

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND TENTH LEGISLATURE  
4

5 **Legislative Document**

**No. 2031**

6  
7 H. P. 2097 House of Representatives, February 24, 1982  
Approved for introduction by the Legislative Council pursuant to  
Joint Rule 26.

Referred to the Committee on Public Utilities. Sent up for concur-  
8 rence and ordered printed.

EDWIN H. PERT, Clerk  
Presented by Representative Livesay of Brunswick.

9  
10 STATE OF MAINE  
11

12 IN THE YEAR OF OUR LORD  
13 NINETEEN HUNDRED AND EIGHTY-TWO  
14

15 AN ACT to Revise the Charter of the  
16 Brunswick Sewer District.  
17

18 Be it enacted by the People of the State of Maine as follows:

19 P&SL 1947, c. 77, as amended, is repealed and the fol-  
20 lowing enacted in its place:

21 BRUNSWICK SEWER DISTRICT

22 CHAPTER 77

23 PART 1

24 GENERAL PROVISIONS

25 Sec. 1. Short title. This document shall be known as  
26 the "Brunswick Sewer District Charter, revised version  
27 1982," called "the charter." It replaces the charter of  
28 1947, as amended to date.



1 Interstate Route #95, thence northeasterly along the median  
2 of Route #95 to the Androscoggin River, thence easterly  
3 along the Brunswick-Topsham line in the center of the river  
4 to the point of beginning.

5 1. Expansion. The boundaries of the district may be  
6 expanded to include more of or the entire Town of Brunswick  
7 by a referendum vote of the voters of the district and a  
8 separate referendum vote of the voters of the proposed  
9 expansion at a general election, followed by enactment by  
10 the Legislature. The referendum may be initiated by either  
11 the town council or by petition of the public as described  
12 in the town charter.

13 2. Voters. All registered voters of the Town of  
14 Brunswick who reside within the district are voters of the  
15 district, for all purposes. In determining whether a voter  
16 resides within the district, if any part of his residential  
17 property lies within the district, he shall be considered to  
18 reside within the district.

19 Sec. 12. Property; catch basins to be conveyed to  
20 town. The district is authorized to acquire and hold by  
21 purchase, lease or otherwise, land, real estate, rights,  
22 easements or interests in them, located within the district  
23 or elsewhere, and personal property, including the sewers  
24 and other assets previously taken over from the Brunswick  
25 Village Corporation, as convenient and necessary to carry  
26 out its purpose under this charter.

27 The district shall convey to the Town of Brunswick any  
28 right, title and interest the district has in any storm  
29 drain system within the town.

30 Sec. 13. Trustees. The district shall have a board  
31 of trustees, as follows.

32 1. Authorization. The affairs of the district shall  
33 be managed by a 5-member board of trustees. Three members  
34 shall constitute a quorum.

35 2. Appointment. Trustees shall be appointed by the  
36 Brunswick Town Council for 3-year terms, beginning in April  
37 of each year and staggered as follows: One beginning in 1982  
38 and every 3 years after that; 2 beginning in 1983 and every  
39 3 years after that; and 2 beginning in 1984 and every 3  
40 years after that. Vacancies shall be filled for the unex-  
41 pired portion of a term or for a new term by the town coun-  
42 cil, after advertisement of the vacancy in a local news-  
43 paper. All trustees shall serve until their successors are

1 appointed and qualified. All trustees must be residents of  
2 the Town of Brunswick when appointed and shall resign if  
3 they move outside the town.

4 Initially, the terms of the trustees scheduled to end  
5 in 1982, 1983 and 1984 shall be unchanged, but the terms of  
6 the trustee scheduled to end in 1985 shall be shortened to  
7 end in 1983 and the term of the trustee scheduled to end in  
8 1986 shall be shortened to end in 1984.

9 3. Recall. A trustee may be recalled, after hearing,  
10 for misfeasance, malfeasance or nonfeasance, as determined  
11 by the town council.

12 4. Compensation. The trustees shall receive compensa-  
13 tion as recommended by them and approved by majority vote of  
14 the town council, including compensation for any duties they  
15 perform as officers, as well as for their duties as  
16 trustees. Certification of that approval shall be recorded  
17 with the Secretary of State and recorded in the bylaws.  
18 Their compensation for duties as trustees shall be on the  
19 basis of a specific amount specified in the bylaws, per  
20 meeting actually attended and reimbursement for travel and  
21 expenses, with the total not to exceed a specific amount set  
22 forth in the bylaws.

23 Compensation schedules in effect on January 1, 1982,  
24 shall continue in effect until changed in accordance with  
25 this subsection.

