

The Charter
of the
Brunswick Sewer District

Revised
Private & Special Law
Chapter 103
as enacted by the
Legislature
of the
State of Maine
1982

With Revisions:

Chapter 102, 1986

Chapter 104, 1988

Chapter 19, Parts A, B, & C, 2003

Chapter 555, 2014

Chapter 5, 2015

Chapter 174, 2015

Brunswick Sewer District
10 Pine Tree Road
Brunswick, Maine 04011

BRUNSWICK SEWER DISTRICT

CHARTER

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STATE OF MAINE

In the Year of our Lord Nineteen Hundred and Eighty-Two

H.P. 2097 - L.D. 2031

AN ACT to Revise the Charter of the Brunswick Sewer District.

Be it enacted by the People of the State of Maine as follows.

Private & Special Law 1947, c. 77, as amended is repealed, and the following enacted in its place.

BRUNSWICK SEWER DISTRICT

PART I. GENERAL PROVISIONS.

- Sec. 1. Short title. This document shall be known as the "*Brunswick Sewer District Charter, revised version 1982*," called "the Charter." It replaces the Charter of 1947, as amended to date.
- Sec. 2. Brunswick Sewer District created. The Brunswick Sewer District, called "the District," is a quasi-municipal corporation which has been created for the purpose of providing and maintaining, within the territorial limits of the District, a sewer system for the collection, treatment and disposal of sewage. The district is the sole nonmunicipal or nonfederal governmental or quasi-governmental entity responsible for domestic sewerage and commercial and industrial waste within the territory of the Town of Brunswick, and there may be no other sewer or sanitary district within the boundaries of the town, regardless of the fact that the territory of the district does not encompass the entire town. The District has all the rights, privileges, and immunities incident to similar corporations or necessary for the accomplishment of its purpose. Nothing contained in this Charter imposes on the District the duty of providing or maintaining catch basins or drainage of public ways. The property of the District is exempt from taxation under the Maine Revised Statutes, Title 36, Section 112.
- Sec. 3. Savings clause. The creation by this Act of a revised Charter for the Brunswick Sewer District shall not prejudice any claims of creditors towards the sewer District existing prior to this Act or relieve that District of any liability already created or assumed, or affect any existing causes of action in favor of or against the District, or the existing rights or

obligations of other persons; but, for all purposes, the District shall be regarded as the same District which existed prior to this Act.

PART 2. ORGANIZATION.

Sec. 11. Territorial limits; expansion; voters. The territory of the district extends from the center of Town as follows, to include the entire area within the outer limits specified:

1. Territorial limits. Beginning at a point in the Androscoggin River at the Topsham line, 2-1/2 miles easterly from the location of the Town Hall as of January 1, 1981, thence southerly to the intersection of Storer Road and Old Bath Road, thence easterly to the intersection of new U. S. Route 1 and Harding Road, thence southerly along the easterly side of Harding Road to Bath Road, thence southwesterly to the intersection of Thomas Point Road and Meadow Road (not including either side of Adams Road), thence southwesterly to the intersection of Gurnet Road and Board Road, thence southwesterly to Dyers Corner, thence along the southerly side of Middle Bay Road to the intersection of Middle Bay Road and Mere Point Road, thence northwesterly to the intersection of Woodside Road and Pleasant Hill Road, thence northwesterly to the intersection of U. S. Route 1 and Greenwood Road, thence northwesterly to the intersection of Pleasant Street and Interstate Route 95, thence northeasterly along the median of Route 95 to the Androscoggin River, thence easterly along the Brunswick-Topsham line in the center of the river to the point of beginning.
2. Expanded growth area territorial limits. Notwithstanding the Maine Revised Statutes, Title 38, section 1252, subsection 4, the territory of the district also includes the growth area defined by the growth/rural area boundary on the Town of Brunswick zoning map, as it existed on November 2, 1982 and as it may be amended from time to time, except that any part of the growth area being served by the district or within the metes and bounds description of subsection 1 remains within the territory of the district, even if the area is subsequently removed from the growth area by amendment of the Town Council of the Town of Brunswick. Sewer extensions are made pursuant to section 24.
3. Expanded health, safety and welfare territorial limits. Notwithstanding the Maine Revised Statutes, Title 38, section 1252, subsection 4, the territory of the district may be expanded by action of the Town Council of the Town of Brunswick to include areas of existing development when it is determined by the local plumbing inspector, appropriate Department of Human Services, Division of Health Engineering official, appropriate Department of Marine Resources official or other qualified governmental official that a threat to the public health, safety or welfare exists and where the sewer extension is determined to be the most appropriate solution. Sewer extensions are made pursuant to section 24.
4. Voters. All registered voters of the Town of Brunswick who reside within the District are voters of the District, for all purposes. In

determining whether a voter resides within the District, if any part of that voter's residential property lies within the District, that voter is considered to reside within the District.

- Sec. 12. Property; catch basins to be conveyed to Town. The District is authorized to acquire and hold by purchase, lease or otherwise, land, real estate, rights, easements or interests in them, located within the District or elsewhere, and personal property, including the sewers and other assets previously taken over from the Brunswick Village Corporation, as convenient and necessary to carry out its purpose under this Charter.

