demonstrating negligence may require a more stringent response. Furthermore, the Town will judge the violation by seven (7) additional criteria:

(1). Magnitude- Generally, an isolated instance of non-compliance can be addressed with an informal response or Notice of Violation (NOV). However, since even an isolated violation could threaten human health and/or the environment, the Treatment Plant, damage public and private property, or threaten the integrity of the Town's or Bangor's Pretreatment Program (i.e., falsifying a self-monitoring report) all instances of Significant

Non-Compliance will be responded to with an Administrative Order (AO) which requires a return to compliance by a specific deadline.

(2). Duration- Violations, regardless of severity, which continue over prolonged periods of time will subject the violator to escalated enforcement actions. Minor violations which are chronic in nature are one form of Significant Non-Compliance and will be dealt with through the use of AOs.

(3). Effects to the Receiving Water- Any violation which causes environmental harm will be met at a minimum with an AO and a fine. Environmental harm will be presumed whenever an industrial discharge:

- a). Passes through the Treatment Plant;
- b). Is directly responsible for causing a violation of the Town of Hampden NPDES/MEPDES permit, including its' water quality standards; or
- c). Has a toxic effect upon the receiving waters, such as fish kill.

In addition, the response will be designed to recover any NPDES/MEPDES fines paid by the Town, which are the result of the industry's discharge violation.

(4). Effects on the POTW- Any violation having a negative impact on the Treatment Plant and/or Collection System (such as increased treatment costs, harm to personnel or equipment, pipe corrosion, etc.), which hinders the operation of the Treatment Plant or Collections System, and/or which contaminates the Treatment Plant's sludge, thereby reducing sludge disposal options, will be met with a fine of civil penalty as well as the recovery of additional costs and expenses involved.

(5). Compliance History of the User- A pattern of recurring violations of any program requirements may indicate either that the user's treatment system is inadequate or that the user has taken a lackadaisical approach to operating and maintaining its' treatment system. These indications should alert the Town to the likelihood of future Significant Non-Compliance. Accordingly, stronger enforcement responses should be applied against users exhibiting consistent compliance problems than against those with only an occasional problem.

(6) "Good Faith" of the User- Generally, a users' demonstrated willingness to comply should predispose the Town to select one of the less stringent enforcement actions specified, provided the violation has not caused serious Treatment Plant upset or resulted in environmental damage. However, good faith does not eliminate the necessity of enforcement action, and compliance with previous enforcement orders should not necessarily be considered good faith.

(7). Responsibility of the User- Although Industrial Users should always be held accountable for their violations, some consideration should be given to whether the violation was the result of an unforeseeable accident, was preventable or was intentional on the part of the User. This will affect the enforcement response selection by the Town from the range of responses provided.

8.3.4. Column four (4) designates personnel responsible for the action.

8.3.5. The Town will document, in writing to the User, the rationale for selecting the particular enforcement response applied.

8.3.6. The Town will apply the enforcement response to the violator. The Town will specify the corrective action or other response required by the User, including response time limits.

- 8.3.7. The Town will document any Users' responses and the resolution of non-compliance.
- 8.3.8 The Town will follow up with escalated enforcement action if a Users' response is not received within thirty (30) days or sooner if appropriate or severe violations continue.
- 8.3.9 The Town normally will issue an NOV to the violator as a first step in enforcement proceedings. However, the Town may elect to by-pass this procedure in favor of an AO when it appears that the violation requires immediate remedial action.

Section 8.4 – ENFORCEMENT RESPONSE PLAN DEFINITIONS

AO	Administrative Order
Civil Litigation	Civil litigation against the User, seeking equitable relief, monetary penalties, and actual damages.
Criminal Prosecution	Pursuing punitive measures against an individual and/or organization through a court of law.
Fine	Monetary penalty assessed by the Town.
IU	Industrial User of the POTW.
Meeting	Informal meeting with the User to resolve non-compliance.
NOV	Notice of Violation of the City of Bangor's Industrial Pretreatment Program and/or the Sewer Use Ordinance.
NPDES	National Pollutant Discharge Elimination System.
PC	Pretreatment Coordinator of the City of Bangor.
POTW	Publicly Owned Treatment Works
S	Superintendent for the City of Bangor WWTP.
Show Cause Hearing	Formal meeting requiring the User to attend and demonstrate why the Town should not take proposed enforcement action. The meeting may also serve as a forum to discuss corrective actions and corrective actions.
SV	Significant Violation of the City of Bangor's Industrial Pretreatment Program and/or Sewer Use Ordinance.

SECTION 8.5
 SELECTION OF ENFORCEMENT RESPONSES:
 TABLE 1

<u>NON-COMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>INITIAL RESPONSE, FOLLOW UP</u>	<u>PERSONNEL</u>
A. ILLEGAL DISCHARGE			
1) Unpermitted discharge (no permit)	Discharger unaware of permit requirement; no harm to POTW or to the environment.	NOV and application, or AO issued within 14 days of identifying the violation; requires a permit application within 30 days and the results of wastewater analysis within 60 days; proposed fine of \$300-\$500.	PC
2) Non-permitted discharge (expired permit)	Results in violation of POTW NPDES permit, or dangerous situation- SNC	AO issued as soon as possible, but in any case within 5 days to immediately halt discharge. Fine or civil litigation seeking penalties of \$1000 to \$2500 per day. Terminate service.	PC S
	Failure to apply for permit renewal. No damage to POTW or environment.	Telephone call and NOV should be made within 5 days of detection.	PC
	Results in violation of POTW NPDES permit, or dangerous situation- SNC	AO issued as soon as possible, but in any case within 5 days to immediately halt discharge. Fine or civil litigation seeking penalties of \$1000 to \$2500 per day. Terminate service.	PC S
B. DISCHARGE PERMIT VIOLATIONS			
1) Exceedance of discharge limits (local or categorical)	Isolated, non-significant	Telephone call and NOV issued within 5 days of receipt of laboratory results requiring written report with corrective and preventative action taken to prevent recurrence. (1st/2nd offense)	PC
	Frequent, non-significant (repeated offense)	Meeting with violator or show cause hearing requested within 14 days of detection of violation. Meeting will be held within 30 days of detection of the violation. Proposed	PC

<u>NON-COMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>INITIAL RESPONSE: FOLLOW UP</u>	
	SNC	AO issued within 5 days with compliance schedule; fine of \$1000 per day of violation, or civil litigation seeking penalties of \$1000 to \$2500 per day.	PC S
	Caused known damage to POTW or environment, or worker health hazard	AO issued within 5 days to immediately halt discharge; fine, civil litigation, or criminal prosecution.	PC S
2) Slug load discharge	Isolated without known damage.	NOV, AO issued within 14 days to develop a Spill Control Plan within 30 days.	PC
	Isolated with known damage, interference, pass-through. SNC	Fine or civil litigation seeking penalties of \$500 to \$700 per day and recovery of costs. Terminate service.	PC S
	Recurring SNC.	Fine or civil litigation seeking penalties of \$1000 to \$2500 per day and recovery of costs. Terminate service.	PC S
<u>C. SAMPLING, MONITORING, AND REPORTING VIOLATIONS</u>			
1) Minor sampling, monitoring or reporting deficiencies.	Isolated or infrequent (1st/2nd offense)	Telephone call and NOV issued within 14 days of detection.	PC
	Frequent or continuous	NOV issued within 5 days; proposed fine \$100-\$300.	PC
2) Major sampling, monitoring or reporting deficiencies.	Isolated or infrequent (1st/2nd offense)	NOV issued within 5 days of detection; meeting with violator requested within 14 days. Proposed fines of \$300 to \$500.	PC
	Frequent or continuous; SNC	Meeting with Show Cause Hearing requested within 14 days of detection. Fine or civil litigation seeking penalties of \$500.	PC S

<u>NON-COMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>INITIAL RESPONSE: FOLLOW UP</u>	<u>PERSONNEL</u>
3) Complete failure to sample, monitor or report is more than 30 days late.	SNC	AO with compliance schedule issued within 5 days of detection; civil litigation and/or criminal prosecution seeking penalties of \$1000-\$2500 per day. Terminate service.	PC S
4) Failure to submit schedule of compliance	Violation of AO.	Fine civil litigation and/or criminal prosecution seeking penalties of \$1000-\$2500 per day until schedule is filed.	S
5) Failure to notify of discharge limit violation slug discharge.	Isolated or infrequent, no known Effects.	NOV, AO issued within 14 days of detection.	PC
6) Failure to install monitoring equipment	Frequent or continued violation-SNC	Show Cause Hearing requested within 14 days; AO issued within 5 days of detection; civil litigation seeking penalties of \$1000 per day per violation; criminal Prosecution.	PC S
	Continued SNC	AO issued within 5 days of detection; temporarily suspend service if agreed upon compliance date is exceeded by 30 days.	PC S
<u>D. COMPLIANCE SCHEDULE VIOLATIONS</u>			
1) Missed milestone date	Will not effect other milestone dates, or final date.	Telephone call and NOV issued within 5 days of milestone date passage.	PC
	Will effect other milestones or final date.	Meeting requested within 14 days or prior to next milestone date; AO issued within 5 days of missed milestone date.	PC S

<u>NON-COMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>INITIAL RESPONSE: FOLLOW UP</u>	<u>PERSONNEL</u>
	Will effect other milestones or final date. Violation not for good cause	Show Cause Hearing requested within 14 days or prior to next milestone date; fine or seek civil penalties of \$500-\$2500 per day of violation.	PC S
2) Failure to meet compliance schedule reporting requirements	Did not submit report, but did complete milestone.	Telephone call and NOV issued within 14 days of Detection.	PC
	Did not submit report or complete milestone.	NOV; AO issued within 5 days of missed milestone date; proposed fines of \$300-\$500.	PC S
3) Missed final date	Good cause	Telephone call and NOV issued within 5 days of missed date.	PC
4) Reporting false information	30 days or more outstanding; failure or refusal to comply without good cause. Any instance SNC.	Show Cause Hearing requested within 14 days of detection; AO with fines; judicial action. Referral to prosecutor for criminal investigation; civil litigation and/or criminal prosecution seeking maximum penalties allowed by State law (at least \$1000 per day per violation); Termination of service	PC S S
<u>E. SPILL INCIDENTS</u>	Reported and investigated	NOV issued at time of inspection; meeting requested within 14 days of detection; AO	PC
1) Spill incident	Failure to report spill	NOV; meeting within 14 days of detection; AO with proposed fines of \$300-\$500.	PC

<u>NON-COMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>INITIAL RESPONSE; FOLLOW UP</u>	<u>PERSONNEL</u>
2) Repeated spills	Failure to develop or upgrade Spill Prevention Plan Failure to act on a decision of compliance meeting and results in known damage to POTW or environment.	NOV; AO with fines; Show Cause Hearing to be held within 30 days of notification. Judicial action; terminate service.	PC
<u>F. VIOLATIONS DETECTED DURING FIELD INSPECTIONS/INVESTIGATIONS</u>			
1) Minor violation of analytical procedures	Any instances	Telephone call and NOV issued within 14 days of receipt of monitoring results.	PC
2) Major violation of analytical procedures	No evidence of negligence or intent Evidence of negligence or intent-SNC	NOV; meeting to be held within 30 days of notification. AO; issued within 14 days of receipt of monitoring results.	PC
3) Minor violation of permit condition	No evidence of negligence or intent Evidence of negligence or intent	AO or civil action and penalty; possible criminal prosecution. NOV; AO for immediate corrective action required.	PC S
4) Major violation of permit condition	Evidence of negligence or intent Evidence of negligence or intent-SNC	AO or civil litigation and penalties; possible criminal prosecution. Terminate service. AO or civil litigation and penalties; possible criminal prosecution. Terminate service.	PC S S
<u>G. OTHER PERMIT VIOLATIONS</u>			
1) Wastestreams are diluted	Initial violation	AO with fines	PC

**ARTICLE 9
PENALTIES - Residential**

Section 9.1. Violation of Sewer Ordinance: Any person found to be violating any provision of this Ordinance, except Section 7.1, shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 9.2. Fines: Any person who fails to comply with the provisions of this Ordinance other than those provisions pertaining to the payment of charges for services established herein shall, upon conviction, be subject to a fine not exceeding one hundred dollars (\$100.00) for each offense. The continued violation of any provision of any section of this Ordinance other than those pertaining to the payment of charges for services established herein, shall constitute a separate offense for each and every day such violation of any provision hereof shall continue. If the Town prevails in the prosecution of an offense hereunder, it shall be reimbursed for the attorney's fees and costs.