26 5. Election of officers. At the first regular meeting  
27 of the board of trustees following the annual appointment  
28 by the town council of a new trustee or reappointment of an  
29 existing trustee, the board shall elect a chairman, vice-  
30 chairman, clerk, treasurer and assistant treasurer. Elec-  
31 tion shall be by majority vote of the trustees.

### 32 PART 3

### 33 POWERS

34 Sec. 21. General powers. The district may within the  
35 district lay pipes, sewers, conduits, fixtures and other  
36 necessary appurtenances, repair and maintain them, and take  
37 them up or contract for the same to be done, in, along and  
38 through any public or private ways or public or private  
39 lands to and into tidal waters, rivers, streams, other  
40 sewers or treatment works; construct and maintain treatment  
41 works, pumping stations, basins, reservoirs, flush tanks and

1 other devices for collecting, holding, purifying, distrib-  
2 uting and disposing of sewage matter and commercial and  
3 industrial waste. Any related discharge shall be consistent  
4 with the requirements of public health. The district may do  
5 any other things necessary or incidental to the accomplish-  
6 ment of its purpose.

7 Sec. 22. Emergency powers. The trustees may author-  
8 ize immediate action, by majority vote, if an emergency  
9 arises entailing a breakdown in the sewer lines, pumping  
10 stations or treatment plant, or whenever in their judgment  
11 the health and welfare of district or town residents may be  
12 threatened. The emergency measures shall be confirmed as  
13 soon as possible by confirming action under the normal  
14 procedure.

15 Sec. 23. Acquisition of property; eminent domain and  
16 appeals; damages. The district may acquire and hold, for  
17 the purposes stated in this charter, real estate and per-  
18 sonal estate and any interest therein necessary for such  
19 purposes by purchase, lease, taking or otherwise, including  
20 property as necessary for the purposes of section 21, for  
21 such other objects necessary, convenient and proper for the  
22 purposes of its incorporation and for rights-of-way of  
23 roadways to its works, facilities and land.

24 1. Eminent domain. The trustees of the district may  
25 exercise the right of eminent domain within the district for  
26 the purposes of this charter in accordance with the proce-  
27 dures specified for sanitary districts in the Revised Stat-  
28 utes, Title 38, section 1152, right of eminent domain;  
29 section 1152-A, eminent domain procedures; section 1153,  
30 condemnation procedures; and section 1252, subsection 2,  
31 taking from other utilities.

32 2. Liability for damages; appeals. The district shall  
33 be liable for damages sustained by any person in his prop-  
34 erty by the taking of any land, rights, easement or interest  
35 in them or by entering in or excavating through any land.  
36 Appeals are authorized in accordance with the Revised Stat-  
37 utes, Title 38, section 1154.

38 Sec. 24. Sewer extensions policy. Extension of any  
39 part of the sewer system shall be governed by the following.

40 1. Rules. The district shall adopt rules stating in  
41 detail the sewer extension policies for new developments  
42 and for existing developments.

1           2. New developments. For new developments, the devel-  
2 oper shall submit the sewer design to the district for  
3 review while the development plan is being reviewed by the  
4 town planning board and obtain specific authorization from  
5 the sewer district before construction starts. Any new  
6 extension shall be inspected and approved by the district  
7 before sewerage is allowed into the public sewer system from  
8 the extension.

9           3. Existing developments. For existing developments,  
10 the district may construct new public sewers if requested by  
11 a majority of the property owners abutting the new sewer, or  
12 if the Public Health Officer or an appropriate environmental  
13 agency advises that the public health, safety or welfare re-  
14 quires such construction.

15           4. Assessments. Assessments against lots benefited  
16 and any district participation in the cost shall be governed  
17 by section 34.

18           5. Consultation. Prior to authorizing any sewer  
19 extension, except by specific state or federal mandate, the  
20 trustees shall notify the town council and consult with the  
21 planning board in order to assure conformity with their com-  
22 prehensive plans and other public policies relating to  
23 growth and development. The trustees shall publish a notice  
24 of the proposed action in a newspaper with general circula-  
25 tion in the district, no less than 7 days prior to the meet-  
26 ing at which they will take final action on the authoriza-  
27 tion of the extension.

28           6. Public hearings. The Brunswick Sewer District  
29 shall hold a public hearing prior to the extension of an  
30 existing sewer line or the construction of a new sewer line,  
31 by a distance equal to 500 feet or more within any 3-year  
32 period. If the public health and welfare of the community,  
33 as determined by the health officer, might be adversely  
34 affected by delay, the hearing may be waived.

35           Sec. 25. Crossing public utilities. If any sewer  
36 line crosses the property or line of any public utility, the  
37 placement of and the manner and conditions of the crossing  
38 shall be negotiated with the utility by the district. If  
39 agreement is not reached within 30 days, the Public Utili-  
40 ties Commission shall determine the place, manner of and  
41 conditions of the crossing.

