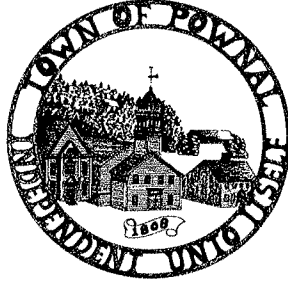


At the time this report was sent to the printer, the Town Meeting Warrant was correct. It is possible that changes could be made to the Warrant prior to signing by the Board of Selectmen and posting by the Town Clerk.

**Board of Selectmen**

Timothy Giddinge, Chair  
Alfred N. Fauver  
Jonathan Morris



Town of Pownal  
Mallett Hall  
429 Hallowell Road  
Pownal, Maine 04069

**Administrative Assistant**

Scott W. Seaver

TOWN MEETING WARRANT

To Kim Best, a resident of the Town of Pownal, in the County of Cumberland and the State of Maine:

Greetings:

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the said Town of Pownal, qualified by law to vote in town affairs, to assemble at the Town Hall in said Town of Pownal on Tuesday, the twelfth day of June, A.D. 2012, at 8:00 o'clock in the morning to act on articles one and two, of this warrant to wit:

And to notify and warn the inhabitants of said Town of Pownal, qualified by law to vote in Town affairs, to assemble at the Pownal Elementary School on Monday, the eighteenth day of June, A.D. 2012, at 6:30 o'clock in the evening to act on the remaining articles in this warrant beginning with article three, to wit:

The polls will open at the Town Hall at 8:00 AM and will close at 8:00 PM on the 12<sup>th</sup> day of June, A.D. 2012. Voting on Articles 1 and 2 will be by secret ballot.

Article 1. To choose a Moderator to preside at said meeting.

Article 2. To elect the following officers, to wit: one Selectman/Assessor/Overseer of the Poor for a three year term; one Cemetery Commissioner for a three year term; one Director of Regional School Unit #5 for an unexpired two year term; and one Director of Regional School Unit #5 for a three year term.

Action on all further articles will continue at 6:30 PM on the evening of Monday, June 18<sup>th</sup>, 2012 at the Pownal Elementary School.

Article 3. To hear the report of the Town-Appointed Committees and Boards and take any action relative thereto.

Article 4. To see if the Town will vote to adopt an ordinance as follows:

# ORDINANCE EXEMPTING ELEGIBLE ACTIVE DUTY MILITARY PERSONNEL FROM VEHICLE EXCISE TAX

## Section 1. Authority

This ordinance is enacted pursuant to 36 M.R.S.A ss 1483-A, which expressly authorizes such ordinances.

## Section 2. Excise tax exemption: qualifications

Vehicles owned by a resident of this municipality who is on active duty serving in the United States Armed Forces and who is either permanently stationed at a military or naval post, station or base outside this State or deployed for military service for a period of more than 180 days and who desires to register that resident's vehicle(s) in this State are hereby exempted from the annual excise tax imposed pursuant to 36 M.R.S.A. ss 1482.

To apply for this exemption, the resident must present to the municipal excise tax collector certification from the commander of the resident's post, station or base, or from the commander's designated agent, that the resident is permanently stationed at that post, station or base or is deployed for military service for a period of more than 180 days.

For purposes of this section, "United States Armed Forces" includes the National Guard and the reserves of the United States Armed Forces.

For purposes of this section, "deployed for military service" has the same meaning as in 26 M.R.S.A. ss 814(1)(A).

For purposes of this section, "vehicle" has the same meaning as in 36 M.R.S.A. ss 1481(5) and does not include any snowmobiles as defined in 12 M.R.S.A. 13001.

## Section 3. Effective date: duration.

This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect unless and until it or 36 M.R.S.A. ss 1483-A is repealed.

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Article 5. To see if the Town will vote to adopt an ordinance as follows:

## **PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE.**

### **PREAMBLE**

WHEREAS, the 124<sup>th</sup> Maine Legislature has enacted Public Law 2009, Chapter 591, "An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses," also known as "the Property Assessed Clean Energy Act" or "the PACE Act"; and

WHEREAS, that Act authorizes a municipality that has adopted a Property Assessed Clean Energy ("PACE") Ordinance to establish a PACE program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the City/Town,

financed by funds awarded to the Efficiency Maine Trust under the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and by other funds available for this purpose, and to enter into a contract with the Trust to administer functions of its PACE program; and

WHEREAS, the Municipality wishes to establish a PACE program; and

NOW THEREFORE, the Municipality hereby enacts the following Ordinance:

## **ARTICLE I - PURPOSE AND ENABLING LEGISLATION**

### Section-1 Purpose

By and through this Chapter, the Town of Pownal declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy (“PACE”) program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town. The Town declares its purpose and the provisions of this Chapter/Ordinance to be in conformity with federal and State laws.