Section 9.3. Alternate Penalties: As an alternative upon violation of this Ordinance, the proper authorities of the Town, in addition to other remedies may institute any appropriate action or proceedings including an injunction to prevent such unlawful use, construction, or maintenance of cesspools, septic tanks, sewage disposal systems, pipes or drains, to restrain, correct or abate such violation, or to prevent the occupancy of any building, structure or land where said violations of this Ordinance are found.

Section 9.4. Liabilities to the Town: Any person violating any of the provisions of this Ordinance shall become liable to the Town for any and all expense, loss, or damage occasioned by the Town by reason of such violation.

**ARTICLE 10
SEWER SERVICE CHARGE**

Section 10.1. Establishment of a Sewer Service Charge: The source of a portion of the revenue for retiring debt services and for capital expenditures, operation and maintenance of the public sewage works shall be a sewer service charge. That portion of the sewer service charge related to capital expenditures and retirement of debt service shall be made against all properties within the public sewage works service area having or required to have sanitary facilities, whether actually connected to the public sewer system or not. The public sewage works service area and the nature of buildings required to have sanitary facilities shall be as defined in Section 2.4 thereof. In the case of a building not connected to the public system, such charge shall be deemed a "ready to serve" charge levied to aid in defraying expense incurred in making service available to the property. In the case of a connected building not in active use or occupancy and having no discharge during a given billing period, the portion related to capital expenditures and retirement of debt service shall be regarded as minimum charge. In the case of a connected building actively discharging to the public system for all or part of any given billing period, the charge shall be increased to include the cost of operation and maintenance of the public sewage works.

Section 10.2. Sewer Service Charge Rate: Sewer service charge rates shall be determined by the Town Council on a year-to-year basis and, in general, such charges will be determined on a rate structure based on water consumption. The sewer service charge will be computed and billed at regular intervals throughout each calendar year, as established by the Town Council in accordance with the Town of Hampden Fees Ordinance.

Users shall be given annual notification of the rates and distribution of costs between capital expenditures and operation and maintenance charges. Any revenue from Sewer Service Charges in excess of cost must be retained in the sewerage account and cannot be used to defray costs in other functions of the Town.

Section 10.3. Special Charge for Industrial Organizations: A Special Sewer Service Charge shall be assigned to any industrial firm or organization, the strength or other characteristic of whose waste varies significantly from that of normal domestic sewage. In general, such charges will be based on equitable prorating of costs for conveying and treating such waste, taking into account, but not necessarily limited to, the effect of volume, BOD, suspended solids, settleable solids, chlorine demand, toxicity, and pH. Pretreatment by the industry may also be a requirement if necessary to make the waste compatible with flow in the sewer system. The Town Council, after appropriate study, and advice from the Town Manager, shall assign a Special Sewer Charge to the industrial firm by separate agreement with said firm. The applicable portions of the preceding sections, as well as the equitable rights of the public, shall be the basis for such an arrangement.

10.3.1. Additional Special Charge: In addition to the Special Sewer Service Charge, which is concerned solely with the cost to the Town for debt service, capital expenditures, operation and maintenance of the public sewage works, there shall be a special charge to nongovernmental users of the public sewage works in accordance with the Town of Hampden Fees Ordinance identified in the Standard Industrial Classification Manual, 1972, prepared by the Federal Government Office of Management and Budget, as amended and supplemented, under the following divisions:

- Division A - Agriculture, Forestry and Fishing
- Division B - Mining
- Division D - Manufacturing
- Division E - Transportation, Communications, Electric, Gas and Sanitary Services
- Division I - Services

Section 10.4. Reserved Right to Charge Sewer Service Charge: The Town Council reserves the right from time-to-time to change Sewer Service Charges originally or previously assigned to any property owner.

Section 10.5. Charge for Property Owners Outside Town Limits: All property owners outside the Town limits who, by their own request, are served by sanitary sewers must pay a sewer service charge in accordance with the Town of Hampden Fees Ordinance.

C-2-a

TO: Hampden Town Council
FROM: Sue Lessard, Town Manager
DATE: November 29, 2011
RE: Election Results/Request for New Election

The purpose of this email is to provide information related to the election results that appear on this agenda as well as the email request for a new election submitted by Mrs. Philbrick.

As to the election results, as cited by Town Attorney Russell at the last meeting, although it has been the past practice of the Council to vote to approve and sign the election results, there is no legal requirement or authority for this action. Election results are certified by the warden on Election night and become official, pending recount requests/activity. The results therefore appear on the agenda as a report to the Council instead of a request for action.

Mrs. Philbrick sent an email request for a new election on November 17th, which I forwarded to the Town Council for your information. I have discussed this matter with the Town Attorney and there is no legal provision for a 'do-over' election. In the case of a tie, a run-off election would be conducted, and, as in the case of Candidate Gray from District 2, if a candidate wants to insure that all ballots were appropriately counted, they can request a recount. The five ballots that were identified as having been given to people in the wrong district, while certainly unfortunate, is less than a .2% margin of error for this election and does not negate the election results. Even if those 5 voters had voted for Mr. Gray, that would not have changed the outcome of the election of a councilor for District 2. Further, the contention in the email that multiple people 'insisted' to the clerks at the election that they received the wrong ballot is not backed up the actual events of the day. The Clerk was notified days after the election by one individual that he and his wife had received the wrong ballot, and that they questioned an election official about it and was told it was correct. To date, the Clerk has talked to the election workers at the polls and finds no one that remembers such an encounter, and certainly one that rose to the level of 'insistent' would have been remembered. Standard practice when a question occurs at the polls is for the election worker to seek the assistance of the Warden or the Town Clerk – both of whom are there from the beginning to the end. On election day one person reported that they had the wrong ballot and it was exchanged for a correct one. Prior to election day, Staff discovered that two absentee voters had been given the wrong ballot, contacted the voters involved, and new ballots were issued, and one other individual who picked up an absentee ballot called to say that he had the wrong ballot and a new ballot was issued in that case as well. No other individuals have reported to the town that they received the wrong ballot on or before Election Day, or that they spoke to an election official about it on or before Election Day.

Finally, the question related to the votes that have been represented as being 'not counted' for a candidate was answered at the recount held on November 28th. These are votes that either were write ins, or ballots that people did not complete before returning or putting in the machine. They could not be counted because they did not contain anything to count. Blank ballots could not be counted for either side.

**OFFICIAL RETURN OF VOTES
MUNICIPAL ELECTION
NOVEMBER 8, 2011**

District Councilors – Districts 1, 2, 3 and 4
Director(s) School Administrative District No. 22 – 3
Trustee(s) Hampden Water District – 1

Given in at the Municipal Election held November 8, 2011.

At a legal meeting of the Inhabitants of Hampden in the County of Penobscot, qualified to vote in the municipal election, held on the 8th day of November in the year of our Lord, two thousand eleven, the said Inhabitants gave their votes for District Councilors, Districts 1, 2, 3 and 4; Director(s) School Administrative District No. 22. – 3; and Trustee(s) Hampden Water District – 1.

The same were received, sorted and declared by the Warden who presided and in the presence of the Clerk, who formed a list of the person voted for and made a record thereof as follows:

Total Number of Ballots Cast: 2544

**For Councilor District 1
(To serve until 12/31/2014)**

Janet M. Hughes 406

**For Councilor District 2 –
As Determined by Recount
Conducted 11/28/2011
(To serve until 12/31/2014)**

Thomas B. Brann 304

Mark E. Gray 285

OFFICIAL RETURN OF VOTES – MUNICIPAL ELECTION
NOVEMBER 8, 2011

**For Councilor District 3
(To serve until 12/31/2014)**

Brian M. Duprey	<u>249</u>
Michelle R. Blosser	<u>59</u>
Jean H. Lawlis	<u>287</u>

**For Councilor District 4
(To serve until 12/31/2014)**

William W. Shakespeare	<u>231</u>
Jeremy Williams	<u>443</u>

**For Directors School Administrative District No. 22 – 3
(To serve for three (3) years)**

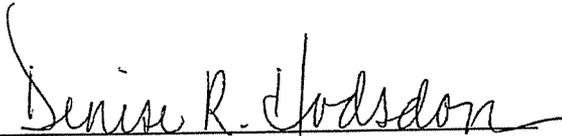
Amy L. Faircloth	<u>1528</u>
Jenan A. Jondy	<u>1170</u>
Niles D. Parker	<u>1232</u>
Nicholas A. Winchester	<u>1276</u>

**For Trustee(s) Hampden Water District – 1
(To serve for five (5) years)**

Dana L. Skinner	<u>2099</u>
-----------------	-------------

A True Copy.

Attest:


Denise R. Hodsdon, Town Clerk
Town of Hampden

C-3-a

PERSONNEL RULES AND POLICIES ORDINANCE/HANDBOOK

TOWN OF HAMPDEN, MAINE

TOWN OF HAMPDEN

PERSONNEL RULES AND POLICIES ORDINANCE/HANDBOOK

The Town of Hampden hereby ordains as follows:

1. The attached Personnel Rules and Policies Ordinance/Handbook is hereby adopted.
2. The existing Personnel Rules and Policies Ordinance, as last amended on August 15, 2005, is hereby repealed in its entirety.
3. Pursuant to Section 213(c) of the Town Charter, the foregoing provisions shall be effective 30 days after the adoption of this Ordinance by the Town Council.

SECTION	PAGE
INDEX	1-2
 SECTION 1	
Welcome Letter Town Manager	3
Mission Statement	4
General Provisions	5
Nature of Handbook	6
How We Behave, Standard Conduct & What We Expect	7
Orientation	8
Employee Acknowledgement Form	9
 SECTION 2	
Equal Opportunity	10
Sexual Harassment Policy	11
Hostile Work Environment & Incivility	12
Americans with Disabilities Act	13
 SECTION 3	
Recruitment, Testing & Hiring Practices	14
Types of Employment	15
Probationary Period	16
Position Classification & Pay Plan	17
Promotions & Transfers	18
Standard Work Week/Overtime	19
Attendance & Time Sheets	20
Employee Performance Evaluations	21
Employee Training	22
Travel Reimbursement Policy & Practices	23
Emergency Call-Back Pay	24
Dress Code	25
Personnel Files	26
Lay-Off, recall & Resignation	27
Outside Non-Employment & Political Activities	28
 SECTION 4	
Employee Benefits	29
Workers Compensation	30

SECTION	PAGE
 SECTION 5	
Vacation Leave	31
Sick Leave	32
Jury Duty & Holiday Leave	33
Bereavement Leave	34
Compensatory Time Off	35
Discretionary Leave without Pay	36
Employment Leave for Victims of Violence	37
Family & Medical Leave (FMLA)	38-39
Maine Family Military Leave	40-41
Military Service Leave	42
 SECTION 6	
Customer Complaint Policy	43
Smoke Free Workplace Policy	44
Drug Free Workplace Policy	45-47
Violence in the Workplace Policy	48-49
Whistleblower Protection	50
 SECTION 7	
Information Systems Policy	51
Personal Computers	52
Using E-Mail & Voice Mail	52
Fax Machines/Other Prohibited Uses	53
 SECTION 8	
Disciplinary Action	54-56
Grievance Procedures	57

SECTION 1

Dear New Employee:

Welcome to the Town of Hampden. As a new employee for the Town, I want to wish you success and personal satisfaction as a member of the Town of Hampden employee 'team'.

We are fortunate to have many highly qualified and talented individuals who work for the Town. There is a wealth of experience and knowledge and a cooperative, team-centered approach to the work that needs to be done. There are high standards and expectations for accomplishment, but there is also training and advancement opportunities, fair pay, and excellent benefits offered in return.

This Employee Handbook defines work rules, benefits, applicable policies that identify regulations related to smoking and drug and alcohol use and family medical leave, the grievance procedure-and many other items that really define the employer-employee relationship here. It is important that you read and understand the contents of the handbook. After doing so, if you have questions about any material in it, please see Finance and Human Resource Officer Janie Pitcher and she will be happy to answer them.