42           Sec. 26 Private sewers; entry; connections;  
43 charges. Private sewers may be entered into the sewers of  
44 the district as follows.





1       Sec. 3l. Borrowing powers. The district may borrow  
2 money as follows.

3       1. Resolution; amount. The district may provide by  
4 resolution of its trustees, without district vote except as  
5 provided in this charter, for the borrowing of money and the  
6 issuance of bonds, notes or other evidences of indebtedness  
7 for any of its corporate purposes, including the purpose of  
8 paying, redeeming or refunding outstanding bonds, notes or  
9 evidences of indebtedness. All bonds, notes or other evi-  
10 dences of indebtedness shall have inscribed on their faces  
11 the words "Brunswick Sewer District" and shall be signed  
12 manually by the treasurer or assistant treasurer and the  
13 chairman of the board of trustees. The total indebtedness  
14 at any time shall not exceed \$5,000,000.

15       2. Authorization of bonds. All bonds issued by the  
16 district shall be legal obligations of the district. The  
17 bonds may be issued either as general obligations or as spe-  
18 cial obligations payable solely from particular funds.  
19 Bonds may be issued under this charter without obtaining the  
20 consent of any commission, board, bureau or agency of the  
21 State or of the Town of Brunswick, except as provided in  
22 this charter or otherwise by law.

23       3. Authorization of notes. The district may provide  
24 by resolution of its trustees for the issuance of notes in  
25 anticipation of bonds authorized under this charter and of  
26 notes in anticipation of the revenues to be collected or  
27 received in any year, or in anticipation of the receipt of  
28 federal or state grants or other aid. The issue of these  
29 notes shall be governed by the applicable provisions of this  
30 charter relating to the issue of bonds, provided that notes  
31 in anticipation of revenue must mature no later than one  
32 year from their respective dates and notes issued in antici-  
33 pation of federal or state grants or other aid and renewals  
34 thereof must mature no later than the expected date of  
35 receipt of those grants or aid.

36       4. General requirements for issuance of bonds and  
37 notes. Bonds, notes and other evidences of indebtedness  
38 shall be issued in accordance with the procedures and re-  
39 quirements of the Revised Statutes, Title 38, section 1201,  
40 unless otherwise specified in this charter.

41       5. Public hearings and approval. Before committing  
42 the district to any indebtedness which exceeds \$250,000 or  
43 which will extend longer than 3 years, whether by bonds or  
44 other financial instrument, the trustees shall advertise and  
45 hold a public hearing. This public hearing may be included  
46 in the annual budget meeting.

1        No debt covered by this subsection may be incurred  
2 under vote of the trustees until the expiration of 7 full  
3 days following the public hearing. Except for indebtedness  
4 to fund projects specifically mandated by the State or Fed-  
5 eral Government, debts in excess of \$250,000 may be subject  
6 to approval at a meeting of the voters of the district as  
7 follows. If requested by petition of not less than 50  
8 voters or 5% of the voters of the district, whichever is  
9 greater, filed with the clerk of the district on or before  
10 the date of the trustees' vote, a meeting of the voters of  
11 the district shall be held to express approval or disap-  
12 approval of the issuance of the debt.

13        6. Limitations. Bonds, notes or other evidences of  
14 indebtedness issued under this charter do not constitute a  
15 debt or liability of the State or the Town of Brunswick.

16        7. Sinking fund; reserves. The district is encouraged  
17 to use serial bonds to finance long-term debt. In some  
18 instances, term bonds may be desirable. To ensure the  
19 timely repayment of term bonded indebtedness, the district  
20 shall establish a sinking fund and appropriate to it annu-  
21 ally a sum sufficient for the eventual extinguishment of  
22 that indebtedness. The sinking fund shall be devoted to the  
23 retirement of the obligations of the district and invested  
24 in securities or financial instruments which are rated  
25 within the 3 highest grades by any rating service approach  
26 by the Superintendent of Banking; the bonds and other obli-  
27 gations of the United States; or the debentures and certifi-  
28 cates of deposit of any financial institution if insured by  
29 an agency of the United States or a state. All income  
30 generated from those investments shall be added to the sink-  
31 ing fund. The district shall maintain any other reserves  
32 required by any trust agreement or resolution securing bonds  
33 or notes.

34        8. Legal investment; tax exemption. All bonds, notes  
35 and evidences of indebtedness issued by the district are  
36 legal investments for savings banks and other entities in  
37 the State, as specified in the Revised Statutes, Title 38,  
38 section 1201, and are tax exempt.

39        Sec. 32. Rates. Rates for sewer service provided by  
40 the district shall be subject to the following requirements.

41        1. Established. All persons, firms and corporations,  
42 whether public, private or municipal, shall pay to the  
43 treasurer of the district the rates established by the  
44 trustees for the services used, and the rates shall be uni-  
45 form within the district.