### Section-2 Enabling Legislation

The Town enacts this Chapter/Ordinance pursuant to Public Law 2009, Chapter 591 of the 124<sup>th</sup> Maine State Legislature -- “An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act” (codified at 35-A M.R.S.A. § 10151, *et seq.*).

## **ARTICLE II - TITLE AND DEFINITIONS**

### Section-3 Title

This Chapter/Ordinance shall be known and may be cited as “the Town of Pownal Property Assessed Clean Energy (PACE) Ordinance” (the “Ordinance”).”

### Section-4 Definitions

Except as specifically defined below, words and phrases used in this Chapter/Ordinance shall have their customary meanings; as used in this Chapter/Ordinance, the following words and phrases shall have the meanings indicated:

**1. Energy saving improvement.** “Energy saving improvement” means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:

A. Will result in increased energy efficiency and substantially reduced energy use and:

(1) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Energy Star program or similar energy efficiency standards established or approved by the Trust; or

- (2) Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or
- B. Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the trust.
2. **Municipality.** “Municipality” shall mean the Town of Pownal, Maine.
3. **PACE agreement.** “Pace agreement” means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.
4. **PACE assessment.** “PACE assessment” means an assessment made against qualifying property to repay a PACE loan.
5. **PACE district.** “Pace district” means the area within which the Municipality establishes a PACE program hereunder, which is all that area within the Municipality’s boundaries.
6. **PACE loan.** “PACE loan” means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.
7. **PACE mortgage.** “PACE mortgage” means a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.
8. **PACE program.** “PACE program” means a program established under State statute by the Trust or a municipality under which property owners can finance energy savings improvements on qualifying property.
9. **Qualifying property.** “Qualifying property” means real property located in the PACE district of the Municipality.
10. **Renewable energy installation.** “Renewable energy installation” means a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and any other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.
11. **Trust.** “Trust” means the Efficiency Maine Trust established in 35-A M.R.S.A. § 10103 and/or its agent(s), if any.

## ARTICLE III - PACE PROGRAM

**1. Establishment; funding.** The Municipality hereby establishes a PACE program allowing owners of qualifying property located in the PACE district who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust or its agent. PACE loan funds are available from the Trust in municipalities that 1) adopt a PACE Ordinance, 2) adopt and implement a local public outreach and education plan, 3) enter into a PACE administration contract with the Trust to establish the terms and conditions of the Trust's administration of the municipality's PACE program, and 4) agree to assist and cooperate with the Trust in its administration of the municipality's PACE program.

**2. Amendment to PACE program.** In addition, the Municipality may from time to time amend this Ordinance to use any other funding sources made available to it or appropriated by it for the express purpose of its PACE program, and the Municipality shall be responsible for administration of loans made from those other funding sources.

#### **ARTICLE IV – CONFORMITY WITH THE REQUIREMENTS OF THE TRUST**

**1. Standards adopted; Rules promulgated; model documents.** If the Trust adopts standards, promulgates rules, or establishes model documents subsequent to the Municipality's adoption of this Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, the Municipality shall take necessary steps to conform this Ordinance and its PACE program to those standards, rules, or model documents.

#### **ARTICLE V – PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY**

##### **1. Program Administration**

**A. PACE Administration Contract.** Pursuant to 35-A M.R.S.A. §10154(2)(A)(2) and (B), the Municipality will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the Municipality. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:

i. the Trust will enter into PACE agreements with owners of qualifying property in the Municipality's PACE district;

ii. the Trust, or its agent, will create and record a Notice of the PACE agreement in the appropriate County Registry of Deeds to create a PACE mortgage;

iii. the Trust, or its agent, will disburse the PACE loan to the property owner;

iv. the Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;

v. the Trust, or its agent, will be responsible for collection of the PACE assessments;

vi. the Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;

vii. the Trust or its agent on behalf of the Municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.

**B. Adoption of Education and Outreach Program.** In conjunction with adopting this Ordinance, the Municipality shall adopt and implement an education and outreach program so that citizens of the Municipality are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.

**C. Assistance and Cooperation.** The Municipality will assist and cooperate with the Trust in its administration of the Municipality's PACE program.