Janie handles all questions related to payroll and accounts payable as well as information for employees who are both newly hired and those separating from service. Questions related to insurance coverage(s) and changes should be addressed to Tammy Ewing, the Finance Assistant.

Again - welcome. I look forward to working with you.

Sincerely,

Susan Lessard
Town Manager

**MISSION STATEMENT
TOWN OF HAMPDEN**

Our mission is a continual journey to improve Quality, Understanding, Enthusiasm, Service and Teamwork in all levels of the Town of Hampden by providing an open forum to achieve excellence in communication, work processes and to promote unity.

We will continually reinforce our reputation for superior customer service by providing respect, training, involvement, recognition, reward, security and advancement opportunities to our employees.

We will address both internal and external needs, never losing sight of the value of humor.

We will reach for the best within ourselves.

GENERAL PROVISIONS

Purpose: The purpose of the Town Council in adopting the Personnel Rules and Regulations Ordinance (hereinafter "Ordinance") was to set forth a uniform and equitable system of personnel administration for the Town of Hampden, to promote the most effective and efficient municipal operations on behalf of the citizenry, and to pursue positive employee morale. The purpose of this Handbook is to provide each employee with a written summary of work benefits, privileges and responsibilities to better ensure that all employees are treated equally. The Handbook is based on the provisions of the Ordinance, and also includes administrative provisions issued by the Town Manager. We strive to provide a logical, workable method for employees to resolve any conflicts that may arise.

Scope: Except as otherwise provided, the rules and policies set forth in the Ordinance and this Handbook shall apply to all Town of Hampden employees. These rules shall not apply to any employee covered by a collective bargaining agreement between the Town and its organized employees. Fringe benefits provided by the Town apply to full time employees only.

Administration: Insuring the day to day administration of the rules and policies shall be the function of the Town Manager, working with each Department Head. It shall be the responsibility of each Department Head to insure his/her own familiarity with the rules and policies, as well as that of his/her staff.

Department Rules: It is recognized that there may be a need to establish and maintain departmental rules of conduct and procedures, especially in the emergency service areas. In the case of conflict between the rules and policies of the Ordinance and this Handbook and those rules and procedures of specific departments, the rules and policies of the Ordinance and this Handbook shall be controlling unless the department rules and any revisions have received Council approval.

Note: We shall try to make every effort to insure maximum compatibility between these rules and departmental rules.

Compliance with Governmental Laws and Regulations:

The Town of Hampden has made every effort to ensure that the rules and policies of the Ordinance and this Handbook are in compliance with all federal, state and local employment laws and regulations. In the event that a provision in the Ordinance or this Handbook is in conflict with a federal, state or local law or regulation, the appropriate law or regulation will prevail, and the provision in the Ordinance or this Handbook shall be deemed amended to the extent necessary to comply with such law or regulation.

NATURE OF HANDBOOK

Neither the Ordinance, nor this Handbook, is intended to create an employment contract, express or implied, and the Town of Hampden reserves the right to modify the rules, policies and procedures contained in the Ordinance or this Handbook. Any changes to the Ordinance or this Handbook must be in writing and approved by the Town Council.

This Handbook is intended as a summary of the rules, policies and procedures contained in the Ordinance, and is not intended to be a complete description of the Town of Hampden's rules, policies and procedures concerning employment by the Town. The actual policies referenced in this Handbook can be accessed in their entirety during normal business hours in the personnel office.

HOW WE BEHAVE

We accept the need to be accountable to the public for the resources with which we are entrusted. We are self-motivated, committed to doing our best work and honest in our use of time and talents, recognizing that we share a reputation that is dependent upon the actions and behaviors of each of us. We take pride in our work.

We share the responsibility to create and maintain a clean, safe work environment that enables each of us to do our best job and to realize our personal purpose and potential. Personal commitment to mission, enthusiasm for the work, mutual support and an interest in finding some fun amongst the toil are the most important things that we offer to each other.

We are honest and candid about our individual and collective performance: we look to do better what we do well. We are adaptable. We take risks and accept failure as part of the learning process.

STANDARD OF CONDUCT

Employees of the Town of Hampden are to regard themselves as public employees and as such they are to be governed by the highest ideals of honor and integrity in all their public relationships in order that they may merit the respect and confidence of the general public. The Town of Hampden maintains a drug and alcohol free workplace. No employee shall report to work under the influence of alcohol or drugs. Employees on medication for treatment of illness or injury shall not perform work activities that are prohibited under the terms of the prescriptions.

WHAT WE EXPECT OF EACH OTHER

- We expect everyone to behave as responsible, professional adults.
- We expect hard work, a positive attitude and a personal commitment; you expect to be fairly compensated and fairly treated.
- We expect you to treat tools well, use your time honestly and stay well informed; you expect to be given the tools, time and information to do your work well.
- We expect everyone to treat our customers with courtesy, dignity and respect; You expect our customers to treat you with courtesy, respect and dignity.
- We expect everyone to take pride in his/her work and to openly be supportive of coworkers and the Town of Hampden; you expect to receive support from your coworkers and the Town of Hampden.
- We don't have many rules and we expect everyone to follow them; you expect everyone to follow the rules.
- We all expect to have some fun together.

ORIENTATION

- Tour of the work area
- Receipt of the Employee handbook and signed Acknowledgement Form
- Introduction to co-workers
- Basic information on keys, rest rooms, break areas, entrances, exits
- Review and discussion of job descriptions, job expectations and short term goals
- Details on the work area (use of telephones, computers, e-mail system, appropriate access instructions)
- Completion of necessary payroll forms and communication of pay cycles
- Lunch/Break schedules
- Assign a buddy or peer to shadow with
- Meet with them briefly at the end of the day to discuss any concerns they have
- Copy of 'In the Loop' employee newsletter
- Discussion on Open Door Policy

EMPLOYEE ACKNOWLEDGMENT FORM

This form acknowledges that I have received a copy of the Town of Hampden's Employee Handbook and that I understand that the Employee Handbook describes important information about the Town. I understand that I should consult the Human Resource Officer regarding any questions not answered in the Handbook.

I have entered into my employment relationship with the Town of Hampden voluntarily and acknowledge there is no specified length of employment, unless otherwise provided in a notice of appointment or employment contract.

Furthermore, I acknowledge that this Handbook is neither a contract of employment nor a legal document. I have received the Handbook, and I understand that it is my responsibility to read and comply with the policies contained in this Handbook and any revisions made to it. Any contract of employment must be in writing and must be signed by the Town Manager.

DATE: _____

SECTION 2

EQUAL OPPORTUNITY POLICY

The Town of Hampden is committed to providing equal employment opportunities for all persons making application to the Town and for equity of treatment and advancement opportunities for its employees. The Town therefore sets forth the following:

1. The Town of Hampden shall recruit, hire, upgrade, train and promote in all job titles without regard to race, color, ethnicity, national origin, ancestry, religious belief, political affiliation or belief, age, gender, sexual orientation, marital status, veteran status, physical or mental disability (except where based on a bona fide occupational qualification).
2. All other personnel actions, such as compensation, layoffs, discipline, etc. shall be administered without regard to those characteristics as outlined in #1 above.
3. All employment decisions will be based upon the principles of Equal Opportunity and with the intent to further the Town of Hampden's commitment to Equal Opportunity.
4. It is the policy of the Town of Hampden that no person shall, on the grounds of race, color, ethnicity, national origin, ancestry, religious belief, age, gender, sexual orientation, marital status, veteran status, or physical or mental disability, be discriminated against.
5. Any violation of this stated policy, or the practice of discrimination by any person employed by the Town of Hampden, may be considered grounds for disciplinary action, up to and including dismissal.

The responsibility for implementing and monitoring this policy for the Town of Hampden is assigned to the Town Manager and/or the Human Resource Officer.

SEXUAL HARASSMENT POLICY

It is the policy of the Town of Hampden that all employees have the right to work in an environment free of illegal discrimination, which includes freedom from sexual harassment. The Town will not tolerate any form of sexual harassment by Supervisors, co-workers, members of the general public or any other visitors to the workplace. This policy is intended to prohibit offensive conduct, either physical or verbal, that threatens human dignity and employee morale.

Sexual Harassment is outlined in the EEOC Sexual Discrimination Guidelines and the Maine Human Rights Act.

1. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when (a) submission to such conduct is made either explicitly or implicitly a term or condition for employment (b) submission to or rejection of such conduct by an individual is used as a basis for employment decisions (c) such conduct has the purpose or effect of substantially interfering with work performance or creating an intimidating, hostile or offensive working environment.
2. The following are some common types of conduct that may constitute sexual harassment:
 - slurs, jokes or degrading comments of a sexual nature
 - unwelcome sexual advances
 - suggestive or lewd remarks
 - unwelcome hugging, touching or kissing
 - requests for sexual favors
 - repeated offensive sexual flirtation or propositions
 - the display of sexually offensive pictures or objects
 - repeated unwelcome physical contact or touching such as patting, pinching or constant brushing against another's body

Department heads, Supervisors and the Town Manager are responsible for monitoring behavior which could be construed as harassment and for initiating necessary action to eliminate such behavior. An employee who feels exploited should immediately report the matter to his/her Supervisor, Department Head or if they prefer, the Town Manager and /or the Human Resource Officer.

The Town Manager, or designee, will immediately investigate any complaints and take disciplinary action if warranted. Such action may include suspension, demotion or termination of employment.

HOSTILE WORK ENVIRONMENT AND INCIVILITY POLICY

The Town of Hampden promotes a productive work environment and does not tolerate verbal or physical conduct by any employee that disrupts or interferes with another's work performance. The Town will not tolerate unlawful discrimination, harassment or incivility.

"Incivility" is defined as seemingly inconsequential, inconsiderate words or deeds that violate a conventional work place conduct. It includes such behavior as shaming, verbal humiliation, potshots, sarcasm and rudeness. Passive hostility, manipulation and team sabotage are also considered to be an "incivility".

Such behavior should be directed to your Supervisor, Department Head or Town Manager. The Human Resource Officer is also available if necessary.

THE AMERICANS WITH DISABILITIES ACT (ADA) POLICY

The following policy is the Town of Hampden's commitment to the American with Disabilities Act ("ADA") and Maine's counterpart, the Maine Human Rights Act (MHRA):

Purpose:

The ADA and MHRA prohibits discrimination in employment on the basis of a physical or mental disability.

Employment Requirements:

As an employer, the Town of Hampden must:

- Have non-discriminatory application procedures, qualification standards and selection criteria and all other terms and conditions of employment.
- Make reasonable accommodation to the known limitations of a qualified applicant or employee unless to do so would cause an undue hardship.

Exceptions:

The ADA and MHRA make exceptions regarding employment of a person who poses a direct or significant risk to the person or to others, such as a person with a contagious disease or a person who illegally uses drugs or alcohol.

Disability Defined:

Anyone with a physical or mental impairment substantially limiting one or more major life activities; has a record of such impairment; or is regarded as having such an impairment, is considered a person with a disability.

In terms of employment, the law defines a "qualified individual with a disability" as an individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements and who can perform the essential functions of the job with or without reasonable accommodations.

The responsibility for implementing and monitoring this policy is assigned to the Town Manager and/or the Human Resource Officer. All complaints should be directed to them.

SECTION 3

RECRUITMENT, TESTING, AND HIRING PRACTICES

Appointments: The employment of all personnel shall be the responsibility of the Town Manager in accordance with Section 206 and Section 301 of the Town Charter. There shall be as wide a search for a candidate as possible. The character of this search will vary from position to position, but will consist of internal posting for Town employees first. The search may then include advertising, open competitive examination, contact with state and other employment offices and contact with special sources of information in each case.

Eligibility: It is the policy of the Town Council that all positions in the Town of Hampden be filled by fully qualified persons who have been examined on the basis of job related criteria. Eligibility for appointment shall be based on such an examination. Individuals will be recruited from a geographic area as wide as necessary to ensure obtaining well-qualified persons for employment. In cases where residents and non-residents are substantially equally qualified for particular vacancies, residents shall receive first consideration.

Applications: Applications for employment shall be made on a standard application form or by submission of a resume, or both. Employment forms are available from the Human Resource Office.