1       2. Abatements. The trustees, on written application  
2 stating the grounds therefor, may make such reasonable  
3 abatements of any rates as they deem proper. The applica-  
4 tion shall be an attachment to the minutes of the trustees'  
5 meeting at which the abatement is approved.

6       3. Public hearings. Prior to its adoption, the  
7 trustees shall hold a public hearing regarding any proposed  
8 new rate schedule. The trustees shall publish the proposed  
9 rates and notice of the hearing, at least once in a news-  
10 paper having a general circulation in the district, not less  
11 than 7 days prior to the hearing. The district shall mail  
12 to each rate payer a notice of the public hearing and the  
13 proposed new rate at least 14 days prior to the hearing.

14       Sec. 33. Purposes of rates. Rates shall be so estab-  
15 lished as to provide sufficient revenue for the following  
16 purposes:

17       1. Operating expenses. To pay the current expenses  
18 for operating and maintaining the district;

19       2. Interest and principal. To pay the principal of,  
20 premium, if any, and interest on all nonsinking fund bonds  
21 and notes as they become due and payable;

22       3. Sinking fund. To create and maintain sinking funds  
23 and such other reserves as may be required by any trust  
24 agreements or resolutions securing bonds and notes;

25       4. Repairs, replacements, renewals and extensions. To  
26 pay for such repairs, replacements and renewals as necessary  
27 to maintain the system in good, safe, efficient working con-  
28 ditions or the district share in the cost of extensions  
29 authorized under section 34;

30       5. Obligations. To pay for any amounts for which the  
31 district may be obligated; and

32       6. Depreciation reserve. To create and maintain a  
33 funded depreciation reserve, with annual increments not to  
34 exceed annual depreciation.

35       Sec. 34. Assessments. Assessments to pay for the  
36 construction of a common sewer shall be subject to the fol-  
37 lowing requirements.

38       1. Determined. After the district has constructed and  
39 completed a common sewer, except as provided in subsection  
40 3, the trustees may, in order to defray a portion of the

1 expense, determine what lots or parcels of land are served  
2 by the sewer, and make an assessment upon those lots and  
3 parcels of land on which the owners have agreed to partici-  
4 pate, and against the owner, or person in possession or  
5 against whom real estate taxes thereon are assessed whether  
6 those lots or parcels occupied or not.

7 2. New developments. There shall be no assessment  
8 when a common sewer is constructed through an area only for  
9 the specific purpose of serving a development for housing,  
10 commercial or industrial use. If, within 10 years after  
11 completion of the sewer, owners, tenants, lessees or agents  
12 of such exempted parcels undertake development, through sale  
13 of individual lots or parcels, or by filing subdivision  
14 plans with the town planning board or county register of  
15 deeds, the sewer district trustees shall levy assessments  
16 against such properties at the time of development, using  
17 the same uniform and equitable formula applied to other  
18 properties on that specific sewer line. The district shall  
19 not participate in the financing of a new development.

20 3. Nonusers not assessed. Nonusers shall not be  
21 assessed until they avail themselves of service. Then they  
22 shall be assessed using the same uniform and equitable for-  
23 mula that was applied to other properties on that specific  
24 sewer line.

25 4. Reimbursement. When additional users are added to  
26 a sewer line and assessed in accordance with subsection 2 or  
27 3, the funds collected shall be reimbursed to the users on  
28 property which was previously assessed, in proportion to the  
29 amount of assessment previously paid.

30 5. District participation; existing dwellings. In  
31 providing service to existing dwellings, if community health  
32 and welfare concerns dictate, the trustees may determine to  
33 participate in the financing to the extent they deem appro-  
34 prate, but not to exceed the lesser of 1/3 of the cost or  
35 the 10- year anticipated revenue of the sewer and sewage  
36 disposal units, except that in the case of demonstrated  
37 hardship for an individual homeowner, the cost limit shall  
38 not apply.

39 6. Notification; hearing. The trustees shall file  
40 with the clerk of the district the location of the sewer  
41 line and appurtenances as may be necessary, the total of the  
42 assessments for the entire project, together with a state-  
43 ment of the amount assessed on each parcel or lot, and the  
44 name of the person or persons against whom the assessment  
45 will be made. The clerk of the district shall record that

1 information in a permanent record. Within 10 days after  
2 filing, each person so assessed shall be notified of the  
3 assessment and of the time and place for a hearing on the  
4 proposed assessments.