The District shall convey to the Town of Brunswick any right, title, and interest the District has in any storm drain system within the Town.

- Sec. 13. Trustees. The District shall have a Board of Trustees, as follows.

1. Authorization. The affairs of the District shall be managed by a 5-member Board of Trustees. Three members shall constitute a quorum.
2. Appointment. Trustees shall be appointed by the Brunswick Town Council for 3-year terms, beginning in April of each year and staggered as follows: One beginning in 1982 and every 3 years after that; 2 beginning in 1983 and every 3 years after that; and 2 beginning in 1984 and every 3 years after that. Vacancies shall be filled for the unexpired portion of a term or for a new term by the Town Council, after advertisement of the vacancy in a local newspaper. All Trustees shall serve until their successors are appointed and qualified. All Trustees must be residents of the Town of Brunswick when appointed and shall resign if they move outside the Town.

Initially, the terms of the Trustees scheduled to end in 1982, 1983, and 1984 shall be unchanged, but the terms of the Trustee scheduled to end in 1985 shall be shortened to end in 1983, and the term of the Trustee scheduled to end in 1986 shall be shortened to end in 1984.

3. Recall. A Trustee may be recalled, after hearing, for misfeasance, malfeasance, or nonfeasance, as determined by the Town Council.
4. Compensation. The Trustees of the district receive compensation as recommended by the Trustees and approved by majority vote of the municipal officers in municipalities representing a majority of the population within the district, including compensation for any duties they perform as officers as well as their duties as Trustees. Certification of the vote must be recorded with the Secretary of State and recorded in the bylaws. Compensation for duties as Trustees must be based on an amount specified in the bylaws for each meeting actually attended plus reimbursement for travel and expenses, with the total not to exceed a specific amount as specified in the bylaws. Compensation schedules in effect on January 1, 2013, shall continue in effect until changed.

5. Trustees Retirement. A person who has not been a trustee of a sewer district prior to January 1, 1987, or who is not a full-time employee, is not eligible to become a member of the Maine Public Employees Retirement System as a result of the person's selection as a trustee.
6. Election of officers. At the first regular meeting of the Board of Trustees following the annual appointment by the Town Council of a new Trustee or reappointment of an existing Trustee, the Board shall elect a Chairman, Vice-Chairman, Clerk, Treasurer, and Assistant Treasurer. Election shall be by majority vote of the Trustees.

PART 3 POWERS.

- Sec. 21. General powers. The District may within the District lay pipes, sewers, conduits, fixtures, and other necessary appurtenances, repair and maintain them, and take them up or contract for the same to be done, in, along, and through any public or private ways or public or private lands, to and into tidal waters, rivers, streams, other sewers or treatment works; construct and maintain treatment works, pumping stations, basins, reservoirs, flush tanks, and other devices for collecting, holding, purifying, distributing and disposing of sewage matter and commercial and industrial waste. Any related discharge shall be consistent with the requirements of public health. The District may do any other things necessary or incidental to the accomplishment of its purpose.
- Sec. 22. Emergency powers. The Trustees may authorize immediate action, by majority vote, if an emergency arises entailing a breakdown in the sewer lines, pumping stations or treatment plant, or whenever in their judgment the health and welfare of District or Town residents may be threatened. The emergency measures shall be confirmed as soon as possible by confirming action under the normal procedure.
- Sec. 23. Acquisition of property; eminent domain and appeals; damages; lease of property. The District may acquire and hold, for the purposes stated in this Charter, real estate and personal estate and any interest therein necessary for such purposes by purchase, lease, taking or otherwise, including property as necessary for the purposes of Section 21, for such other objects necessary, convenient and proper for the purposes of its incorporation and for rights-of-way of roadways to its works, facilities and land.
 1. Eminent domain. The authority and procedures for the exercise of eminent domain by a sewer district must conform to sections 1152, 1152-A, 1153 and 1154. In addition, a sewer district may not take by right of eminent domain any of the property or facilities of any other public utility used or acquired for future use by the owner of the public utility in the performance of a public duty, unless expressly authorized by a special act of the Legislature.
 2. Liability for damages; appeals. The District shall be liable for damages sustained by any person in his property by the taking of

any land, rights, easement, or interest in them or by entering in or excavating through any land. Appeals are authorized in accordance with the Revised Statutes, Title 38, Section 1154.

3. Lease of property. The District may enter into a lease and leaseback transaction with respect to some or all of its real or personal property, other than land, and may take all other necessary action, including, but not limited to, the granting of mortgages and liens, to effectuate the transaction. For purposes of this section, "lease" includes a lease of any length, including leases that may be defined as sales for income tax purposes.

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

1. Rules. The District shall adopt rules stating in detail the sewer extension policies for new developments and for existing developments.
2. New developments. For new developments, the developer shall submit the sewer design to the District for review while the development plan is being reviewed by the Town Planning Board and obtain specific authorization from the Sewer District before construction starts. Any new extension shall be inspected and approved by the District before sewerage is allowed into the public sewer system from the extension.
3. Existing developments. For existing developments, the District may construct new public sewers if required by a majority of the property owners abutting the new sewer, or if the Public Health Officer or an appropriate environmental agency advises that the public health, safety, or welfare requires such construction.
4. Assessments. Assessments against lots benefited and any District participation in the cost shall be governed by Section 34.
5. Consultation; municipal. Prior to authorizing any sewer extension, except by specific state or federal mandate, the Trustees shall notify the Town Council and consult with the Planning Board in order to assure conformity with their comprehensive plans and other public policies relating to growth and development. The Trustees shall publish a notice of the proposed action in a newspaper with general circulation in the District, no less than 7 days prior to the meeting at which they will take final action on the authorization of the extension.

