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WISCASSET SELECT BOARD,
TAX ASSESSORS AND OVERSEERS OF THE POOR
DECEMBER 17, 2019

Preliminary Minutes

Present: Kim Andersson, Chair Judy Colby, Kathy Martin-Savage, Vice Chair Ben Rines, Jr., Jeff Slack and Town Manager John O'Connell

Chair Judy Colby called the meeting to order at 6:02 p.m. Ben Rines asked that when the board adjourns, it does so in honor and memory of Kerry Leeman.

1. Pledge of Allegiance

2. Approval of Treasurer's Warrants

Jeff Slack moved to approve the payroll warrants of November 22, November 29, December 6 and December 13, 2019. Vote 5-0-0.

Kathy Martin-Savage moved to approve the accounts payable warrants of November 26, December 3, December 10 and December 17, 2019. Vote 5-0-0.

3. Approval of Minutes

Kathy Martin-Savage moved to accept the minutes with the applicable changes already discussed and approved. Vote 5-0-0.

4. Special Presentations or Awards – none

5. Committee Appointments – none

6. Public Comment

The owner of the Woods Lodge expressed concern about the brewery planned on the property adjacent to the Lodge, specifically noise created by patrons leaving late which would disturb her guests and hurt business. She asked that the ordinance be changed to limit hours. She said that most tasting rooms close at 8 or 9 p.m. She added that the owner of the planned brewery has stated that the tasting room would be open until midnight. Judy Colby asked that the ORC investigate the possibility of limiting hours. Chief Hesseltine said that the State allows establishments serving liquor to be open until 1 a.m. He added that the police would deal with complaints if problems occurred, and the problem could also be dealt with when a renewal of the business license is requested.

7. Department Head or Committee Chair

a. Town Clerk Linda Perry-2020 Federal/State Election Schedule: The Town Clerk advised the board that the March 3, 2020 Presidential Primary was not considered during the past budget process and the cost of that election will affect the Election and Clerk's budget.

b. Tax Collector Molly Bonang – Update on delinquent Personal Property taxes: Bonang’s memo outlined the process she is taking with delinquent taxpayers. She will be taking a class on small claims court proceedings.

c. Fire Department Updates – Peter Rines: John O’Connell reported that Bob Bickford has been elected and appointed as Fire Chief until the next town meeting. He also reported on the progress in replacing flooring in the fire station.

d. Department Head Monthly Reports: Kim Andersson mentioned that Erin had taken a train-the-trainer course for EMS providers. Rick Gaeth thanked the board for its support, said that two interviews with engineering firms had taken place and another was scheduled. John O’Connell thanked Gaeth for the enormous success he had achieved in less than a year.

8. Unfinished Business

a. Revisit Business License Application for Al Cohen, Big Al’s Outlet, Inc. DBA Big Al’s Fireworks Outlet, 300 Bath Road: Judy Colby said the original license was issued in 2012 and renewed in 2015 and had met all requirements for a business license. Kathy Onorato, Administrative Assistant, said that because of the change in town clerks over the years, the original application in 2012 had not been located. Jon Pottle, attorney for the Bryants, who oppose the license, was advised by Mary Costigan, attorney for the Town, that the business license being discussed was for the business on Bath Road only and that a separate business license was not required for the storage building on JB’s Way. In response to Jeff Slack’s question, John O’Connell said that according to the State Fire Marshall, the appropriate distances between the buildings had been met.

Costigan advised the board to review the criteria, which she provided, for a business license, and if all criteria are met, to table the vote on the business license until after the public hearing on the Consumer Fireworks License. **Jeff Slack moved to table the vote on the business license in order to hold the public hearing on the Consumer Fireworks application. Vote 5-0-0.**

b. Approval of Modification to Utility Receivable Agreement (Main Street Project State WI#021834.00): This had been discussed previously with the board and covers the manhole covers on Route 1. Ben Rines, Jr., asked whether the board had previously voted on the agreement in March 2018. The matter will be researched and will be on the agenda in January.