5 Notice may be made by personal service in hand by an  
6 officer qualified to serve civil process in this State, or  
7 by certified mail, return receipt requested, to the person  
8 at his last known address. If the owner or owners are not  
9 known, or if they cannot be notified by personal service or  
10 certified mail, notice may be given by publication in a  
11 local newspaper of general circulation once a week for 3  
12 successive weeks, the last publication to be at least one  
13 week prior to the hearing. Upon such hearing, the trustees  
14 may revise, increase or diminish any of the assessments, and  
15 all revisions, increases or diminutions shall be in writing  
16 and recorded by the clerk of the district.

17 7. Appeals. Any person aggrieved by the assessment  
18 made by the trustees for sewer construction under this  
19 section may, within 60 days after the hearing on the assess-  
20 ment, appeal to the Cumberland County Superior Court. The  
21 court shall determine the assessment by a verdict of its  
22 jury or, if all parties agree, by the court without a jury  
23 or by a referee, and shall render judgment for the assess-  
24 ment with interest where that is due and for costs in favor  
25 of the party entitled to them.

26 Sec. 35. Collection of unpaid bills. The district may  
27 collect bills for rates and assessments as follows.

28 1. Treasurer to collect. The treasurer of the dist-  
29 trict may collect the rates and assessments established in  
30 accordance with this charter, and may exercise the authority  
31 set forth in this charter in enforcing the collection of any  
32 rates or assessments due and payable to the district.

33 2. Charge for late payment. The district may apply a  
34 charge for late payment of rates and assessments.

35 3. Rates. The district, when a rate or other charge  
36 is not paid in a timely fashion, may, after the expiration  
37 of 3 months after the date when the charge becomes due, sue  
38 for recovery in any court of competent jurisdiction. If  
39 recovery is not effected, a lien is created upon the prop-  
40 erty and collection may proceed in accordance with the  
41 Revised Statutes, Title 38, section 1208.

42 4. Assessments. The district, when an assessment for  
43 a new sewer construction is not paid in a timely fashion,

1 may, after the expiration of 3 months after the date when it  
2 became due, sue for recovery in any court of competent  
3 jurisdiction. If recovery is not effected, a lien is cre-  
4 ated on the property and collection may proceed in accor-  
5 dance with the Revised Statutes, Title 38, sections 1205 to  
6 1207.

7 PART 5

8 BYLAWS, REGULATIONS AND PROCEDURES

9 Sec. 41. Bylaws. The trustees may adopt bylaws, by  
10 majority vote at 2 regular meetings, to govern the internal  
11 procedures of the board of trustees in carrying out their  
12 duties under this charter. The bylaws may be amended in the  
13 same way. The bylaws shall be published and copies made  
14 available to the public on request. Meetings shall be con-  
15 ducted in accordance with Robert's Rules of Order.

16 Sec. 42. Regulations. The district shall adopt regu-  
17 lations as follows.

18 1. Authorized. The trustees may promulgate regula-  
19 tions to supplement this charter in accomplishing the pur-  
20 poses of the district. The regulations shall include, but  
21 are not limited to, the following:

22 A. Use of public sewers, including permits, connec-  
23 tion, construction, abandonment, septic tank wastes,  
24 waste characteristics, limits on harmful wastes and  
25 pretreatment;

26 B. Construction of new facilities, including sewer  
27 extensions, treatment plants and contracting require-  
28 ments;

29 C. Rates, assessments, late payment charges and col-  
30 lection procedures; and

31 D. Penalties for violation of regulations or misuse of  
32 district property.

33 2. Adoption and amendment. Regulations may be adopted  
34 or amended by majority vote at 2 regular meetings of the  
35 board of trustees.

36 3. Public notice; public hearing. Proposed regula-  
37 tions shall be published in a local newspaper of general  
38 circulation at least 14 days before the first meeting at  
39 which the board will vote on them. If requested by 5 or

1 more voters of the district, the trustees shall hold a  
2 public hearing before taking a final vote on the proposed  
3 regulations.

4 4. Publication. The regulations shall be published  
5 and copies made available to the public on request.

6 5. Transition. The district shall promulgate a com-  
7 plete set of regulations after public hearing and prior to  
8 July 1, 1983, to replace the present rules and regulations.  
9 Existing regulations consistent with this charter shall  
10 remain in effect until that promulgation.

11 Sec. 43. Public hearings. The time, place and pur-  
12 pose of all hearings called by the trustees of the district  
13 in accordance with the charter, the bylaws or the regula-  
14 tions of the district shall be publicized by paid newspaper  
15 advertisements and notices to ratepayers as follows.

16 A minimum of one notice shall be carried in a paid  
17 advertisement for at least 14 days prior to the hearing,  
18 except in those instances where 2 notices are required by  
19 this charter, in which case one advertisement shall be car-  
20 ried for at least 14 days and a 2nd advertisement for at  
21 least 7 days prior to the date of the hearing.

22 At least 14 days before the hearing date, the district  
23 shall send notices to all ratepayers of the district stating  
24 the purpose, time and place of all public hearings on  
25 indebtedness under section 31, rate changes under section 32  
26 and proposed regulations under section 42.