The trustees of a sewer district shall cooperate with municipals officials in the development of municipal growth management and other land use plans and ordinances.

Municipal officers shall cooperate with the trustees of a sewer district during the consideration of development applications that may affect the operations of the sewer district.

Nothing in this section exempts the district from complying with the requirements of the Maine Revised Statutes, Title 38, section 1252, subsection 7.

6. Consultation; inter-municipal. The District may not construct any sewer extension unless it acquires from the municipal officers or the designee of the municipal officers of any municipality through which the sewer extension will pass written assurance that:

Any development, lot or unit intended to be served by the sewer extension is in conformity with any adopted municipal plans and ordinances regulating land use; and the sewer extension is consistent with adopted municipal plan and ordinances regulating land use. If the municipal officers fail to issue a response to a written request from the district for written assurance within 45 calendar days of receiving the request in writing, the written assurance is deemed granted. Not less than 7 days prior to the meeting at which the trustees will take final action on whether to proceed with an extension, the trustees shall publish notice of the proposed extension in a newspaper having general circulation that includes all municipalities through which the sewer extension will pass.

For an inter-municipal sewer extension, when written assurance is denied by the municipal officers, an aggrieved party may appeal, within 15 days of the decision, to the Department of Agriculture, Conservation and Forestry for a review of the municipal officers' decision. Notwithstanding 5 M.R.S., chapter 375, subchapter 4, the following procedures apply to the review by the Department of Agriculture, Conservation and Forestry:

The Department of Agriculture, Conservation and Forestry may request any additional information from the sewer district, the municipality or the department. All information requested must be submitted within 30 days of the request, unless an extension is granted by the Department of Agriculture, Conservation and Forestry.

Within a reasonable time, the Department of Agriculture, Conservation and Forestry shall hold a hearing. The Department of Agriculture, Conservation and Forestry shall give at least 7 days' written notice of the hearing to the district, the municipality and the party that requested the hearing. The hearing is informal and the Department of Agriculture, Conservation and Forestry may receive any information it considers necessary.

Within 15 days of the hearing and within 60 days of the request for review, the Department of Agriculture, Conservation and Forestry shall make a decision that must include findings of fact on whether the sewer extension proposal is inconsistent with adopted municipal plans and ordinances regulating land use. The decision of the Department of Agriculture, Conservation and Forestry constitutes final agency action.

If the Department of Agriculture, Conservation and Forestry determines that the sewer extension proposal is not inconsistent with adopted municipal plans and ordinances regulating land use, the Department of Agriculture, Conservation and Forestry shall issue written assurance that the proposal is consistent with adopted municipal plans and ordinances regulating land use and the sewer district may construct the sewer extension.

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

Sec. 25. Crossing public utilities. If any sewer line crosses the property or line of any public utility, the placement of and the manner and conditions of the crossing shall be negotiated with the utility by the District. If agreement is not reached within 30 days, the Public Utilities Commission shall determine the place, manner of, and conditions of the crossing. If any sewer line of the District crosses the property or line of any railroad corporation, the procedure shall be the same as stated in this section, except that the Department of Transportation shall be substituted for the Public Utilities Commission.

Sec. 26. Private sewers; entry; connection; charges. Private sewers may be entered into the sewers of the District as follows.

1. Requirements. Any person may enter a private sewer into any sewer of the District after showing that the entry will be made in a safe and proper manner, obtaining a written permit from the District and submitting to final inspection; but if the sewer has already been completed to the point of entry the Trustees may assess an entrance charge as a condition of the permit. All costs incident to the installation and connection of the private sewer shall be borne by the owner.
2. Connection not always required. An existing building that is already served by a private sewer system is not required to connect with sewer or drain of a sewer district as long as the private sewer or drainage system functions in a satisfactory and sanitary manner and does not violate any applicable law or ordinance applicable to the connection with a sewer or drain or a sewer of a sewer district or any applicable requirements of the state plumbing code, as determined by the municipal plumbing inspector, or the municipal plumbing inspector's alternate or, in the event that both are trustees or employees of the sewer district, the Department of Health and Human Services, Division of Health Engineering.

Sec. 27. Free access to premises. The officers or agents of the District shall have free access to all premises served by its sewers, at all reasonable hours, to permit the inspection of plumbing and sewerage fixtures, to ascertain the amount of sewerage discharged and the manner of discharge and to enforce the provisions of this Charter and related regulations.

Sec. 28. Contracts for disposal of sewage or sludge. The District may enter into agreements within or outside the District with individual property owners, commercial or industrial establishments, or federal, state or municipal governments on mutually acceptable terms for operation and maintenance of on-site treatment plants, for acceptance and treatment of sewerage, and for sludge disposal by any method approved by the Department of Environmental Protection.