**D. Assessments Not a Tax.** PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

## 2. Liability of Municipal Officials; Liability of Municipality

**A.** Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.

**B.** Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article VI, §1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.

Article 5. To see what sum of money the Town will vote to raise and / or appropriate for the Capital Project Fund.

Board of Selectmen Recommends	\$95,000
Budget Committee Recommends	\$95,000

Article 6. To see what sum the Town will vote to appropriate from the Capital Outlay budget to repair / replace the side entry ramp to Mallett Hall and to improve the communication system (radio repeater) for the Pownal Fire / Rescue Dept.

Board of Selectmen Recommends	Mallett Hall Ramp	up to \$20,000
Board of Selectmen Recommends	Radio Repeater	up to \$10,000

Budget Committee Recommends Mallett Hall Ramp up to \$20,000  
 Budget Committee Recommends Radio Repeater up to \$10,000

Article 7. To see what sum of money the Town will vote to raise and / or appropriate for General Government Budget.

Board of Selectmen Recommends \$178,615  
 Budget Committee Recommends \$178,615

(Historic and suggested use of funds)

	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
	Actual	Actual	Actual	Budget	Request
General Government	67,491	58,110	64,717	71,697	60,331
Technology	4,726	4,726	6,390	9,060	10,336
Animal Control	1,934	1,976	2,447	2,700	2,500
Compensation		92,950	88,812	98,820	102,148
Planning Board				7,700	3,300
	74,151	157,762	162,366	189,977	178,615

Article 8. To see what sum of money the Town will vote to raise and / appropriate to a dedicated fund to conduct a town wide property revaluation in the future.

Board of Selectmen Recommends \$20,000

Article 9. To see what sum of money the Town will vote to raise and / or appropriate for Human Services.

Board of Selectmen Recommends \$9,500  
 Budget Committee Recommends \$9,500

(Historic and suggested use of funds)

	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
	Actual	Actual	Actual	Budget	Request
General Assistance	1,049	3,337	6,936	4,500	4,500
Freeport Community Services	3,500	4,000	4,500	4,000	4,500
Family Crisis Center				500	500
	4,549	7,337	11,436	9,000	9,500

Article 10. To see what sum of money the Town will vote to raise and / or appropriate for the Mallett Hall Budget.

Board of Selectmen Recommends \$24,795  
 Budget Committee Recommends \$24,795

(Historic and suggested use of funds)

Mallet Hall	FY 2009 Actual	FY 2010 Actual	Actual 2010-2011	FY 2012 Approved	FY 2013 Request
Elevator License/Smoke Testing	438	447	270	270	500
Electricity	1,867	1,867	1,838	1,838	2,200
Heating	2,355	2,355	3,566	3,566	4,000
Janitorial Services	5,460	5,460	5,115	5,115	4,600
Security Contract	555	555	473	473	550
Elevator Repairs	1,201	1,201	279	279	1,000
Elevator Contract	1,148	1,148	873	873	900
Building Maintenance	1,729	1,729	238	238	10,000
Janitor Supplies	494	494	415	415	500
Licenses/Fees(Extinguishers)	99	99	180	180	250
Sprinkler Contract		585		-	295
Furnace Cleaning/Repairs	98		360	360	
Sprinkler Antifreeze Replacement					
	15,443	15,940	13,607	13,607	24,795

Article 11 To see what sum of money the Town will vote to raise and / or appropriate for the Public Safety Budget.

Board of Selectmen Recommends \$88,948  
 Budget Committee Recommends \$88,948

(Historic and suggested use of funds)

PUBLIC SAFETY	FY 2011 Actual	FY 2012 Budget	FY 2013 Request
Public Safety	23,700	25,850	26,350
FD Administration	12,445	7,318	3,928
First Responders	7,212	4,700	-
Vehicle & Equipment Maint	12,465	10,710	11,200
Health & Safety	6,941	6,749	7,789
Equipment & Supplies	1,095	3,336	6,684
Building Maint.	480	845	1,300
Utilities	6,548	6,500	6,310
Training	6,896	2,050	2,800
Communications	3,058	3,300	3,900
Payroll	6,896	14,887	18,687
	87,736	86,245	88,948

Article 12. To see what sum of money the Town will vote to raise and / or appropriate to purchase a used Utility truck for the Fire and Rescue Department.

Board of Selectmen Recommends up to \$40,000

Article 13. To see what sum of money the Town will vote to raise and / or appropriate for the Public Works Budget.