I-9 Forms: After a job offer has been made, but before any person can begin work, this form needs to be completed. It is proof of employment eligibility and is a requirement of Federal Law.

Application/Testing: Candidates for positions shall be examined on the basis of the job related criteria. Examinations may include such things as: applications/resume review, completion of written or skills tests, evaluation of education and job experience, personal interview, medical examination, psychological examination and background investigation. Any required medical or psychological examination shall occur after a job offer, but before the offeree can begin work.

TYPES OF EMPLOYMENT

Full Time Employment: An appointment to work a standard work week (based on 40 hours unless employed by Public Safety) on a continuing or indefinite basis. Except as otherwise provided, such employees are subject to the rules, policies and procedures of the Ordinance and this Handbook, and receive all benefits and rights provided by the Town of Hampden.

Part Time Employment: An appointment to work less than the standard work week, but on a continuing or indefinite basis. No employer-paid benefits will be offered by the Town of Hampden.

Seasonal Employment: An appointment to work for a specific season (may work a standard week or less) and with the expectation of being laid off at the end of the season for which appointed. No benefits will be offered by the Town of Hampden.

Student Appointments: These appointments are on an “internship basis” and afford students majoring in fields valuable to public service an opportunity to gain work experience. Such appointments are for a definite period of time, typically less than six (6) months. Compensation and other conditions of employment are determined in accordance with the internship program of the sending school and applicable portions of the Town’s personnel rules.

Temporary Employment: These appointments are made for a definite but limited period of time when a special project requires additional employees for a specific time, or to fill a position of an employee on a leave of absence or long term training such as occurs in the police field. These appointments may also include persons hired under an existing federal manpower program. In such cases, the range of benefits made available to the employee will be assessed in the light of the applicable federal or state regulations and these personnel rules.

On Call Employment: An appointment to render a specified type of service to the Town (such as fire fighting) on an irregular basis and only in response to a specific call to service from the Town. Periods of service normally involve only a few hours.

PROBATIONARY PERIOD

All persons appointed, promoted or transferred to a full-time position in the Town Government shall serve a probationary period of six (6) months. A full-time employee who is transferred or promoted and who does not meet or otherwise comply with the work standards of the new position shall be transferred to the previous position held, if possible, or to another position for which she/he is deemed to qualify, if one is available. Reasonable efforts shall be made to schedule such transfers as to protect the employee's job security.

POSITION CLASSIFICATION AND PAY PLAN

Purpose and Responsibility: The Town Manager shall maintain inventory of the positions in the Town Service by classification that shall be the basis of compensation for employees holding such positions.

Content: Compensation shall take into consideration the relative difficulty and responsibility existing between various classes, and the prevailing pay for similar types of work in the relevant public and private labor market. Individual pay increases shall also take into account employee performance as evaluated by proper authority.

Pay Plan: A pay plan providing at least a schedule of minimum-maximum salary ranges for each job classification shall be prepared and annually revised in the light of labor market realities. The Town Manager will ensure that copies of the pay plan and revisions are provided to Department Heads.

- a) New employees will be paid at the minimum rate applicable to the position classification for which they were hired. At the request of the Department Head, exceptions may be made by the Town Manager for an applicant with unusual experience or education.
- b) The rate of pay for employees promoted or transferred shall be established by the Town Manager.

Work Outside of Classification: Regardless of job classification, all employees are required to perform all job assignments made by their Supervisors, Department Heads or Town Manager.

PROMOTIONS AND TRANSFERS

The Town Council desires that Town employees be given maximum opportunity for advancement in the service. In so far as possible vacancies will be filled from lower classifications within the same department. Present employees shall be given consideration in filling a vacancy, but it is recognized, from time to time, the good of the service will require that a vacancy be filled from outside the service. Such a decision shall be made only after careful review of the qualifications of all Town employees who apply for the position.

HOURS OF WORK AND STANDARD WORK WEEK

Policy: A “standard work week” shall be the calendar week commencing 0001 A.M. on Sunday and expiring at midnight on Saturday. Administration employees are scheduled for four (4) work days of ten (10) hours each (except in the case of flexible scheduling) for a total of forty (40) hours. Public Works schedule consists of five (5) work days of eight (8) hours each. Public Safety scheduling is defined by the Public Safety Director. The Lura Hoyt Pool schedule is defined by the Pool Director. The Library schedule is five (5) days, eight (8) hours a day for a total of forty (40) hours.

Scheduling: The Town Manager and the Department Heads shall endeavor to establish schedules of working hours not in excess of those stipulated by general law of the business and industry for related positions.

Posting: All departments and divisions or sections thereof shall post the regular hours of work for the respective groups in a conspicuous place.

OVERTIME

Policy: When circumstances warrant, overtime work shall be required. All employees in the labor and trades classifications (except employees in classifications exempted under Federal/State Wage-Hour Laws) when required to work more than the established work week of forty (40) hours will be paid time and one-half for each additional hour worked. This provision will not apply to situations where schedules other than forty (40) hours per week are established for more efficient operation or employee convenience. All overtime hours shall be approved by the appropriate Supervisor or Department Head.

ATTENDANCE

Policy: Employees shall be at their respective places of work in accordance with the general or departmental regulation pertaining to the hours of work. It is the responsibility of the employee to notify the immediate Supervisor and make any arrangements for any absence, not previously approved, prior to the beginning of the work shift to be missed.

Records: Each Department Head shall be responsible for maintaining daily attendance and work records and shall furnish weekly reports to the Payroll Department.

TIME SHEETS

Policy: A weekly time sheet shall be completed by every employee and submitted to the Department Head for approval. Every employee shall keep accurate record of their time, to include vacation, sick and compensatory time used. No employee shall be paid for lunch breaks, but are entitled to a fifteen minute break in the morning and in the afternoon. It is the employee's responsibility to report any inaccuracies that may occur on their pay stub to the Payroll Department so that the records may be corrected. Intentional falsification of any payroll records may be just cause for disciplinary action, up to and including dismissal.

All time sheets are to be submitted to your Department Head for approval. The Department Head will complete a transmittal sheet that includes all hours broken down respectively for each employee. The Department Head will then submit the transmittal sheet to the Finance Office on Monday morning before 9 AM.

All employees are required to have direct deposit of their payroll check. A voided check will be printed so that you will have the ability to track your sick, vacation, and compensatory time. These are available to each department on Thursday mornings for distribution to the employees.

EMPLOYEE PERFORMANCE EVALUATION

Policy: Employee performance evaluations shall be in writing utilizing a standard form and shall be made part of the employee's personnel file. In all cases, the evaluations will be discussed with the employee by the Department Head and signed by both parties. A copy will be kept in the personnel file. A copy will be retained in the employees personnel file.

Frequency of evaluation:

- a) Probationary employees shall be evaluated by the Department Head prior to the conclusion of six months of employment. The Department Head shall recommend to the Town Manager whether the employee should be retained.
- b) Commencing with the employee's anniversary date, performance evaluations shall be conducted annually.

NOTE: Public Safety utilizes "rating periods" in lieu of yearly evaluations.

EMPLOYEE TRAINING

Policy: The Town of Hampden is committed to the maintenance of a well trained and efficient staff. It shall attempt to make opportunities for development available to employees within the framework of organization needs and priorities. Employees, as a condition of employment, shall attend and participate in such training programs and courses as may be directed by the Department Head or Town Manager and for which the Town assumes the cost.

TRAVEL REIMBURSEMENT POLICY AND PRACTICES

Policy: The Town of Hampden reimburses all approved travel expenses directly related to its activities and reasonable under the particular circumstances involved. This policy and related practices apply to all paid employees, as well as the Town Council.

Practices:

All travel plans and anticipated expenses must have prior approval by the Department Head and/or the Town Manager.

Take a copy of the Tax Exemption Certificate to avoid tax charges. A copy can be obtained from the Finance Office.

1. The following travel costs are reimbursed at the stated rates:
 - a) For employees and Council members who use their private vehicle, reimbursement is determined by the official IRS mileage reimbursement rate.
 - b) Tolls, parking, taxi and other fares are paid at actual costs: Receipts are required.
 - c) Reasonable service tips are actual costs: Receipts are required.
2. Documented actual meal and lodging costs are reimbursable if reasonable for the function and location. Receipts are required.
3. The Town of Hampden will not reimburse you for separate travel costs associated with your spouse or partner. The cost of a shared hotel room need not be allocated between you and your spouse/partner unless said room is higher than the cost for a single person.
4. The Town of Hampden does not allow compensatory time. If you are traveling to an office, conference etc. outside your typical travel area for one day, you are paid your hourly wage for travel time beyond your scheduled working/commuting hours for the day. If you do not or can not readjust your work schedule on other work days that week and your actual work hours in that work week exceed 40 hours, you will receive pay at the rate of time and one-half for all hours in excess of 40.
5. Travel time associated with overnight stays is considered compensable work time when the business travel occurs during the employee's normal work hours, regardless of what day of the week travel takes place.
6. The Town Manager may approve higher reimbursement rates when necessary.
7. Claims for reimbursement must be:
 - a) On the correct Expense Request form
 - b) Verified by receipts
 - c) Signed by the employee and Department Head
 - d) Submitted to the Finance Officer within 30 days following the completion of the travel

EMERGENCY CALL-BACK PAY

Policy: All full-time hourly employees of the Public Works shall be paid a minimum of two (2) hours for emergency call backs. Rate of pay in excess of the two hour minimum shall be at the normal hourly rate applicable based on the number of hours worked in the pay period. Police and Fire/EMS shall be paid consistent with the in-force union contracts for those departments.

DRESS CODE POLICY

Public Safety and Public Works Departments both require uniforms, which are provided by the Town of Hampden.

Pool and Recreation employees dress more casually because of the nature of their jobs. However, clothing is required to be clean and neat. Shirts with Town Logos are required when working with programs and events.

Administration employees may wear jeans only when wearing shirts/sweaters/blazers with the Town Logo on them. The tops are limited in the choice of color an employee may choose and must be approved by the Town Manager. They are not limited in the style that an employee may choose.

All employees are asked to dress appropriately. It is important that we present a responsible and respectable image to the customers that we deal with daily. 'Mini' skirts, short shorts, halter tops and revealing clothing are not appropriate dress for Town employees.

When in doubt, ask your Department Head or Supervisor.

PERSONNEL FILES

Personnel Files: The Town of Hampden keeps a personnel file containing your application for employment, resume and other information considered pertinent to your employment. It also holds your job description, Letter of Hire (including starting date and scheduled hours), job title, starting wages, evaluations and other material related to performance. It shall contain any written disciplinary actions, as well. The Town keeps a copy of all benefits requested by you.

The Human Resource Office keeps a separate file containing confidential information, such as medical information and verification of employment requests.

Workmen's Compensation claims also have a separate file. These files are maintained by the Town Clerk.

If you wish to look at your file(s), you may make an appointment with the Human Resource Officer. The file(s) can be examined on the premises. You may not remove anything from nor add anything to the file(s). You may have a complete photocopy of your file(s). Additions may be placed in your file(s) upon written request and with the approval of the Town Manager.

Requests for employee information: Requests for general information for an employee will be directed to the Human Resource Officer, such as date of hire or job title. Specific questions pertaining to an employee's job abilities or character will be referred to their Department Head.

LAY-OFF, RECALL, RESIGNATION

Lay-off: An employee may be laid off by competent authority for lack of work, lack of funds, reductions in staff, or other legitimate reasons. All employees shall be furnished a written statement setting forth the reasons for the lay-off.

Lay-off Procedure: Full-time employees will, in so far as possible, be laid off in order of seniority within the department by classification and with "bumping" rights provided the employee is qualified to perform the duties of the job to which he/she is to be transferred.

Lay-off Notice: Full-time employees shall be given one (1) week notice before the effective date of the lay-off. Employees who are not full-time and full-time employees who have not completed the probationary period may be laid off at any time without recourse to the grievance procedure set forth in the Ordinance or this Handbook.

Recall: Employees who are laid off in good standing shall, provided that their qualifications are equal to the qualifications of other applicants, be given preference for re-employment. In the case of substantially equal qualifications among former employees seeking re-employment, preference shall be given to the employee with the greatest seniority within the hiring department at the time of lay-off. For purposes of this article, seniority rights shall be retained for six (6) months after the date of lay-off.