The District shall accept and treat septic tank waste with acceptable characteristics from within the District and may accept such waste from outside the District upon such terms as its Trustees determine. The District may enter into agreements with other sewer or sanitary Districts for the joint treatment of sewage or sludge.

Sec. 29. Violation of standards by an industrial user. The district may seek in a civil action injunctive relief from an industrial user that violates a pretreatment standard or requirement administered by the district. The district may seek a civil penalty of up to \$1,000 per day for each violation by an industrial user of a pretreatment standard or requirement.

PART 4 BONDS, RATES, AND ASSESSMENTS.

Sec. 31. Borrowing powers. The District may borrow money as follows.

1. Resolution; amount. The District may provide by resolution of its Trustees, without District vote except as provided in this Charter, for borrowing of money and the issuance of bonds, notes or other evidences of indebtedness, for any of its corporate purposes, including the purpose of paying, redeeming or refunding outstanding bonds, notes or evidences of indebtedness. All bonds, notes or other evidences of indebtedness shall have inscribed on their faces the words "*Brunswick Sewer District*" and shall be signed manually by the Treasurer or Assistant Treasurer, and the Chairman of the Board of Trustees. The total indebtedness at any time may not exceed \$ 25,000,000.
2. Authorization of bonds. All bonds issued by the District shall be legal obligations of the District. The bonds may be issued either as general obligations or as special obligations payable solely from particular funds. Bonds may be issued under this Charter without obtaining the consent of any commission, Board, bureau or agency of the State or of the Town of Brunswick, except as provided in this Charter or otherwise by law.
3. Authorization of notes. The District may provide by resolution of its Trustees for the issuance of notes in anticipation of bonds authorized under this Charter and of notes in anticipation of the revenues to be collected or received in any year, or in anticipation of the receipt of federal or state grants or other aid. The issue of these notes shall be governed by the applicable provisions of this Charter relating to the issue of bonds, provided that notes in anticipation of revenue must mature no later than one year from

their respective dates and notes issued in anticipation of federal or stated grants or other aid and renewals thereof must mature no later than the expected date of receipt of those grants or aid.

4. General requirements for issuance of bonds and notes. Bonds, notes, and other evidences of indebtedness shall be issued in accordance with the procedures and requirements of the Maine Revised Statutes, Title 38, Section 1201, subsections 1 to 9, unless otherwise specified in this Charter. Authorization of bonds under the Maine Revised Statutes, Title 38, Section 1201, subsection 1, shall not be subject to the Maine Revised Statutes, Title 38, Section 1201, subsection 10, but shall instead be subject to subsection 5 of this section.
5. Public hearings and approval. In the event that the Trustees vote to authorize bonds or notes, for any of the corporate purposes of a sanitary District, excluding notes payable within one year, notes in anticipation of bonds authorized pursuant to this section, notes in anticipation of the revenues to be collected or received in any year, or notes in anticipation of the receipt of approved federal or state grants, the authorized amount of which, singly or in aggregate included in any one financing, is \$ 150,000 or more, the Trustees shall call a special District meeting for the purpose of collecting testimony from the public concerning the purpose and the amount of debt so authorized. Notice of the special District meeting stating the approximate amount of the debt and the purpose for which it is being issued shall be published not less than 7 full days prior to the date of the meeting, and shall be mailed to each ratepayer in the District not later than the date of the publication. No debt may be incurred under the vote of the Trustees until the expiration of 7 full days following the date of the special District meeting.

Except for debt to fund that part of any project which has been approved for grant financing by the state government or federal government to meet the requirements of the United States Clean Water Act, Public Law 92-500, and the United States Code, Title 33, Section 1251, et seq., including any related facilities not eligible for that financing, but essential to the operation of the approved project as an integral system. For debts in excess of the amount specified in this section, the following petition and referendum procedure shall apply. If, on or before the 7th day following the date of the special District meeting, a petition signed by at least 5 %, but not less than 50, of the registered voters of the District is filed with the Clerk of the District requesting reference of the vote of the Trustees to referendum, the Clerk of the District shall call and hold a special election of the voters of the District for the purpose of submitting to referendum vote a question of approving the vote of the Trustees. The vote of the Trustees shall be suspended until it has received approval by vote of a majority of the voters of the District voting on the question at the special election.

6. Limitations. Bonds, notes, or other evidences of indebtedness issued under this Charter do not constitute a debt or liability of the state or the Town of Brunswick.
7. Sinking fund; reserves. The District is encouraged to use serial bonds to finance long-term debt. In some instances, term bonds may be desirable. To ensure the timely repayment of term-bonded indebtedness, the District shall establish a sinking fund and appropriate to it annually a sum sufficient for the eventual extinguishment of that indebtedness. The sinking fund shall be devoted to the retirement of the obligations of the District and invested in securities or financial instruments which are rated within the three highest grades by any rating service approach by the Superintendent of Banking; in bonds and other obligations of the United States; or in debentures and certificates of deposit of any financial institution insured by an agency of the United States or a state. All income generated from those investments shall be added to the sinking fund. The District shall maintain any other reserves required by any trust agreement or resolution securing bonds or notes.
8. Legal investment; tax exemption. All bonds, notes, and evidences of indebtedness issued by the District are legal investments for savings banks and other entities in the state, as specified in the Revised Statutes, Title 38, Section 1201, and are tax exempt.