Board of Selectmen Recommends \$601,432  
 Budget Committee Recommends \$601,432

(Historic and suggested use of funds)

PUBLIC WORKS DEPT	FY 2012	FY 2013
	Budget	Request
Winter Roads	55,400	55,700
Utilities	3,925	3,925
Facilities Maint.	6,750	5,000
Fleet Maint.	32,550	32,935
Fuel	44,000	41,000
Road Maintenance	225,000	239,300
Supplies	3,200	3,200
Administrative	1,350	1,350
Compensation	211,387	219,022
	583,562	601,432

Article 14. To see if the Town will vote to authorize the Selectmen to enter into a lease/purchase agreement to replace the town's road grader, under terms they deem to be in the best interest of the Town for this purpose. (anticipated terms of lease to be for 10 years with annual cost at approximately \$22,800 per year, to be added to the Debt Service category)

Article 15. To see what sum of money the Town will vote to raise and / or appropriate for the Solid Waste Budget.

Board of Selectmen Recommends	\$110,942
Budget Committee Recommends	\$110,942

(Historic and suggested use of funds)

SOLID WASTE	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
	Actual	Actual	Actual	Budget	Request
Solid Waste Hauling	56,993	60,147	63,546	67,084	69,556
EcoMaine Tipping Fees	26,772	16,900	18,000	14,805	15,572
Eco Maine Assessment	28,259	28,288	28,288	25,404	18,039
Recycling Roll Off Fees	5,732				
L/A Water District	250	250	250	250	250
NY Landfill	1,100	1,100			
Pownal Pride Day	375	300	300		325
PAYT Education	1,000				
PAYT Bags					7,200
	120,481	106,985	110,384	107,543	110,942

Article 16. To see what sum of money the Town will vote to raise and / or appropriate for the Cemetery Commission Budget.

Board of Selectmen Recommends	\$1,000
Budget Committee Recommends	\$1,000

Article 17. To see if the Town will vote to dedicate the \$10,145.36 received from the harvesting of the woodlot located on the Elmwood Cemetery property to the support of the Pownal Cemeteries by transferring said funds received in 2011-2012 to the Cemetery Commission General Fund as maintained by the Treasurer of the Town of Pownal.

Board of Selectmen Recommends                      Ought to Pass

Article 18. To see what sum of money the Town will vote to raise and / or appropriate for the Pownal Center Water Association.

Board of Selectmen Recommend \$1,600  
 Budget Committee Recommends \$1,600

(Historic and suggested use of funds)

PCWA	FY 2009	FY 2011	FY 2012	FY 2013
	Actual	Budget	Budget	Request
Electricity	381	895	900	\$ 900
Licenses / Fees	118	80	50	\$ 50
Insurance	913	500	500	\$ 500
Water Testing	102	150	150	\$ 150
Well Purge & Testing		495		\$ -
	1514	2120	1600	1600

Article 19. To see what sum of money the Town will vote to raise and / or appropriate to establish a fund entitled "PCWA Maintenance Fund" to be held as a dedicated fund for the replacement or repair of facilities or equipment associated with the PCWA, with the Board of Selectmen authorized to expend monies from the fund for such purposes.

Board of Selectmen Recommend \$5,000  
 Budget Committee Recommends \$5,000

Article 20. To see what sum of money the Town will vote to raise and / or appropriate for Debt Service and Other Obligations.

Board of Selectmen Recommend \$287,754  
 Budget Committee Recommends \$287,754

DEBT SERVICE & OTHER OBLIGATIONS	Actual	FY 2012	FY 2013
	2010-2011	Budget	
2007 Road Repair	\$ 89,140	\$ 86,815	\$ 84,971
2007 Fire Truck	\$ 38,805	\$ 37,493	\$ 35,278
2010 Road Bond		\$ 51,948	\$ 100,286
Fire Truck Lease			\$ 30,381
Excavator Lease			\$ 14,038
NEW GRADER LEASE			\$ 22,800
	\$127,945	\$ 176,256	\$ 287,754

Article 21. To see what sum of money the Town will vote to raise and / or appropriate for Payroll Taxes.