Resignation: An employee serving in the capacity of Department Head shall file a written notice of intent to terminate employment with the Town of Hampden thirty (30) days prior to such time. Any employee wishing to leave Town Employment in good standing shall file with his/her Department Head a written notice of intent to terminate employment two (2) weeks prior to termination. All Town property shall be returned to the Town prior to separation from service. Final pay shall include wages earned, accumulated vacation and compensation time and 25% of accrued sick time. Payment will occur on the 1st payroll following termination.

OUTSIDE/NON-TOWN EMPLOYMENT

Policy: No employee shall, during non-duty hours, be engaged in any employment activity or enterprise that is incompatible or in conflict with his/her duties with the Town. Such employment may be ordered to be curtailed or terminated by the appropriate Department Head or the Town Manager if, in his/her judgment, such employment hinders the employee in the impartial or efficient performance of his/her duties. In any event, no employee shall fail to appear for a mandatory work assignment or shift due to conflicting outside employment or business commitments.

POLITICAL ACTIVITIES

Policy: While employed by the Town of Hampden, employees shall refrain from seeking or accepting nomination or election to any office in the Town of Hampden government, and from using their influence publicly in any way for or against any candidate for elective office in the Town of Hampden government. Town employees shall not circulate any petitions or literature for elective Town of Hampden officials, or be in any way connected with soliciting or receiving subscriptions, contributions or political service from any person for any political purpose pertaining to the government of the Town of Hampden. This rule is not to be construed to prevent Town employees from becoming, or continuing to be, members of any political organization, from attending political organization meetings, from expressing their views on political matters, or from voting with complete freedom in any election.

SECTION 4

EMPLOYEE BENEFITS

Retirement System: The Town of Hampden is a participating district in the Maine Public Employees Retirement System ("MainePERS") for the benefit of all full-time employees who choose to join. The Town also participates in the International City Manager's Association Retirement (ICMA) 401 plan and the 457 plan. The employee must choose which plan he/she would prefer. Information on these plans can be obtained from the Human Resource Office.

Social Security: In addition to the MainePERS System and/or the ICMA Retirement Program, the Town participates jointly with the employees in Social Security payments. Benefits provided include a retirement feature, survivor's benefit payments if death occurs before retirement, disability insurance and Medicare coverage. Questions may be directed to the Human Resource Officer.

Group Hospital, Surgical and Major Medical Insurance: The Town participates in the Maine Municipal Association Health Benefit Plan (MMEHT) up to and including the family level of coverage. Major features of this plan will be explained at time of employment and are available for full-time employees. Scheduled part-time employees working 20 hours per week may purchase Group Hospital coverage at Town's rates.

The Town pays 100% of the cost for a single subscriber to the health plan. The Town pays 70% of the difference between single subscriber and the cost for family or employee/dependant coverage as a weekly payroll deduction. Full time employees who are covered by insurance from their spouse or an alternate source may elect to receive a payroll adjustment (subject to all tax and FICA withholdings) in lieu of insurance coverage equal to 50% of the annual single subscriber premium through the Maine Municipal Association Health Trust. Employees electing to utilize this provision must provide the Payroll Department with proof of alternative health insurance coverage.

Group Life Insurance: The Town participates in a group life insurance program which offers life insurance and accidental death and dismemberment coverage. Provisions of this policy will be outlined at time of employment and are available for full-time employees.

Unemployment Compensation: The Town provides unemployment compensation coverage for its employees as required by Maine State Law.

Dental Insurance: The Town participates in a dental plan, through MetLife, up to and including the family level of coverage. Major features of this plan will be explained at the time of employment and is available to full-time employees. The Town pays \$150.00 yearly per employee for dental insurance premiums for employees who elect to participate.

WORKER'S COMPENSATION

The Town of Hampden provides Workers' Compensation Insurance for all its employees, as mandated by law. The purpose is to provide medical/hospital care and partial salary replacement when an employee is incapacitated due to work related reasons.

All employee injuries at work, no matter how slight, are to be reported to the employee's Department Head or Supervisor who will provide the necessary accident report forms (Employers First Report of Occupational Injury or Disease and Accident/Injury Investigation Form). These forms are completed regardless whether medical care is received and/or time from work is lost. Injury reports must be made and must reach the Town Clerk's office within 24 hours of the injury.

Employees who suffer injuries that require time off to recover are still Town of Hampden employees and will be asked to comply with certain procedures. It would be prudent of the employee to contact the payroll office to discuss deductions the employee may have and make any arrangements that may be necessary.

While off work due to an injury, employees shall report to their Supervisor or Department Head once a week, at a previously arranged time, in order to keep the Town informed of the healing process and when return to work can be expected. If the employee is ambulatory, this weekly reporting should be made in person.

When the injured employee is released by his/her attending physician for alternative work or regular work, the release should be presented by the employee to the Department Head or Supervisor immediately. Failure to report as outlined here without valid reason may be considered the employee's voluntary termination of employment.

SECTION 5

VACATION LEAVE

Policy: Vacation privileges are available only to full-time employees. Each full-time employee shall earn annual vacation with pay on the following basis:

- a) Vacation earned;
 1. 0-4 years of employment: Vacation shall accrue at the rate of 8 hours per month
 2. 5-9 years of employment: Vacation shall accrue at the rate of 10 hours per month.
 3. 10-19 years of employment: Vacation shall accrue at the rate of 14 hours per month.
 4. 20+ years of employment: Vacation shall accrue at the rate of 16 hours per month.
- b) Vacations shall be granted at such time or times as is mutually agreeable to the employees and their Department Heads and shall not disrupt departmental operations. Due consideration shall be given to an employee's seniority in regard to scheduling vacation.
- c) An employee, upon resigning, is entitled to 100% of any accrued vacation time.
- d) At the discretion of the Department Head, employees may request to be paid in lieu of vacation, not to exceed two weeks and must have the approval of the Town Manager. Contact the Finance Office to get the necessary paperwork.
- e) Any vacation accrual of more than 80 hours at the end of the fiscal year must have the approval of the Town Manager before it can be carried forward to the next year.
- f) An employee may request an advance of their vacation time (prior to actual accrual of said time) with permission of the Town Manager.

NOTE: Vacation accrual time may vary with Fire Department personnel. Refer to your contract.

SICK LEAVE

Eligibility and Accrual: Sick leave for full-time employees shall accrue at a rate of 8 hours for each calendar month of service, accumulative of 960 hours. The first month of an employee's service shall be counted as a full month of service if employment begins on or before the 15th day of the month.

Sick Leave Usage: Sick leave may be used for personal illness or physical/mental incapacity of such degree as to render the employee unable to perform the duties of his/her position or other assigned duties within their respective department, or for the illness of a spouse or family member in the care of the employee. If requested, after three consecutive sick days, the employee shall furnish the Department Head a certificate from his/her attending physician. Sick leave may also be used for the care of immediate family members who are under the care of a physician.

Sick Leave Accounting: Sick leave usage shall be recorded regularly on the payroll. The Town Manager/Human Resource Officer shall review all sick leave records periodically and shall investigate any cases that indicate abuse of the privilege.

Abuse of Sick Leave: Willful abuse of the sick leave privilege may be cause for dismissal.

Sick Leave and Worker's Compensation: Employees are eligible for Worker's Compensation for a service connected injury and may elect to take earned sick leave in addition to Worker's Compensation to the extent that it provides no more than regular pay, and to the extent of earned sick leave credit.

Sick Time Payment: At the time of resignation or retirement, an employee in good standing is entitled to payment for 25% of accrued sick time.

JURY DUTY

Should you be required to serve on jury duty, you will be compensated the difference between the amount received and your salary with the Town of Hampden. Time spent on jury duty will be considered equal to regular working hours, thus you will accrue all benefits due you.

Payments you receive from your jury duty service must be turned into the Finance Officer for processing. You will receive a full paycheck for the period of time in question.

You are required to return to work on any day or part of a day that you are excused from jury duty.

HOLIDAY LEAVE

The Town of Hampden follows the State of Maine holiday schedule. The number of hours in a holiday are based on 8(10) hour work day, depending on your department. Holidays falling within a period of vacation/earned time are paid at the holiday rate. Employees on a leave of absence without pay are not eligible for holiday pay.

Holidays that fall on a Saturday are observed on the preceding Friday and those falling on a Sunday are observed on the following Monday. The exception to this rule is the Administration Department. The Saturday ruling does not apply because this department is closed on Fridays.

Exempt (Salaried) employees can not hold over holiday leave for future use. It must be recorded in the week which in it actually occurred.

All full time employees, including those on probation, who have worked at least thirty days, shall be entitled to paid holidays.

New Years Day
Martin Luther King's Birthday
President's Day
Patriot's Day
Memorial Day
Fourth of July

Labor Day
Columbus Day
Veterans Day
Thanksgiving Day & the Friday after
Christmas Day

BEREAVEMENT LEAVE

The Town Manager may grant up to three (3) days of leave with pay, as necessary, in the event of the death of an immediate family member. Immediate family member for this purpose is defined as: spouse, children, parents, brothers, sisters, grandparents, grandchildren and domestic partners. This leave is intended to accommodate the need to travel or conduct necessary business and need not be taken consecutively.

For the death of intermediate family members defined as aunts, uncles, nieces, nephews, cousins, any in-law, persons sharing a residence or "someone close to you, one (1) day of leave may be approved by the Town Manager.

Earned time or time without pay may be used at your own discretion.

Employees who need bereavement leave must contact their Supervisors or Department Head as soon as possible.

The Town Manager reserves the right to extend the leave to a maximum of five (5) days when distance or unusual circumstances are factors.

COMPENSATORY TIME OFF

Policy: Salaried employees exempted for overtime rates of pay when required to work in excess of the standard work week, may be compensated by compensatory time off to be granted by the Department Head, except that it is understood that exempt salaried positions are paid on the basis of job responsibility and it is the responsibility of the person filling the position to accomplish the work, within reason. Department Heads, Supervisors or other salaried professionals reporting directly to the Town Manager shall be ineligible for overtime rates of pay but shall be eligible for compensatory time off at the discretion of the Town Manager.

- a) Exempted positions eligible for compensatory time off in lieu of overtime, at the discretion of the Department Head, shall include all full-time, hourly paid employees. No hourly paid employee shall accrue more than eighty (80) hours of compensatory time. All compensatory time records for compensatory time earned and used shall be submitted to the Finance Officer for record keeping purposes.
- b) Exempted salaried employees shall be eligible for compensatory time in circumstances where the hours of work required exceed the "normal" work week due to night/weekend meetings, special projects and other work not a routine part of job responsibilities. No salaried shall accrue more than 80 hours of compensatory time. Records for compensatory time earned and used shall be submitted to the Finance Officer for record keeping purposes.
- c) Compensatory time for both salaried and hourly paid exempted employees shall accrue at the rate of 1.5 hours for each hour worked in excess of the normal work schedule. It will not accrue if a sick, vacation or holiday day occurs in the same week. It would then be considered straight time.

DISCRETIONARY LEAVE WITHOUT PAY

Policy: A full-time employee may be granted a leave of absence without pay by the Town Manager for a period deemed necessary for the purpose of the leave, but in no case to exceed six (6) months without prior approval by the Town Council. The employee must use all accrued vacation, compensatory and holiday entitlements before commencing his/her leave of absence. The employee is expected to return to work upon expiration of the granted leave or arrange an extension of the leave prior to its expiration. Failure on the part of the employee to return to work on the expiration of a granted leave, without having arranged for an extension of leave, shall be deemed a resignation from the Town of Hampden.

No employee shall receive a salary or Town-paid fringe benefits while on discretionary leave of absence. Employees on discretionary leave may continue to participate through the Town in Group Health, Life and Dental Insurance at their own expense. Employment and leave of absence shall terminate when the employee accepts other employment. When computing length of service for any reason, time spent on a leave of absence will not be computed. In effect, this changes the anniversary date of the employee for salary increases and other benefits.