Sec. 32. Rates and fees. Rates for sewer service provided by the District shall be subject to the following requirements.

1. Established. All persons, firms and corporations, whether public, private, or municipal, shall pay to the Treasurer of the District the rates established by the Trustees for the services used, and the rates shall be uniform within the District.
2. Abatements. The Trustees, on written application stating the grounds therefore, may make such reasonable abatements of any rates as they deem proper. The application shall be an attachment to the minutes of the Trustees' meeting at which the abatement is approved.
3. Public hearings. Prior to its adoption, the Trustees shall hold a public hearing regarding any proposed new rate schedule. The Trustees shall publish the proposed rates and notice of the hearing, at least once in a newspaper having a general circulation in the District, not less than 7 days prior to the hearing. The District shall mail to each ratepayer a notice of the public hearing and the proposed new rate at least 14 days prior to the hearing.
4. Reduced fee. Trustees may reduce the impact fee or connection fee, as those terms are defined in Title 30-A, section 5061, for sewer service to newly constructed affordable housing in accordance with Title 30-A, chapter 202-A.

Sec. 33. Purposes of rates. Rates shall be so established as to provide sufficient revenue for the following purposes:

1. Operating expenses. To pay the current expenses for operating and maintaining the District;
2. Interest and principal. To pay the principal of, premium, if any, and interest on all non-sinking fund bonds and notes as they become due and payable;
3. Sinking fund. To create and maintain sinking funds and such other reserves as may be required by any trust agreements or resolutions securing bonds and notes;
4. Construction, repairs, replacements, renewals, and extensions. To pay for such repairs, replacements, renewals, and extensions as may be necessary to maintain the system in good, safe, efficient working condition; to pay the District share in the cost of extensions authorized under Section 34; or to pay for the cost of capital projects constituting additions or improvements to the system, including the costs of acquisition, design, construction, building, alteration, enlargement, reconstruction, renovation, improvement, and equipping those projects, and the cost of all lands, structures, real or personal property, rights, easements, site development and improvement, plans and specifications, surveys, engineering, feasibility studies, and other legal, accounting, and professional services associated with those projects;
5. Obligations. To pay for any amounts for which the District may be obligated; and
6. Depreciation reserve. To create and maintain a funded depreciation reserve, with annual increments not to exceed annual depreciation.

Sec. 34. Assessments. Assessments to pay for the construction of a common sewer shall be subject to the following requirements.

1. Determined. After the District has constructed and completed a common sewer, except as providing in subsection 3, the Trustees may, in order to defray a portion of the expense, determine what lots or parcels of land are served by the sewer, and make an assessment upon those lots and parcels of land on which the owners have agreed to participate.
2. New developments. There shall be no assessment when a common sewer is constructed through an area only for the specific purpose of serving a development for housing, commercial, or industrial use. If, within 10 years after completion of the sewer, owners, tenants, lessees or agents of such exempted parcels undertake development, through sale of individual lots or parcels, or by filing subdivision plans with the Town planning Board or county register of deeds, the sewer District Trustees shall levy assessments against such properties at the time of development, using the same

uniform and equitable formula applied to other properties on that specific sewer line. The District shall not participate in the financing of a new development.

3. Nonusers not assessed. Nonusers shall not be assessed until they avail themselves of service. Then they shall be assessed using the same uniform and equitable formula that was applied to other properties on that specific sewer line.
4. Reimbursement. When additional users are added to a sewer line and assessed in accordance with subsection 2 or 3, the funds collected shall be reimbursed to the users on property which was previously assessed, in proportion to the amount of assessment previously paid.
5. District participation; existing dwellings. In providing service to existing dwellings, if community health and welfare concerns dictate, the Trustees may determine to participate in the financing to the extent they deem appropriate, but not to exceed the lesser of 1/3 of the cost or the 10-year anticipated revenue of the sewer and sewage disposal units, except that, in the case of demonstrated hardship for an individual homeowner, the cost limit shall not apply.
6. Notification; hearing. The Trustees shall file with the Clerk of the District the location of the sewer line and appurtenances as may be necessary, the total of the assessments for the entire project, together with a statement of the amount assessed on each parcel or lot, and the name of the person or persons against whom the assessment will be made. The Clerk of the District shall record that information on a permanent record. Within 10 days after filing, each person so assessed shall be notified of the assessment and of the time and place for a hearing on the proposed assessments.

Notice may be made by personal service in hand by an officer qualified to serve civil process in this State, or by certified mail, return receipt requested, to the person at his last known address. If the owner or owners are not known, or if they cannot be notified by personal service or certified mail, notice may be given by publication in a local newspaper of general circulation once a week for 3 successive weeks, the last publication to be at least one week prior to the hearing. Upon such hearing, the Trustees may revise, increase, or diminish any of the assessments, and all revisions, increases or diminution shall be in writing and recorded by the Clerk of the District.

7. Appeals. Any person aggrieved by the assessment made by the Trustees for sewer construction under this section, may within 60 days after the hearing on the assessment, appeal to the Cumberland County Superior Court. The court shall determine the assessment by a verdict of its jury or, if all parties agree, by the court without a jury or by a referee, and shall render judgment for

the assessment with interest where that is due and for costs in favor of the party entitled to them.