9. Public Hearing

a. Annual License for Sale of Consumer Fireworks-Big Al’s Outlet, Inc., DBA Big Al’s Fireworks Outlet, 300 Bath Road: **Ben Rines, Jr., moved to go into a public hearing on the annual license for the sale of consumer fireworks. Vote 5-0-0.** Judy Colby allotted five minutes per speaker.

Mary Costigan said the discussion was only on the sale of consumer fireworks from the Bath Road location. One of the criteria for determining compliance is compliance with the state law for off-site storage. The only issue is whether it complies with the state law and meets the criteria for state approval.

Chris Neagle, attorney for Al Cohen, said the application for 2018 is necessary because the Bryants have filed a lawsuit on the lack of a 2018 and 2019 license. Once the licenses are issued the Bryants cannot

file an appeal. He said the setback (from the fireworks store to the restaurant on the adjoining lot) is 64 feet, exceeding the required 60-foot setback requirement. The application meets all the standards in the ordinance and has Fire Chief approval. The Conex boxes, heavy metal shipping containers used in commercial and consumer fireworks business, are easily moved. No town permit is necessary as they are not a building or a mobile home. The board does not have to interpret the State Fire Marshal law as he has given Cohen an approval. The National Fire Protection Act says that fireworks can be stored for up to 90 days. According to the State of Maine Fire Marshal, fireworks can't be stored for more than 90 days at a retail store; however, the Conex boxes can be used at a warehouse. Al Cohen said the 2018 application had been turned in to the clerk on time but was not given to the board.

John Pottle representing Tom and Katie Bryant said there is no documentation of the 64 feet between the fireworks store and the restaurant on the adjoining property: the measurement at the last meeting was less than 64 feet to the stairs on the restaurant, and the addition of the stairs predated the fireworks store. Pottle said there are specific steps for compliance which include storage of fireworks. The statute says you can store only in a permanent building, and Conex boxes do not meet the requirements of the statute. Regarding the application for a 2018 license retroactively, the applicant was not in compliance at the time of the application because of the Conex boxes at the Route 1 location. He said the municipal permits exclude compliance with storage and handling. The statute says that you can only store fireworks in a fixed building and the Conex boxes do not meet that criteria. He added that dangers to the public and being a public nuisance require insurance, and warehousing was specifically excluded in the insurance coverage. Consequently, Big Al's outlet does not have insurance on JB's way. There is no permit for the Conex boxes that have been there for 3-1/2 years. Pottle said according to the Attorney General, a storage only outlet is not authorized and the legislation was limited in what was allowed. The statute said that a storage only outlet is not authorized. He asked the board to look at the matter and be thoughtful in making the decision on the license.

Cecilio Juntura said the porch on his restaurant was built in 1994 before the fireworks store was built. He said Big Al's building is 10 feet from Juntura's property line.

Chris Neagle said the State Fire Marshal's office approval covered all Big Al's buildings. The State has seen all insurance covering all properties and all requirements have been met. In 2012, the Planning Board gave approval and determined that the store met all requirements including the 60-foot setback.

Jon Pottle said that the warehouse was not part of the insurance certificate and pointed out that the insurance did not cover the warehouse. He added that there can be a difference between what is approved and what is actually built. The current court case is on appeal in Superior Court regarding the decision by State Fire Marshal's office.

Al Cohen said that he has multiple insurance companies involved in coverage on his buildings and liability.

Katie Bryant pointed out a violation in the storage of a propane tank. Regarding storage on JB's way she said obtaining a town license based on the state license doesn't prove anything. She said it was an egregious violation and that the State did not inspect the warehouse so is unaware of the violation and is lax in enforcement.

Neagle said the storage building is not included in the application, only the premises on Bath road. The state does not license storage spaces. He added that the Conex boxes are approximately 250 -300 feet from the Bryant's garage and 500 feet from the house.