27 All testimony at public hearings shall be recorded  
28 either by a qualified stenographer or by tape recordings and  
29 all transcripts or tapes of the hearing proceedings shall be  
30 made available to the public. Copies of transcripts or  
31 duplicate tapes shall be made available for a fee covering  
32 the actual cost of reproduction.

33 Sec. 44. Procedure of the board of trustees. All  
34 meetings of the Brunswick Sewer Trustees shall be in compli-  
35 ance with the "Right to Know Law," the Revised Statutes,  
36 Title 1, chapter 13. These meetings shall be in a public  
37 location. Notification of regular meetings shall be avail-  
38 able by request from the town manager's office or from the  
39 district's office. Four times each year, the time, date and  
40 location of these meetings shall be published in a local  
41 daily newspaper of general circulation. At least 2 meetings  
42 each year shall be held outside normal working hours to  
43 assist citizens in attending.

1       Sec. 45. Reports; access to information. The dis-  
2 trict shall publish an annual report and provide public ac-  
3 cess to district records, as follows.

4       1. Reports. The trustees of the Brunswick Sewer Dis-  
5 trict shall compile and publish an annual report, available  
6 to the public at no cost. This annual report shall include:

7       A. Activities of the district;

8       B. Summary of the consolidated financial statement;

9       C. Description of any extensions and the condition of  
10 existing sewers;

11       D. Description of the condition and any changes in the  
12 sewerage treatment plant;

13       E. Summary of the sludge treatment procedure; and

14       F. Future plans for the district.

15       2. Access to information. Except for private person-  
16 nel records, all information held by the district, includ-  
17 ing, but not limited to, maps, minutes of the trustees'  
18 meetings, records, rules and standards of procedure, and  
19 personnel and operating policies, are to be considered  
20 public records. These records shall be made available to  
21 the public at the district office during normal business  
22 hours and copies made available upon written request for the  
23 cost of reproduction.

24       Sec. 46. Financial management. Financial management  
25 of the district shall be subject to the following require-  
26 ments.

27       1. Trustees. The trustees are charged with sound and  
28 prudent management of the financial resources of the dis-  
29 trict. The requirements defined in this section are pre-  
30 scribed as a minimum standard. Forecasting and reporting  
31 may be performed in greater detail. Forecasting may be for  
32 longer periods than one year.

33       2. Budget proposal; fiscal year. Each year the  
34 trustees shall cause a proposed budget to be prepared for  
35 the subsequent year. The proposed budget document shall  
36 include the anticipated income and expenditures for the cur-  
37 rent year and the actual income and expenditures for the  
38 preceding 3 years. Line entries shall be made in conformity  
39 to the chart of accounts approved by the trustees. Summary



1 sheets and explanatory notes shall be provided as needed to  
2 prevent misunderstanding of the budget. The fiscal year  
3 shall be the calendar year.

4 3. Budget approval. The proposed budget shall be  
5 evaluated, revised as required and approved at an annual  
6 budget meeting or meetings. The budget shall be approved by  
7 the regular December meeting date of each year.

8 4. Copies. Copies of the proposed budget shall be  
9 available to the public at least 2 weeks before the annual  
10 budget meeting. Copies of the approved budget shall be  
11 available to the public no later than 2 weeks after the bud-  
12 get is approved.

13 5. Public notice. The trustees shall cause a public  
14 notice of the annual budget meeting to be placed in one or  
15 more newspapers having general circulation in the district.  
16 Such notice shall appear at least 2 weeks, but no more than  
17 4 weeks, before the annual budget meeting.

18 6. Financial statement. The trustees shall prepare  
19 and offer for public inspection an annual audited financial  
20 statement. This financial statement shall include an ac-  
21 countant's certification which covers:

- 22 A. Annual balance sheets;
- 23 B. Statements of income and expenses;
- 24 C. Statements of changes in fund balances;
- 25 D. Statements of changes in financial positions;
- 26 E. Statements of operation, maintenance and general  
27 expenses; and
- 28 F. Any other pertinent information.

29 Sec. 47. Purchase of goods and services. Purchases  
30 by the district shall be subject to the following require-  
31 ments.

32 1. Purpose. The purpose of this section is to provide  
33 safeguards over the expenditure of public moneys, while  
34 still allowing the trustees to operate the district in a  
35 businesslike manner.

36 2. Competitive bids. Contracts for goods and services  
37 shall be awarded by a system of competitive bidding within

1 limits as provided in the regulations of the district. Bid  
2 contracts shall be awarded to the lowest responsible bidder,  
3 unless there are valid reasons to the contrary. When the  
4 lowest responsible bidder is not awarded the contract, a  
5 document of explanation shall be entered in and maintained  
6 in the contract file. Bidders may be considered  
7 nonresponsible for such reasons as a history of unsatisfac-  
8 tory work quality, lack of financial soundness or previous  
9 cost and schedule overruns.