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

1. Treasurer to collect. The Treasurer of the District may collect the rates and assessments established in accordance with this Charter, and may exercise the authority set forth in this Charter in enforcing the collection of any rates or assessments due and payable to the District.
2. Charge for late payment. The District may apply a charge for late payment of rates and assessments.
3. Rates. There is a lien on real estate served or benefited by the sewers of the Brunswick Sewer District to secure the payment of rates established and due under this Charter. The lien established under this section arises and is perfected as services are provided and takes precedence over all other claims on the real estate, except claims for taxes. The Treasurer of the District shall have full and complete authority and power to collect the rates, tolls, rents, and other charges established under this chapter, and the same shall be committed to him. The Treasurer may, after demand for payment, sue in the name of the District in a civil action for any rate, toll, rent, or other charge remaining unpaid in any court of competent jurisdiction. In addition to other methods established by law for the collection of rates, tolls, rents, and other charges, and without waiver of the right to sue for the collection of rates, tolls, rents, and other charges, the lien hereby created may be enforced in the following manner. The Treasurer, when a rate, toll, rent, or other charge has been committed for collection, may, after the expiration of 3 months and within one year after the date when the same became due and payable, give to the owner of the real estate served, or leave at the owner's last and usual place of abode, or send by certified mail, return receipt requested, to the owner's last known address, a notice in writing signed by the Treasurer or bearing the Treasurer's facsimile signature, stating the amount of that rate, toll, rent, or other charge, describing the real estate upon which the lien is claimed, stating that a lien is claimed on the real estate to secure the payment of the rate, toll, rent, or other charge, and demanding the payment of the rate, toll, rent, or other charge, together with a fee of \$ 1 for mailing the notice and fee for the certified mail, return receipt requested, all within 30 days after service or mailing. The notice shall contain a statement that the District is willing to arrange installment payments of the outstanding debt. For the purpose of this section, a mobile home is defined as real estate. After the expiration of the 30-day period and within one year thereafter, the Treasurer shall record in the registry of deeds of the county in which that property is located a certificate signed by the Treasurer, setting forth the amount of such rate, toll, rent, or other charge, describing the real estate on which the lien is claimed, stating that a lien is claimed on the real estate to secure payment of the rate, toll, rent, or other charge, and

that a notice and demand for payment of the rate, toll, rent, or other charge has been given or made in accordance with this section, and stating further that the rate, toll, rent, or other charge remains unpaid. At the time of the recording of any such certificate in the registry of deeds, the Treasurer shall file in the office of the District a true copy of the certificate and shall mail a true copy thereof by certified mail, return receipt requested, to each record holder of any mortgage on the real estate addressed to the record holder at the record holder's last and usual place of abode. The fee to be charged by the District to the ratepayer for that notice and filing shall not exceed the amount authorized by the Maine Revised Statutes, Title 33, Section 751, subsection 12, concerning District liens.

The filing of the certificate in the registry of deeds shall be deemed to create, and shall create, a mortgage on the real estate therein described to the District, which shall have priority over all other mortgages, liens, attachments, and encumbrances of any nature, except liens, attachments, and claims for taxes, and shall give to the District all the rights usually possessed by the mortgagees, except that the District as mortgagee shall not have any right to possession of the real estate until the right of redemption provided shall have expired. If the mortgage, together with interest and costs, has not been paid within 18 months after the date of filing of the certificate in the registry of deeds, the mortgage shall be deemed to have been foreclosed and the right of redemption to have expired. The filing of the certificate in the registry of deeds shall be sufficient notice of the existence of the mortgage. In the event that the rate, toll, rent, or other charge, with interest and costs, is paid within the period of redemption, the Treasurer shall discharge the mortgage in the same manner provided for discharge of real estate mortgages. The fee for recording the discharge shall be borne by the ratepayer.

4. Landlord access to tenant bill payment information. If a tenant is billed for sewer service provided to property rented by the tenant and nonpayment for the service may result in a lien against the property, the sewer district shall provide to the landlord or the landlord's agent, on request of the landlord or the landlord's agent, the current status of the tenant's account, including any amounts due or overdue.
5. Assessments. The District, when an assessment for a new sewer construction is not paid in a timely fashion, may, after the expiration of 3 months after the date when it became due, sue for recovery in any court of competent jurisdiction. If recovery is not effected, a lien is created on the property, and collection may proceed in accordance with the Revised Statutes, Title 38, Sections 1205 to 1207.

PART 5 BYLAWS, REGULATIONS, AND PROCEDURES.

Sec. 41. Bylaws. The Trustees may adopt bylaws, by majority vote at 2 regular meetings, to govern the internal procedures of the Board of Trustees in carrying out their duties under this Charter. The bylaws may be amended in the same way. The bylaws shall be published and copies made available to the public on request. Meetings shall be conducted in accordance with Robert's Rules of Order.

Sec. 42. Regulations. The District shall adopt regulations as follows.