EMPLOYMENT LEAVE FOR VICTIMS OF VIOLENCE

Pursuant to 26 M. R. S. §850, the Town of Hampden will grant reasonable and necessary unpaid leave from work for an employee to:

1. prepare for and attend court proceedings
2. receive medical treatment or attend to medical treatment for a victim who is the employee's daughter, son, parent or spouse.
3. obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking

The leave must be needed because you, or your daughter, son, parent or spouse are victims of violence, assault, sexual assault, stalking or any act that would support an order of protection. The Town of Hampden will not take adverse actions against exercising your rights under the law.

Any request for leave from work must be made in advance, within a reasonable time given the circumstances. Reasonable time will be defined by the Town Manager on a case by case need. These requests must be made in writing to the Town Manager accompanied by the proper documentation. Confirmation and/or Denial of leave will be made in a timely fashion.

The Town of Hampden does reserve the right to deny requests for leave for any of the following reasons:

1. if the Town would sustain undue hardship from the absence
2. the request for leave is not communicated to the Town Manager within a reasonable time frame under the circumstances
3. the requested leave is impractical, unreasonable or unnecessary based on the facts then made known to the Town Manager.

The length of leave shall be determined by the purpose for which it is sought.

FAMILY AND MEDICAL LEAVE

Federal Family Medical Leave

The Family & Medical Leave Act (29 U.S. C. § 2601 et seq.) is a federal law that requires unpaid leave for employees who have worked for the Town for at least twelve (12) months and at least 1,250 hours during the prior twelve (12) months to deal with family and personal matters. Eligible employees may take up to 12 weeks of job protected unpaid leave in a 12-month period for the following reasons:

1. Birth and/or care of a child of the employee;
2. Placement of a child into the employee's family by adoption or by a foster care arrangement;
3. Care of the employee's spouse, child or parent who has a serious health condition;
4. Inability of the employee to perform the functions of the employee's position due to a serious health condition;
5. To address a qualifying exigency arising out of the fact that the employee's spouse, child or parent is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed forces;
6. To care for a covered servicemember who is the spouse, child, parent or next of kin of the employee (for up to 26 workweeks in a 12-month period).

This law guarantees certain rights to eligible workers:

1. Restoration to the same position upon return to work, or one that is equal in pay, benefits and responsibility
2. Protection of employee benefits while on leave.
3. Protection from retaliation by an employer for exercising this right

State Family Medical Leave

Under the Maine Family Medical Leave law (26 M.R.S. § 843 et seq.), employees who have worked for the Town for 12 consecutive months but for less than 1,250 hours, and are therefore ineligible for Federal family and medical leave, may be eligible for up to 10 work weeks of unpaid leave in any 2 years for the following reasons:

1. Serious health condition of the employee;
2. Birth of the employee's child or the employee's domestic partner's child;
3. Placement of a child 16 years of age or less with the employee or with the employee's domestic partner in connection with the adoption of the child by the employee or the employee's domestic partner;
4. A child, domestic partner's child, parent, domestic partner, sibling or spouse with a serious health condition;
5. Donation of an organ of the employee for a human transplant; or

6. Death or serious health condition of the employee's spouse, domestic partner, parent, sibling or child if the spouse, domestic partner, parent, sibling or child, as a member of the state military forces (as defined in Title 37-B M.R.S. §102) or of the United States Armed Forces, including the National Guard and Reserve, dies or incurs a serious health condition while on active duty.

If both Federal and State leave are applicable, the time on leave will count toward the leave limits under both the Federal and the State laws, as it is the Town's intent for leave to run concurrently under both laws.

For further information contact the Human Resource Office. All necessary forms are also available at the same location.

MAINE FAMILY MILITARY LEAVE

In accordance with 26 M.R.S. §814, employees with family members serving on active duty in the military are entitled to a leave of absence, which leave of absence shall be unpaid leave.

In order to be eligible for family military leave, an employee must meet both of the requirements below:

1. The employee must have been employed by the Town for at least 12 months and for at least 1250 hours during the 12-month period preceding the leave.
2. The employee must be a spouse, domestic partner or parent of a serviceperson who is:
 - a. a Maine resident, and
 - b. in the state military forces (as defined in 37-B M.R.S. §102) or the U.S. Armed Forces, including the National Guard and Reserves, and
 - c. deployed for military service in a combat theatre or in an area where armed conflict is occurring for a period lasting longer than 180 days.

An eligible employee may receive up to 15 days of family military leave per deployment, if requested. The leave may be taken only during one or more of the following time frames:

1. The 15 days immediately prior to the deployment;
2. Deployment, if the military member is granted leave; or
3. The 15 days immediately following the deployment.

In order to be eligible for family military leave, employees must comply with the following notice requirements. An employee must give at least fourteen (14) days' notice of the intended date upon which the leave will commence if leave will consist of 5 or more consecutive work days. An employee taking family military leave for fewer than 5 consecutive work days must provide such advance notice as is practicable. An employee shall consult with the Town to schedule leave so as not to unduly disrupt the operations of the Town.

The Town will make it possible for an employee to continue employee benefits at the employee's expense during any family military leave. Taking family military leave will

not result in the loss of any employee benefits accrued before the date on which the leave commences.

Any employee who exercises the right to family military leave is entitled to be restored to the position held when the leave commenced or to a position with equivalent seniority status, employee benefits, pay and conditions of employment, unless the employer proves that the employee was not restored to such employment because of circumstances unrelated to the employees' exercise of family military leave rights prevent the Town from restoring the employee to the same or equivalent position..

MILITARY SERVICE LEAVE

Policy: The Town will grant military leave as necessary in compliance with all applicable state and federal laws.

Reserve Service Leave: Reserve service leave is available to regular full-time employees who are members of the military reserves or National Guard in accordance with the terms of applicable Federal and State law. In addition, for any period of reserve service up to two (2) weeks in any calendar year, the Town will compensate the employee for the difference between his/her regular weekly wages and his/her total military pay. In instances where the military pay is equal to or exceeds the pay that would have been earned by the employee in service to the town, such leave shall be without pay. Employees using reserve service leave must furnish the Department Head with an official statement of reserve service pay received. Any amount served in excess of two (2) weeks shall be considered leave without pay.

Long-Term Active Duty Leave: Regular full-time employees required to interrupt their active employment specifically for the purpose of entering active military service are entitled to a leave of absence in accordance with the Uniformed Services Employment and Reemployment Rights Act.

SECTION 6

CUSTOMER COMPLAINT POLICY

From time to time, you may have a complaint or concern regarding the quality of our work. It is important to address such matters promptly.

In most instances, if you are the first staff person to hear the complaint, you should be able to resolve the issue immediately and are encouraged to do this.

When immediate resolution is not possible, you should refer the matter to your Department Head or Supervisor who will take over the responsibility for resolution and will inform the Town Manager if it is warranted by the nature of the complaint.

The Department Head or Supervisor will establish a file of the complaint, including the original complaint and will work to resolve the matter through direct interaction with the complainant.

If the independent resolution is acceptable to the complainant and the Department Head or Supervisor, the case will be closed and a summary report will be sent to the Town Manager.

If the independent resolution is unacceptable to both parties, the case and the resolution will be reviewed by the Town Manager and a final determination will be made by the Town Manager.

This will exhaust the internal complaint process.

SMOKE FREE WORKPLACE POLICY

The Town of Hampden is committed to wellness and the health and safety of our employees and their families. The Town Council has established the following policy concerning smoking in the Town of Hampden public proceedings, in buildings owned or occupied by the Town of Hampden, or in places of employment owned or occupied by the Town of Hampden.

1. **SMOKING PROHIBITED IN PUBLIC PROCEEDINGS:** No person may smoke tobacco or any other substance in any public proceedings conducted by any Board, Commission, Agency or other body of the Town of Hampden when such proceedings are held inside.
2. **SMOKING PROHIBITED IN PUBLIC AREAS OF PUBLICLY OWNED BUILDINGS:** No person may smoke tobacco or any other substance in any public area of a building owned or occupied by the Town of Hampden. For the purpose hereof, the term "public area" shall mean any area in which members of the public are allowed.
3. **SMOKING PROHIBITED IN WORKPLACE OF THE TOWN OF HAMPDEN:** No person may smoke tobacco or any other substance in any structurally enclosed location or portion thereof owned or occupied by the Town of Hampden. This provision would also include any vehicles owned and operated by the Town of Hampden. If public employees' rights under a current collective bargaining agreement are affected by this provision, the Town Manager may designate smoking areas in the non-public areas of buildings owned or occupied by the Town.
4. **SMOKING DEFINED:** For the purposes hereof, the term "smoking" includes carrying or having in one's possession a lighted cigarette, cigar, pipe or other object giving off or containing any substance giving off smoke.
5. **DISCIPLINARY ACTION:** Any employee who violates the provisions of this policy may be subject to disciplinary action in accordance with the Town of Hampden Personnel Rules and Policies Ordinance and/or applicable collective bargaining agreements.

NOTE: Effective September 12, 2009, Maine State Law requires that designated smoking areas must be located outside and must be at least twenty (20) feet from entryways, vents and doorways.

DRUG FREE WORKPLACE POLICY STATEMENT

It is the policy of the Town of Hampden to maintain a drug/alcohol free work place. In accordance with this policy, the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited by the Town of Hampden, and any employee convicted of such activity may be subject to disciplinary actions up to and including dismissal.

As a condition of employment with the Town of Hampden you agree to abide by the policies concerning a drug/alcohol free work place as stated in the policy. Further you agree to notify the Town of Hampden immediately of any criminal drug status conviction, for a violation occurring in the work place, of yourself or any other employee of whom you become aware, no later than five (5) days after such conviction.

PROGRAM ADMINISTRATOR:

The Town Manager is designated by the Town of Hampden as the Alcohol/Drug Testing Program Administrator. The Program Administrator is responsible for answering questions from drivers, employees or the public in general. The Program Administrator will maintain the confidentiality of all information relating to drug and alcohol testing. The Program Administrator may provide such information as necessary to enable the appropriate Department Head or Supervisor to take the appropriate action to ensure compliance with this policy. In addition to his/her duties under this policy, the Program Administrator is also responsible for compliance with the Program Administrator Guidelines.

SCOPE OF POLICY:

This policy applies to all regular full-time, part-time, seasonal, on-call and temporary employees who are required to hold a Commercial Driver's License (CDL) for their positions. All applicants for employment positions requiring a CDL are required to pass a drug test as a prerequisite of employment, after a conditional offer of employment and prior to final hiring. Any applicant who fails a drug test shall not be hired, although may re-apply for employment in the future.

Any person who was employed on a part-time or on-call basis for the Town of Hampden at least once during 1995 and is employed at least once annually thereafter shall be considered a continuing employee for the purpose of this policy, and is not subject to pre-employment testing prior to recommencing work. However, such employees are subject to all other provisions of this policy.

All covered employees shall receive a copy of this policy, as well as educational materials on alcohol and substance abuse.

COMPLIANCE WITH REGULATIONS:

All CDL employees subject to alcohol and drug testing must be in compliance with this policy at all times while working for the Town of Hampden. This includes all time spent operating commercial vehicles, as well as time spent maintaining or repairing those vehicles.

Note regarding independent contractors:

Independent contractors and their employees who must hold a CDL for the contracted activity are subject to the requirements of 49 CFR part 382 and are responsible for compliance with that and related laws. The Town of Hampden will not provide or pay for test, evaluation or rehabilitation for independent contractors or their employees. The Town of Hampden shall make compliance with the law a condition of any contract which requires a CDL driver.

SUBSTANCE TESTED:

When drug and alcohol screening is required by this policy, a breath test and/or urine test will be given to detect the following:

1. Alcohol
2. Marijuana
3. Cocaine
4. Phencyclidine (PCP)
5. Opiates

PRESCRIPTION DRUG USE:

Employees covered by this policy may use prescription drugs and "over the counter" medications provided that:

1. The prescription drugs or their generic equivalent have been prescribed to the employee within the past 12 months by an authorized medical practitioner.
2. The employee does not consume prescribed drugs more often than as prescribed by the employee's physician.
3. Any employee who has been informed that the medication could cause adverse side effects while working shall inform his/her Department Head or Supervisor prior to using these substances. The Town of Hampden at all times reserves the right to have a licensed physician determine if use of a prescription drug or medication by an employee produces an adverse effect. If such a finding is made, the Town of Hampden may notify the employee's physician (with employee's permission) to determine if other medications are available which would not seriously affect the employee's ability to work safely. If an appropriate substitute medicine is not available, the Town of Hampden may limit or suspend the employee's work activities to non-safety sensitive duties.