10 3. Expenditure of funds. The authority to commit the  
11 district to the expenditure of funds for goods and services  
12 rests with the trustees, except that they may delegate this  
13 authority as provided in the bylaws. Any withdrawal of  
14 funds from savings requires the signature of both the treas-  
15 urer or assistant treasurer and the chairman of the board.

## 16 PART 6

### 17 AMENDMENTS; EFFECTIVE DATE

18 Sec. 51. Amendments to the charter. Amendments to  
19 this charter may be proposed by the sewer district trustees.  
20 Prior to proposing any charter amendment to the town coun-  
21 cil, the trustees shall hold a public hearing to receive  
22 citizens' comments on the subject. The trustees shall pub-  
23 lish a summary of the proposed amendments and notice of the  
24 hearing at least twice in a local newspaper in consecutive  
25 weeks, not less than 7 days prior to the hearing. Upon  
26 approval of the town council, the amendments shall be sent  
27 to the Legislature for enactment.

28 This charter may also be amended by initiative. Any 5  
29 voters of the district may request petitions upon submission  
30 to the town clerk of the text of a proposed amendment. If  
31 5% of the voters of the district sign the petitions, they  
32 shall be submitted to the town council in the same manner as  
33 an amendment proposed by the sewer district trustees. The  
34 council shall hold a public hearing on the proposed amend-  
35 ment. Upon approval by the council, the amendment shall be  
36 sent to the Legislature for enactment.

37 Sec. 52. Effective date. It is recognized that the  
38 town council has reviewed and voted favorably on this  
39 revised charter and sent it to the Legislature for enact-  
40 ment.

41 After enactment, notwithstanding any other provision of  
42 this charter, this charter shall be submitted to the voters  
43 of the entire town at the next town-wide election in

1 Brunswick. On the day prior to the election, the board of  
2 registration shall prepare and the town clerk shall post a  
3 list of the voters of the district. The municipal clerk  
4 shall reduce the subject matter of the vote to the following  
5 question.

6 "Shall the Brunswick Sewer District Charter, revised  
7 version 1982, be accepted?"

8 Prior to the referendum, the town shall hold an infor-  
9 mational meeting for voters. The referendum shall be con-  
10 ducted by the town, but the cost shall be borne by the dis-  
11 trict. This charter shall take effect only upon an affirma-  
12 tive vote by a majority of those voting on the question.

### 13 STATEMENT OF FACT

14 The 1982 revision of the Brunswick Sewer District Char-  
15 ter was proposed by a committee appointed by the town coun-  
16 cil, including citizens from various constituencies, includ-  
17 ing the sewer district. The town council approved submis-  
18 sion of the revised charter to the Legislature.

19 The revision conforms the charter to Title 38, chapter  
20 12, as enacted by Public Law 1981, chapter 466, by:

- 21 1. Requiring notice of hearing before rate changes;
- 22 2. Conforming eminent domain procedures (appeal is  
23 still to the county commissioners);
- 24 3. Allowing existing buildings with satisfactory pri-  
25 vate systems to continue to use them;
- 26 4. Requiring voter approval for district boundary  
27 expansions;
- 28 5. Authorizing the Town Council to set trustees' pay;
- 29 6. Prohibiting trustees from joining the Maine State  
30 Retirement System by virtue of their office;
- 31 7. Requiring notice to the Town Council and consulta-  
32 tion with the Planning Board on sewer extensions; and
- 33 8. Requiring district vote on charter amendments.

34 The revision conforms the charter in some other  
35 respects to the statutory procedures used by those sanitary

1 districts formed under the Maine Sanitary District Enabling  
2 Act, Title 38, chapter 11, by:

3 1. Shortening terms of trustees from 5 to 3 years,  
4 although they remain appointed, while Title 38 requires  
5 elections;

6 2. Adding recall of trustees for cause;

7 3. Adopting the general requirement for issuance of  
8 bonds and notes, including public hearing and district vote  
9 by petition in cases of major indebtedness, although the  
10 limit is \$250,000 instead of \$150,000 as in Title 38; and

11 4. Conforming the procedures for collection of assess-  
12 ments to Title 38.

13 The revision retains much of the content of the present  
14 charter, but is redrafted for improved clarity and  
15 specificity, especially the sections on the boundaries and  
16 the powers of the district.