1. Authorized. The Trustees may promulgate regulations to supplement this Charter in accomplishing the purposes of the District. The regulations shall include, but are not limited to, the following:
 - A. Use of public sewers, including permits, connection, construction, abandonment, septic tank wastes, waste characteristics, limits on harmful wastes, and pretreatment;
 - B. Construction of new facilities, including sewer extensions, treatment plants, and contracting requirements;
 - C. Rates, assessments, late payment charges, and collection procedures; and
 - D. Penalties for violation of regulations or misuse of District property.
2. Adoption and amendment. Regulations may be adopted or amended by majority vote at 2 regular meetings of the Board of Trustees.
3. Public notice; public hearing. Proposed regulations shall be published in a local newspaper of general circulation at least 14 days before the first meeting at which the Board will vote on them. If requested by 5 or more voters of the District, the Trustees shall hold a public hearing before taking a final vote on the proposed regulations.
4. Publication. The regulations shall be published and copies made available to the public on request.
5. Transition. The District shall promulgate a complete set of regulations after public hearing and prior to July 1, 1983, to replace the present rules and regulations. Existing regulations consistent with this Charter shall remain in effect until that promulgation.

Sec. 43. Public hearings. The time, place, and purpose of all hearings called by the Trustees of the District in accordance with the Charter, the bylaws or the regulations of the District shall be publicized by paid newspaper advertisements and notices to ratepayers as follows.

A minimum of one notice shall be carried in a paid advertisement a least 14 days prior to the hearing, except in those instances where 2 notices are required by this Charter, in which case one advertisement shall be carried at least 14 days prior and a second advertisement at least 7 days prior to the date of the hearing.

At least 14 days before the hearing date, the District shall send notices to all ratepayers of the District, stating the purpose, time, and place of all public hearings on indebtedness under Section 31, rate changes under Section 32 and proposed regulations under Section 42.

All testimony at public hearings shall be recorded either by a qualified stenographer or by tape recording, and all transcripts or tapes of the hearing proceedings shall be made available to the public. Copies of transcripts or duplicate tapes shall be made available for a fee covering the actual cost of reproduction.

Sec. 44. Procedure of the Board of Trustees. All meetings of the Brunswick Sewer District Board of Trustees shall be in compliance with the "Right to Know Law," the Revised Statutes, Title 1, Chapter 13. These meetings shall be in a public location. Notification of regular meetings shall be available by request from the Town Manager's office or from District offices. Four times each year, the time, date, and location of these meetings shall be published in a local daily newspaper of general circulation. At least 2 meetings each year shall be held outside normal working hours to assist citizens in attending.

Sec. 45. Reports; access to information. The District shall publish an annual report and provide public access to District records, as follows.

1. Reports. The Trustees of the Brunswick Sewer District shall compile and publish an annual report, available to the public at no cost. This annual report shall include:
 - A. Activities of the District;
 - B. Summary of the consolidated financial statement;
 - C. Description of any extensions and the condition of existing sewers;
 - D. Description of the condition of and any changes in the sewerage treatment plant.
 - E. Summary of the sludge treatment procedure; and
 - F. Future plans for the District.
2. Access to information. Except for private personnel records, all information held by the District, including, but not limited to, maps, minutes of the Trustees meetings, records, rules and standards of procedure, and personnel and operating policies, are to be considered public records. These records shall be made

available to the public at the District office during normal business hours, and copies made available upon written request for the cost of reproduction.

Sec. 46. Financial management. Financial management of the District shall be subject to the following requirements.

1. Trustees. The Trustees are charged with sound and prudent management of the financial resources of the District. The requirements defined in this section are prescribed as a minimum standard. Forecasting and reporting may be performed in greater detail. Forecasting may be for longer periods than one year.
2. Budget proposal; fiscal year. Each year the Trustees shall cause a proposed budget to be prepared for the subsequent year. The proposed budget document shall include the anticipated income and expenditures for the current year and the actual income and expenditures for the preceding 3 years. Line entries shall be made in conformity to the Chart of Accounts approved by the Trustees. Summary sheets and explanatory notes shall be provided as needed to prevent misunderstanding of the budget. The fiscal year shall be the calendar year.
3. Budget approval. The proposed budget shall be evaluated, revised as required, and approved at an annual budget meeting or meetings. The budget shall be approved by the regular December meeting date of each year.
4. Copies. Copies of the proposed budget shall be available to the public at least 2 weeks before the annual budget meeting. Copies of the approved budget shall be available to the public no later than 2 weeks after the budget is approved.
5. Public notice. The Trustees shall cause a public notice of the annual budget meeting to be placed in one or more newspapers having general circulation in the District. Such notice shall appear at least 2 weeks, but no more than 4 weeks, before the annual budget meeting.
6. Financial statement. The Trustees shall prepare and offer for public inspection an annual audited financial statement. This financial statement shall include an accountant's certification which covers:
 - A. Annual balance sheets;
 - B. Statements of income and expenses;
 - C. Statements of changes in fund balances;
 - D. Statements of changes in financial positions;

- E. Statements of operation, maintenance, and general expenses; and
- F. Any other pertinent information.

Sec. 47. Purchase of goods and services. Purchases by the District shall be subject to the following requirements.