CONSEQUENCES OF VIOLATION OF THIS POLICY

- Any employee who violates this policy shall be immediately removed from the safety-sensitive function and will be advised by the Town of Hampden of the resources available for evaluating and resolving drug and alcohol abuse problems. The employee shall be required to be evaluated by a substance abuse professional. All evaluation and rehabilitation shall be at the employee's cost unless otherwise agreed by the Town of Hampden. An employee shall not be allowed to return to the safety-sensitive function until he/she has a return-to-duty alcohol test result of less than 0.02 or a return-to-duty drug test with a verified negative result.
- In addition, any employee who violates this policy may be subject to disciplinary action up to and including dismissal. Before discipline, reassignment or dismissal is imposed following a confirmed positive drug test, the employee shall have the opportunity to participate for up to 6 months in a rehabilitation program. The employee is responsible for all costs associated with the rehabilitation program unless otherwise agreed by the Town of Hampden. Factors to be considered in determining the appropriate disciplinary response include, but are not limited to the following: the employee's work history, length of employment, current job performance and existence of past disciplinary actions. Disciplinary action is imposed by municipal policy; it is not required by federal law.

*Under State law, if part of all of the costs of drug abuse rehabilitation are covered by a group health insurance plan which includes the employee in question, then such insurance may be used by the employee for that purpose; See: 26 M.R.S. §685.

CONFIDENTIALTY OF INFORMATION

Unless the employee or applicant consents, all information acquired by the Town of Hampden in connection with the testing processes is confidential and may not be released to any person other than to the employee or applicant who is tested, the Program Administrator, officials with a need to know and the rehabilitation provider. The foregoing shall not prevent the release of information required or permitted by state or federal law, or the use of information in any grievance procedure, administrative hearing or lawsuit relating to the imposition of the test or the use of the test results.

SEVERABILITY

In the event that a Court finds any provision of this policy void or unenforceable, the remaining provisions shall continue in full force and effect.

VIOLENCE IN THE WORKPLACE POLICY AND PRACTICES

PURPOSE:

The policy states the values and points of view from which we develop our Violence in the Workplace practices. The Council retains the right to change and interpret these policies, and shall review and approve them.

POLICY:

It is the policy of the Town of Hampden to promote a safe work environment for its employees. We are committed to working with employees to maintain a work environment free from violence, threats of violence, harassment, intimidation and other disruptive behavior. The Town of Hampden does not tolerate violent, threatening, aggressive, abusive, intimidating or other disruptive behavior on the part of employees, customers or anyone else involved in its business or facilities. All reports of such incidents will be taken seriously and will be dealt with appropriately. The purpose of this policy is intended to be protective and to prevent instances of work place violence. We need your cooperation to implement this policy effectively and maintain a safe work environment.

PRACTICES:

Employees may not use or be subjected to rude or abusive language or behavior, threats, harassment, intimidation or acts of physical, emotional or psychological violence. Such behavior can include oral or written statements, gestures or expressions that communicate a direct or indirect threat of physical or mental harm. If such instances occur, all business with such individuals and in the immediate area is to stop until the situation is resolved. Individuals who commit such acts may be removed from the premises and may be subject to corrective action, criminal complaint or both.

If a customer is behaving in a manner that you find intimidating, explain our policy regarding behavior, discontinue providing service and focus on de-escalating the situation.

If the customer cannot resume appropriate behavior and he/she is on the telephone, tell them that they may call back when they are calmer and hang up.

If a customer cannot resume appropriate behavior and are in your physical presence, ask the customer to leave telling them they may return on another day when they are under control. If the customer refuses to leave, disengage, leave the area and notify your Department Head or Supervisor who will then assume direction of the situation.

If, in your best judgment, an individual's behavior, whether a co-worker, customer or other guest may endanger anyone or if the person refuses to leave the premises, call the police (or closest law enforcement official) and notify your Department Head or Supervisor.

Do not ignore violent, harassing, intimidating or other disruptive behavior. If you observe or experience such behavior by anyone on the premises, whether an employee or customer, you must report it to your Department Head or Supervisor. The Supervisor will notify the Town Manager who will log the incident, investigate as necessary and assure that appropriate action is taken.

If you have foreknowledge of a potentially abusive or violent circumstance that may present itself in our workplace (e.g. the arrival of an abusive partner or an irate customer) immediately inform your Department Head or Supervisor or the most senior staff person in the facility.

The above "umbrella" practices provide guidance to all employees. Departments may issue additional practices to their work settings. All such practices must be filed with the Human Resource Officer and appended here.

Employees at each work site should discuss specific plans of action they will follow to best address their particular circumstance.

NOTE: The Town Office and Public Safety lobbies are under audio and video surveillance, 24 hours a day, 365 days a year.

WHISTLEBLOWER PROTECTION

The Town of Hampden strives to conduct its business with integrity and in strict compliance with all applicable federal, state and local laws and regulations. Accordingly, any employee is encouraged to bring to the attention of the employee's supervisor or the Town Manager any actions of town officials or employees which the employee believes may be improper. The Town will not retaliate against any employee who makes a report in good faith to the employee's supervisor, the Town Manager, or a regulatory body.

SECTION 7

INFORMATION SYSTEMS POLICY AND PRACTICES

These policies state the values and points of view from which we develop our Information Systems practices. The Council retains the right to change and interpret these policies and approve them.

POLICY:

This policy applies to all information systems owned, leased or used by the Town of Hampden and used by employees to manage and communicate information such as paper documents, spoken communication, telephones and cell phones, including voice mail, fax machines, computer hardware and software including e-mail, cameras, recording devices, photocopiers and any other information systems, equipment or technology that the Town of Hampden owns, licenses, operates or may acquire in the future.

As an employee, you are expected to utilize the Information Systems, including the Internet, and the equipment in a responsible, professional manner for programmatic and business activities of the Town of Hampden. As a benefit to you, you may occasionally use the Town's computers for Internet access, for other non job related use, during breaks or times approved by your Department Head or Supervisor: any such personal use is governed by the same expectations that the systems and equipment be used in a responsible, professional manner in accordance with this policy and in such a manner that will not embarrass or otherwise effect the reputation of the Town of Hampden or limit our ability to accomplish our work. Any personal use shall not interfere with an employee's performance of their duties.

All information transferred to and from and/or stored on equipment and in files owned by the Town of Hampden is the property of said Town. The Management of the Town of Hampden reserves the right to examine all voice mail, e-mail, faxes, electronic documents, databases, personal file directories and other information transferred through or stored on computers and telephones owned by the Town, as well as paper documents and records. By using equipment, you waive all expectations of privacy in respect to document files, software, e-mail, voice mail, fax communications and Internet access. All information systems must be used in accordance with all Town policies and practices.

If you have questions about the appropriateness of any activity, consult your Department Head or Supervisor. Irresponsible use the Town's equipment and information may be subject to corrective action, up to and including dismissal.

Purchasing of software and equipment:

The Town of Hampden intends to have standardized equipment and software. All purchases shall be made through the IT Officer using Town procurement policies under the guidance the Town Manager. Equipment and software are provided for the use of the employees when needed to conduct Town business. The installation or downloading of

new software on the computers is the sole duty of the IT Officer with the approval of the Town Manager. No installation of software shall be done without the approval of the IT Officer or the Town Manager.

Personal computers:

Configuration of desktops will be managed by the IT Officer to obtain maximum efficiency and uniformity from Town owned machines.

Computer equipment may not be altered or added to in any way without the knowledge and authorization of the IT Officer.

The Town of Hampden is committed to working safely. Safety is the responsibility of both Management and Staff. If you find your environment uncomfortable or unsafe, report the condition to your Department Head or Supervisor for further evaluation and correction.

Passwords must be selected carefully with no obvious relation to the user and not easy to guess .Passwords should contain letters, numbers and special characters.

Internet usage:

- Access to the Internet is provided for business use. Access is coordinated by the IT Officer.

- Personal use is restricted to work related tasks except during breaks or Department Head or Supervisor approved periods of time and is expected that your personal usage will conform to the Town's expectations of professionalism and this policy.

Using e-mail and voice mail systems:

- Activity, communications and messages are subject to review at any time to ensure that the use of the system is consistent with the Town's legitimate interests.

- You should attend to current e-mail messages in a timely way.

- E-mail and voice mail messages should be deleted or archived as soon as possible to avoid degrading performance of the system.

- Voice mail greetings must be professional and courteous.

- The content of e-mail and voice mail messages should be brief and courteous. Sensitive information should not be sent via electronic mail.

Fax machines

- If possible, fax machines should be avoided for transmission of information that is restricted or confidential.
- If the information is confidential or restricted, a cover letter must accompany it stipulating that the information is confidential or restricted.
- Faxing of information should be limited to job related duties. It is not to be used for public faxes. You may make personal use of the fax machine, at cost, on an infrequent basis consistent with these policies.

Other Prohibited Uses

1. Engaging in any communication that is discriminatory, defamatory, pornographic, obscene, racist, sexist, or that evidences religious bias, or is otherwise of a derogatory nature toward any specific person, per Maine Human Rights Act.
2. Browsing or downloading and/or forwarding and/or printing pornographic, profane, discriminatory, threatening or otherwise offensive material from any source including, but not limited to, the Internet.
3. Engaging in any communication that is in violation of Federal, State or Local laws.
4. Promoting any religious belief or tenet.
5. Campaigning for or against any candidate for political office or any ballot proposal or issue.
6. Sending, forwarding, redistributing or replying to "chain letters".
7. Unauthorized use of passwords to gain access to another user's information or the Town of Hampden's communications system or elsewhere.
8. Advertising, solicitation or other commercial, non-programmatic use.
9. Knowingly introducing a computer virus, spyware or malware into the Town's communication system or knowingly causing damage to the Town's systems.
10. Using the Town's systems in a manner that interferes with normal business functions in any way.
11. Excessive personal use of the Town's technologies that preempts any business activity or interferes with Town productivity.
12. Sending e-mail messages under an assumed name or obscuring the origin of an e-mail message sent or received.

SECTION 8

DISCIPLINARY ACTION

Policy: The Town has a policy of progressive discipline of employees, which means that repeated instances of poor job performance or misconduct will be subject to progressively more severe sanctions, which may include oral warnings, written reprimands, suspension with or without pay, demotion or dismissal. Progressive discipline does not mean that the initial disciplinary response to unsatisfactory job performance or misconduct will always be the same. Serious job performance problems or misconduct such as, but not limited to, dishonesty, violence or theft, may result in more severe disciplinary sanctions, up to and including dismissal, even on the first occurrence.

Examples of Conduct Warranting Disciplinary Action: The following examples illustrate types of conduct which may constitute grounds for disciplinary action, and are not exclusive:

1. Attendance

- a. Improper or unauthorized use or abuse of paid leave.
- b. Excessive absenteeism, regardless of reason, the effect of which disrupts or diminishes operational effectiveness.
- c. Being absent without authorized leave, or repeated unauthorized late arrival or early departure from work.
- d. Abuse of break and lunch periods.

2. Behavior

- a. Violation of the provisions of Town ordinances, including Personnel Rules and Regulations, department operating rules or procedures, or related directives.
- b. Failure to carry out a direct order from a supervisor, except where the employee's safety may reasonably be jeopardized by the order, or the order is illegal or in conflict with any law.
- c. Engaging in a conflict of interest.
- d. Conduct that discredits the employee or the Town, or willful misrepresentation of the Town.
- e. Conviction of a crime, including convictions based on a plea of nolo contendere or of a misdemeanor involving moral turpitude, the nature of which reflects the possibility of serious consequences related to the continued assignment or employment of the employee.
- f. Knowingly falsifying, removal, or destruction of information related to employment, payroll, or work-related records or reports.
- g. Soliciting outside work for personal gain during business hours; participating in any off-duty employment that adversely affects the employee's performance of work for the Town.