Board of Selectmen Recommend \$23,837  
 Budget Committee Recommends \$23,837

Article 22. To see the Town will appropriate the following estimated revenues to reduce the 2012-2013 Tax Commitment:

	Budget	Actual to	Proposed
	11-12	Date 11-12	12-13
CABLE FRANCHISE FEE	11,000	11,236	11,000
AUTO EXCISE	200,000	197,006	200,000
BOAT EXCISE	-	1,307	
TOWN FEES	11,000	6,950	10,000
VITAL STATISTICS FEES	-	1,293	
REVENUE SHARING	85,000	92,995	95,000
HOMESTEAD EXEMPTION	32,000	33,095	33,000
VETERANS REIMBURSEMENT	250	831	800
LIEN COSTS	-	1,294	2,000
REAL ESTATE INTEREST	-	3,880	
STATE PARK FEES	-	1,325	
SNOWMOBILE REIMBURSEMENT	-	781	
CEO PERMITS	-	3,766	
TIMBER HARVEST	5,000	13,952	
CHECKING ACCT INTEREST	-	1,042	
ACO FEE	500	346	500
LATE FEE	1,500	425	500
SITE PLAN	100	1,000	100
SUBDIVISION	300	100	100
ROAD MAINTENANCE	47,436	23,718	47,436
ADMINISTRATIVE	-	2,699	
MAINTENANCE	1,200	1,348	1,200
GENERAL ASSISTANCE	2,000	1,864	1,000
PAYT BAGS	47,000	36,519	45,000
Final Totals	444,286	438,774	447,636

Article 23. To see if the Town will authorize the Board of Selectmen to negotiate and enter into an interlocal agreement that will allow the Towns of Durham and Pownal to share the services of Pownal's appointed Road Commissioner, and to allow the Board of Selectmen to negotiate the terms of such agreement outside of the Town of Pownal Personnel and Compensation Policy as previously approved and amended.

Article 24. To see if the Town will vote to increase the property tax levy limit of \$841,852 established for Pownal by State law in the event that the municipal budget approved under the preceding articles will result in a tax commitment that is greater than the property tax limit.

Board of Selectmen Recommend

Ought to Pass.

Article 25. To see if the Town will vote to cover certain overdrafts from the 2010-2011 fiscal year budget by reducing fund balance to compensate for such overdrafts as found in the audited financial reports for the 10-11 Fiscal Year.

Board of Selectmen Recommend      Public Works      \$5,033

Board of Selectmen Recommend      Human Services      \$4,936

Article 26. To see if the Town will authorize the Select Board and Treasurer, on behalf of the Town, to rent, sell, or otherwise dispose of any parcel of real estate or any portion thereof acquired by the Town of Pownal between July 1, 2012 and June 30, 2013 for non-payment of taxes thereon, on such terms as they deem advisable.

Board of Selectmen Recommend

Ought to Pass

Article 27. To see if the Town will vote to authorize the Board of Selectmen to transfer not more than 3% of the Town's budgeted expenditures between budget line items provided that the Town's total budgeted expenditures shall not be increased.

Board of Selectmen Recommends: Ought to Pass

Article 28. To see if the Town will vote to authorize the Tax Collector to accept prepayments of taxes not yet committed pursuant to 36 M.R.S.A. Section 506, at a rate of zero interest. (Note: This article is required by State Law, Title 36 M.R.S.A., Section 506 at each Annual Town Meeting, in order to collect any prepayment—such as Tax Club payments for taxes paid prior to the commitment of said taxes)

Board of Selectmen Recommend Ought to Pass.

Article 29. To see if the Town will vote to fix September 15<sup>th</sup>, 2012; December 15<sup>th</sup>, 2012; March 15<sup>th</sup>, 2013 and June 15<sup>th</sup>, 2013 as the dates on which one quarter of taxes shall be due and payable as the dates from which interest will be charged on any unpaid taxes at a rate of 7% per year, (Note: Maximum interest allowed is 7% per the State of Maine).

Board of Selectmen Recommend Ought to Pass.

Article 30. To see if the Town will vote to set the interest rate of 3% to be paid by the Town on abated taxes pursuant to 36 M.R.S.A section 506A.

Board of Selectmen Recommend Ought to Pass.

Article 31. To see if the Town will vote to authorize the Selectmen to accept and expend any other revenue from State, Federal, local and private sources for the support of the Town.

Board of Selectmen Recommend Ought to Pass.

Article 32. To see if the Town will vote to accept any gifts, unanticipated donations, or pass-through funds that may be provided by individual(s), business associations, charitable groups, or other organizations, which have not been listed in any of the previous or following articles, if the Select Board determines that the gifts, donations, or pass-through funds and their purposes are in the best interest of the Town.

Board of Selectmen Recommend Ought to Pass.

Given under our hands this \_\_\_\_\_ day of June, 2012.

Selectmen of Pownal Maine:

Timothy J. Giddinge, Chairman  
Alfred N. Fauver  
Jonathan W. Morris