1. Purpose. The purpose of this section is to provide safeguards over the expenditure of public moneys, while still allowing the Trustees to operate the District in a business-like manner.
2. Competitive bids. Contracts for goods and services shall be awarded by a system of competitive bidding within limits as provided in the regulations of the District. Bid contracts shall be awarded to the lowest responsible bidder, unless there are valid reasons to the contrary. When the lowest responsible bidder is not awarded the contract, a document of explanation shall be entered in and maintained in the contract file. Bidders may be considered non-responsible for such reasons as a history of unsatisfactory work quality, lack of financial soundness, or previous cost and schedule overruns.
3. Expenditure of funds. The authority to commit the District to the expenditure of funds for goods and services rests with the Trustees, except that they may delegate this authority as provided in the bylaws. Any withdrawal of funds from savings requires the signature of both the Treasurer or Assistant Treasurer and the Chairman of the Board.

PART 6 AMENDMENTS; EFFECTIVE DATE.

Sec. 51. Amendments to the Charter. Amendments to this Charter may be proposed by the Sewer District Trustees. Prior to proposing any Charter amendment to the Town Council, the Trustees shall hold a public hearing to receive citizens' comments of the subject. The Trustees shall publish a summary of the proposed amendments and notice of the hearing at least twice in a local newspaper in consecutive weeks, not less than 7 days prior to the hearing. Upon approval of the Town Council, the amendments shall be sent to the Legislature for enactment.

This Charter may also be amended by initiative. Any 5 voters of the District may request petitions upon submission to the Town Clerk of the text of a proposed amendment. If 5 % of the voters of the District sign the petitions, they shall be submitted to the Town Council in the same manner as an amendment proposed by the sewer District Trustees. The Council shall hold a public hearing on the proposed amendment. Upon approval by the Council, the amendment shall be sent to the Legislature for enactment.

Sec. 52. Referendum; effective date. It is recognized that the Town Council has reviewed and voted favorably on this revised Charter and sent it to the Legislature for enactment.

After enactment, notwithstanding any other provision of this Charter, this Charter shall be submitted to the voters of the entire Town at the next Town-wide election in Brunswick. On the day prior to the election, the Board of registration shall prepare and the Town Clerk shall post a list of voters of the District. The Municipal Clerk shall reduce the subject matter of the vote to the following question.

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

Prior to the referendum, the Town shall hold an informational meeting for voters. The referendum shall be conducted by the Town, but the cost shall be borne by the District. This Charter shall take effect only upon an affirmative vote by a majority of those voting on the question.

EFFECTIVE DATE: 1982.

H.P. 2097 - L.D. 2031

An Act to Revise the Charter of the Brunswick Sewer District

Chapter 103, Private & Special Law

Signed by the Governor

April 6, 1982

1-866 to 18-866

Accepted by the Voters in referendum election

November 2, 1982

BRUNSWICK SEWER DISTRICT
CHARTER
Legislative History

<u>Chapter</u>	<u>Law</u>	<u>Year</u>	<u>Subject</u>
77	Private & Special	1947	Original Charter of the Brunswick Sewer District.
58	P & S	1951	Transferring title to catch basins and the drainage of public ways from the sanitary sewer system to the Town of Brunswick.
68	P & S	1955	Enabling the District to assess individual lots and to enforce these assessments by lien; authorizing free access to premises; authorizing abatements.
18	P & S	1959	Expanding the territory of the District an additional one-half mile “from the present Town Hall”.
12	P & S	1965	Authorizing the power of eminent domain, and establishing damages upon its exercise.
165	P & S	1965	Expanding the territory of the District and establishing the area by meets and bounds.
80	P & S	1967	Authorizing the Trustees to borrow money and issue bonds and notes, and procedures therefore, up to \$ 2,000,000.
88	P & S	1967	Increasing the salary of the Trustees to \$ 300 per year; Chairman \$ 500 per year.
21	P & S	1969	Expanding the territory of the District.
89	P & S	1973	Authorizing the District to enter into an agreement with the Topsham Sewer District to treat its sewage and septic tank waste.

Legislative History: (cont.).

<u>Chapter</u>	<u>Law</u>	<u>Year</u>	<u>Subject</u>
86	P & S	1978	Authorizing indebtedness of the District to be increased to \$ 3,500,000.
60	P & S	1981	Changing compensation of Trustees; granting additional powers to enter into contracts with municipalities, other sewer districts, or other persons.
103	P & S	1982	Revising the entire Charter of the District.
102	P & S	1986	Amending the revised Charter concerning bonding, rates, and assessments.
104	P & S	1988	Amending the revised Charter to permit construction of new facilities, authorizing an increased amount of debt.
19	P & S	2003	Amending the revised Charter to identify the District as the sole entity for domestic, commercial, and industrial wastewater in Brunswick; to incorporate the obligation of the District to consult with municipal officials prior to authorizing a sewer extension; to define District boundaries as those of the growth area defined on the Town of Brunswick zoning map; and to provide that the territory of the District may be expanded by the Brunswick Town Council in response to a threat to the public welfare.
555	PL	2014	Amending the Charter to incorporate the revisions required by the Standard Sewer District Enabling Act, P.L. 2013, Chapter 555. Effective 01 August 2014.
5	P & S	2015	An act to increase the total debt from \$20M to \$25M.
174	PL	2015	Amends the lien section to note lien arises and is perfected as services are provided.