- h. Discourteous treatment of the public or other employees, including harassing, coercing, threatening, or intimidating others.
- i. Conduct that interferes with the management of Town operations.
- j. Violation or neglect of safety rules, or contributing to hazardous conditions.
- k. Unauthorized use of Town property.
- l. Physical altercations
- m. Any act or conduct that is discriminatory in nature toward another person's race, creed, color, national origin, sex (including sexual harassment), age, religious beliefs or political affiliations.
- n. Accepting gratuities intended to influence the employee's job performance.
- o. Misuse of Town telephones, computers, or internet service.
- p. Possession, display, or use of explosives, firearms, or other dangerous weapons while on duty or on Town property. (Except for police officers and other authorized employees in the performance of their duties.)
- q. Possession of alcohol, narcotics, or drugs while on Town property (except in the official discharge of police duties). Alcohol may only be on Town property at sanctioned events as authorized by the Town Manager.

3. Performance

- a. Inefficiency, incompetence, or negligence in the performance of duties, including failure to perform assigned tasks or training, or failure to discharge duties in a prompt, competent, and reasonable manner.
- b. Refusal or inability to improve job performance in accordance with written or verbal direction after a reasonable trial period.
- c. Refusal to accept reasonable and proper assignments from an authorized supervisor.
- d. Intoxication or incapacity on duty due to the use of alcohol or drugs.
- e. Driving under the influence of alcohol or drugs while on duty; suspension of driver's license where job duties require driving.
- f. Careless, negligent, or improper use of Town property, equipment or funds, including unauthorized removal, or use for private purpose, or use involving damage or unreasonable risk of damage to property
- g. Unauthorized release of confidential information or official records.

Authority of Disciplinary Action

The Town Manager shall have the authority to take necessary disciplinary action which may include such remedies as oral warnings, written reprimands, suspension with or without pay, demotion or dismissal. Such authority may be delegated by the Town Manager. Supervisors below the Department Head level shall NOT be given the authority to suspend, demote or dismiss a subordinate. If a Department Head has been delegated

disciplinary authority, no suspension without pay for more than two (2) days, demotion or dismissal shall be taken by the Department Head without consultation with, and approval by, the Town Manager.

Just Cause: All disciplinary action involving suspension without pay for more than two (2) days, demotion or dismissal shall be for just cause.

Due Process Hearing

Before making a final decision to suspend without pay for more than two (2) days, demote or dismiss an employee, the Town Manager or designee shall hold an informal hearing. The employee shall be given written notice of the proposed disciplinary action and the reasons therefor in advance of the informal hearing. The hearing shall include, at a minimum, the employee, the employee's Department Head and the Town Manager or designee. The employee shall be afforded an opportunity at the informal hearing to respond to the reasons and to present reasons why the employee believes the discipline or discharge is not justified. The employee shall be permitted to have witnesses speak on the employee's behalf and to be assisted by a representative. A prior informal hearing shall not be required when in the judgment of the Town Manager the employee's conduct or job performance creates an immediate threat of injury to the employee, any other Town employee, or members of the public, or is otherwise detrimental to the Town, provided that the employee shall be suspended with pay until such time as an opportunity for an informal hearing is offered.

Appeal to Personnel Appeals Board

Should an employee be dissatisfied with the Town Manager's decision with respect to suspension without pay for more than two (2) days, demotion or dismissal, the employee may file an appeal of the decision to the Personnel Appeals Board. The appeal shall be in writing and shall be filed with the Town Clerk within seven (7) calendar days of the decision. The appeal shall set forth the relief sought. The Personnel Appeals Board shall conduct a hearing on the matter within fourteen (14) days from the receipt of the appeal by the Town Clerk. The Board shall render a written recommendation based on its findings to the Town Council and Town Manager pursuant to Section 301 of the Town Charter, which recommendation shall be made within seven (7) days from the conclusion of the hearing.

GRIEVANCE PROCEDURES

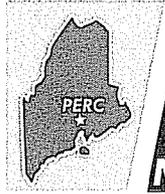
Definition: A grievance is a dispute between an employee and the employer concerning the interpretation or application of the terms of the Personnel Rules and Policies, departmental rules or this Handbook, but excluding disciplinary matters involving a suspension without pay for more than two (2) days, demotion or dismissal.

Procedure:

1. Any employee who deems himself or herself aggrieved shall, within five (5) calendar days of the occurrence or knowledge of the problem, bring such grievance to the attention of the immediate Supervisor who shall render a decision within five (5) calendar days.
2. If the employee does not feel the matter has been adequately resolved, he/she may bring the matter to the attention of the Department Head in writing within five (5) calendar days from the date of the Supervisor's decision. The Department Head shall have five (5) calendar days in which to render a written decision. NOTE: If the immediate Supervisor is the Department Head, the employee shall proceed, in the case of dissatisfaction, from step 1. to step 3.
3. If the employee is not satisfied with the decision of the Department Head, he/she may within five (5) calendar days from such decision, bring the matter to the attention of the Town Manager who shall render a written decision within seven (7) days.
4. Should the employee be dissatisfied with the Town Manager's decision, the employee may within seven (7) calendar days from such decision, submit the grievance to the Personnel Appeals Board in writing and shall set forth the relief being sought. The Appeals Board shall conduct a hearing into the matter within fourteen (14) calendar days from the receipt of the grievance. The Board shall render a written recommendation based on its findings to the Town Council and Town Manager pursuant to Section 301 of the Town Charter, which recommendation shall be made within seven (7) days from the conclusion of the hearing. The above time limits may be extended by mutual agreement.
5. Nothing in the Ordinance or this Handbook shall diminish the right of any employee to present his/her own grievance.

C-4-a

40 Harlow Street
Bangor, ME 04401-5102



MRC
Municipal Review Committee, Inc.

To: MRC Membership
From: Greg Louder, MRC Clerk 
Date: October 28, 2011
RE: **MRC Board of Directors Election Ballot**

Please find enclosed a MRC Board of Directors election ballot. Ballots cast in this election will determine the election of three (3) Directors to serve on the MRC Board of Directors for three-year terms from January 1, 2012 through December 31, 2014 and one (1) Director to complete a vacant unexpired term from January 1, 2012 through December 31, 2013.

Biographical descriptions of the candidates, as provided by the candidates, are also enclosed for your information.

Ballots must be returned to MRC before 5:00 pm, December 12, 2010. A self-addressed, stamped envelope is enclosed for your convenience.

The election results will be read at the MRC Annual Meeting held at 3:00 P.M. on December 13, 2011.

Note: Votes must be cast for one candidate only.

Please contact Greg Louder at 942-6389 or 800-339-6389 with any questions.

Voting Ballot

- ◆ To fill three positions for a three year term from January 1, 2012 to December 31, 2014
(3 highest vote totals)
- ◆ To fill a vacancy in an unexpired term from January 1, 2012 to December 31, 2013.
The three year term ran from from January 1, 2011 to December 31, 2013
(Fourth highest vote total)

The Charter Municipality of _____ casts its vote for the following *individual* to serve on the Municipal Review Committee Board of Directors for the above stated term.

Note: Candidates are listed alphabetically. Biographies provided by each candidate are attached.

VOTE FOR ONE INDIVIDUAL ONLY

→ *More than one checked box will invalidate the ballot* ←

- Henry E. Chausse - Machias

- Warren Hatch - Newburgh

- Philip O. McCarthy - Clinton

- Robert A. Peabody – Rockport

- Joshua Reny - Fairfield

- Sophia L. Wilson – Orono

Please return this ballot no later than 5:00 p.m., DECEMBER 12th, 2011 to:

Municipal Review Committee, Inc.
40 Harlow Street
Bangor, ME 04401
Or
FAX to (207) 942-3548

**RESULTS OF THIS ELECTION WILL BE READ AT THE MRC ANNUAL MEETING
TO BE HELD DECEMBER 13th, 2011**

Biography for Henry E. Chausse

Current Member of MRC Board of Directors

Supervisor of Bay Area Transfer & Recycling Center for the past 10 years

Retired from the banking industry serving as Executive Vice - President and Treasurer

Would appreciate your vote allowing me to continue serving the members of the MRC

Biography for Warren Hatch

1993 1995 Town Administrator, Phippsburg, ME. Oversight of transfer station, employees, process, Pine Tree Waste.

1995 – 2003 Town Administrator, Damariscotta, ME. Town MERC voting representative in a 3 town Solid Waste and Recycling Board. Supervised all staff.

2004 – 2008 Town of Bowdoinham, ME. Financial person, Bookkeeper, tracked Pine Tree Waste solid waste and recycling budgets

2008 – 2010 Town Administrator, Durham, ME. Contact point and coordinator of solid waste operation issues. Worked close with Pine Tree Waste.

May 2011 – Current Newburgh Town Manager. Worked close with Sullivan's Waste

Biography for Philip O. McCarthy

Obtained undergraduate degree in Education and a Masters degree in Guidance and Counseling from the University of Maine. Taught secondary mathematics in Dunellen, New Jersey, and Cape Elizabeth, Maine. Served as the Assistant Executive Director of the General Alumni Association, UMO, and the Dean of Students, University of Maine at Bangor. Served as an Assistant Director, Department of Graduate Medical Evaluation, American Medical Association, Chicago, IL. Appointed as the Executive Director, Houlton Regional Development Corporation and the Town Manager of Houlton, Maine. Also, worked in the private sector for two years as the Director of Marketing for Maine Glove Manufacturing Inc., Littleton, Maine. Retired in January, 2004, after 15 years as the Town Manager of Kittery, Maine.

Additional experience includes being a member and President of the Maine Town and City Management Association and a member of the Executive Committee and President of Maine Municipal Association. Also, a member and President of the Kittery Rotary Club. Currently serve as the Chairman of the Clinton Budget Committee and a member of the MRC Board of Directors.

Biography for Robert A. Peabody

Currently serving on MRC Board of Directors

Rockport Town Manager

Former Executive Director of Mid-Coast Solid Waste Corporation

Member of Maine Solid Waste Management Advisory Council (Governor Appointment)

Former Mayor and City Councilor – Rockland

Former business owner

Biography for Joshua Reny

Town Manager – Fairfield

Former Economic/Community Development Planner – Fairfield

Masters in Public Policy – USM Muskie School

Air National Guard Officer

Biography for Sophia L. Wilson

MRC Director (2006 – Present)

MRC Post 2018 Partner Negotiation Team member

MRC Finance Committee Member (2006 – Present)

Orono Town Manager (2011 – present)

Brownville Town manager (2000 – 2011)

Penquis Solid Waste Board of Directors (Chair, 2000 – 2008; Treasurer, 2008 – 2011)

Maine Municipal Association Executive Committee (Member, 2008 – Present; Vice President, 2011)

State Workers Compensation Board, Director (2009 – Present)

C-4-b

**WHITCOMB-BAKER POST 4633
VETERANS OF FOREIGN WARS OF THE UNITED STATE
41 CANOE CLUB ROAD
P. O. BOX 555
HAMPDEN, ME 04444-0555**

Weldon P. Young Jr
Commander

November 16, 2011

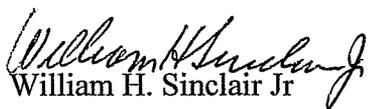
Susan Lessard, Town Manager
106 Western Avenue
Hampden, ME 04444

Dear Ms. Lessard;

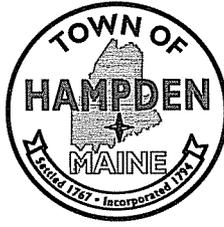
In early December 2011, Whitcomb-Baker VFW Post 4633 will be renewing its bingo and games of chance license for 2012 with the Maine State Police.

We will need the authorization of the Hampden Town Council to continue conducting bingo and games of chance and a letter sent to the Maine State Police confirming the Town Council's authorization.

Sincerely


William H. Sinclair Jr
Quartermaster

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-3034
Fax: (207) 862-5067
email: hampden@midmaine.com

December 6, 2011

Lt. Patrick Fleming
Gaming and Weapons Section
Maine State Police
State House Station 164
Augusta, ME 04333-0164

Dear Lt. Fleming,

The purpose of this letter is to serve as authorization from the Hampden Town Council to allow the Whitcomb-Baker VFW Post 4633 to obtain their annual license for bingo and games of chance. This license is to run from January 1, 2011 through December 31, 2011. The authorization was formally approved by the Town Council at the December 5, 2011 regular council meeting.

If you have questions or require further information, please call.

Sincerely,

Susan Lessard
Town Manager