17 Procedural safeguards in addition to the above have  
18 been added to the revision, including:

19 1. Requiring the vote of 2 meetings of the trustees  
20 for adoption of bylaws;

21 2. Requiring the vote of 2 meetings of the trustees  
22 for adoption of regulations;

23 3. Requiring that meetings use Robert's Rules of  
24 Order;

25 4. Requiring notice and taped record or transcript for  
26 public hearings;

27 5. Establishing public access to district records and  
28 making clear that the right-to-know law applies;

29 6. Requiring an annual report and financial report;

30 7. Adding a budget process; and

31 8. Establishing procedures for purchases and expendi-  
32 tures.

33 Certain specific changes were made, including:

34 1. Adding emergency powers;

1           2. Expanding authority to accept sewage by contract  
2 from sewage from specified locations to sewage from any-  
3 where;

4           3. Retaining a debt limit (even though not required by  
5 Title 38), but increasing it from \$3.5 million to \$5 mil-  
6 lion;

7           4. Dropping the presently unused authority for  
8 readiness-to-serve charge;

9           5. Adding a depreciation reserve, funded from rates;

10          6. Prohibiting district participation in the cost of  
11 sewers to new developments; and

12          7. Restricting assessments for new sewer lines to lots  
13 whose owners have agreed to participate. Latecomers will be  
14 assessed when they hook up and a rebate given to original  
15 payers, similar to current practice for water districts.

16          For ease in referencing this legislation the following  
17 table of contents has been included.

18                           BRUNSWICK SEWER DISTRICT CHARTER

19                           PART 1. GENERAL PROVISIONS

20   Section 1. Short title

21   Section 2. Brunswick Sewer District created

22   Section 3. Savings clause

23                           PART 2. ORGANIZATION

24   Section 11. Territorial limits; expansion; voters

25                           1. Expansion

26                           2. Voters

27   Section 12. Property; catch basins to be conveyed to town

28   Section 13. Trustees

29                           1. Authorization

30                           2. Appointment

31                           3. Recall

1		4. Compensation
2		5. Election of officers
3		PART 3. POWERS
4	Section 21.	General powers
5	Section 22.	Emergency powers
6	Section 23.	Acquisition of property; eminent domain
7		and appeals; damages
8		1. Acquisition
9		2. Eminent domain; liability for damages;
10		appeals
11	Section 24.	Sewer extensions policy
12		1. Rules
13		2. New developments
14		3. Existing developments
15		4. Assessments
16		5. Consultation
17		6. Public hearings
18	Section 25.	Crossing public utilities
19	Section 26.	Private sewers; entry; connection
20		1. Requirements
21		2. Connection not always required
22	Section 27.	Free access to premises
23	Section 28.	Contracts for disposal of sewage or sludge
24		PART 4. BONDS, RATES AND ASSESSMENTS
25	Section 31.	Borrowing powers
26		1. Resolutions; amount
27		2. Authorization of bonds
28		3. Authorization of notes
29		4. General requirements for issuance of bonds
30		and notes
31		5. Public notice
32		6. Limitation
33		7. Sinking fund; reserves
34		8. Legal investment; tax exemption

- 1 Section 32. Rates
- 2 1. Established
- 3 2. Abatements
- 4 3. Hearings
- 5 Section 33. Purposes of rates
- 6 1. Operating expenses
- 7 2. Interest and principal
- 8 3. Sinking fund
- 9 4. Repairs, replacements, renewals and extensions
- 10 5. Obligations
- 11 6. Depreciation reserve
- 12 Section 34. Assessments
- 13 1. Determined
- 14 2. New Developments
- 15 3. Nonusers not assessed
- 16 4. Reimbursement
- 17 5. District participation; existing dwelling
- 18 6. Notification; hearing
- 19 7. Appeals
- 20 Section 35. Collection of unpaid bills
- 21 1. Treasurer to collect
- 22 2. Charge for late payment
- 23 3. Rates
- 24 4. Assessments
- 25 PART 5. BYLAWS, REGULATIONS AND PROCEDURES
- 26 Section 41. Bylaws
- 27 Section 42. Regulations
- 28 1. Authorized
- 29 2. Adoption and amendment
- 30 3. Public notice; hearing
- 31 4. Publication
- 32 5. Transition
- 33 Section 43. Public hearings
- 34 Section 44. Meetings of the board of trustees
- 35 Section. 45. Reports; information

- 1                    1. Reports
- 2                    2. Access to information
- 3    Section 46.    Financial management
- 4                    1. Trustees
- 5                    2. Budget proposal; fiscal year
- 6                    3. Budget approval
- 7                    4. Copies
- 8                    5. Public notice
- 9                    6. Financial statement
- 10   Section 47.    Purchases of goods and services
- 11                    1. Purpose
- 12                    2. Competitive bids
- 13                    3. Expenditure of funds
- 14                    PART 6.    AMENDMENTS; EFFECTIVE DATE
- 15   Section 51.    Amendment to the charter
- 16   Section 52.    Effective date

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