Ben Rines asked what would happen if something went wrong at the 30-foot distance. He was advised that the Fire Marshal would have to answer that question; laws and rules were based on the assumption that the public would be safe at that distance. He also asked if the town would be liable if something happened and was told it would not. If the Taste of the Orient applied for a building permit within 60 feet of the fireworks store, it would be the responsibility of the Planning Board whether to issue the permit. **Kathy Martin Savage moved to close the public hearing. Vote 5-0-0.**

Judy Colby said that according to the State Fire Marshal, if the town is stricter than the State about the distance between buildings, the town requirements would prevail. Mary Costigan reviewed the questions she had given the board regarding the consumer fireworks license and the board found that the application met all the following criteria:

- A. The location of the sale of consumer fireworks is on a lot that is conforming as to size and on which retail sales are allowed.
- B. The sale of consumer fireworks complies with all federal, state and local laws, ordinances, rules and regulations.
- C. The applicant received a conditional use permit from the planning board for the property on which the sale of consumer fireworks is located.
- D. The applicant does not have a business license.
- E. The applicant has not been convicted of a Class A, B, or C crime
- F. The applicant through the use of fireworks, consumer fireworks or in any other way has not created a danger to the general public.
- G. The applicant has complied with all federal, state and local laws, ordinances, rules and regulations.

Regarding the applicable state law 8 M.R.S. 223-A, the board found that:

- A. The applicant is 21 years of age or older.
- B. The applicant has the necessary federal permit to sell fireworks.
- C. The applicant complies with storage and handling requirements
 - 1) the fireworks are stored and sold in permanent, fixed, stand-alone buildings dedicated solely to the storage and sale of fireworks.
 - 2) The building is constructed, maintained and operated and fireworks are stored in compliance with NFPA 1124, relevant building codes, zoning ordinances , and other municipal ordinances.
 - 3) the building is located at least 60 feet from another permanent building and at least 300 feet from a structure at which gasoline, propane or other flammable material is sold or dispensed.
- D. The application has been approved by the police chief, fire chief and code enforcement officer.

Peter Rines said that the danger of the fireworks store is potentially the same as propane tanks. He said Big Al's store is a brick building with a sprinkler system and the applicant had done his due diligence

Chris Juntura said Big Al's had not complied with town ordinances regarding buffers at property lines and that the planning board could attach conditions to approval regarding buffers between properties.

Judy Colby confirmed that the application for a permit did not involve JB's Way, as a permit is not needed to store fireworks at that location. **Judy Colby moved to accept the State Fire Marshall requirements for the issuance of the fireworks permit as evidence of compliance. Vote 5-0-0.**

Kathy Martin-Savage moved to approve the business license for Big Al's Fireworks Outlet for 2018. Vote 5-0-0. Kim Andersson moved to approve the fireworks license for 2018 and 2019. Ben Rines, Jr., said the ordinance was weak and there were concerns but he was voting to approve. Kim Andersson said she was voting for the motion, but she would be concerned if the storage building was in her back yard. **Vote 5-0-0.** The chair called for a five-minute recess. The meeting resumed at 8 p.m.

Peter Rines, outgoing fire chief, reported that the floor replacement in the fire house was going well and that a part had been found for an old truck for \$2700, and he felt they had dodged the bullet in not having to replace the truck. He said it was a pleasure working with the board and staff. Judy Colby thanked him for the time and effort he had put in at the Fire Department. He introduced Bob Bickford, the new chief.

10. New Business

a. Business Licenses

- Chantel Jacobs, DBA Coastal Maine Cuts. 106 Main Street
- Holly B. Noble, DBA Wiscasset Veterinary Hospital

Kathy Martin-Savage moved to approve both applications for a business license. Vote 5-0-0.

b. Administrative Consent Agreement, Air Quality Violation (Former Huber's Market): John O'Connell said it was tough to meet all the regulations for a training burn; however, there had been violations. A consent agreement with the DEP was submitted to the board for approval which requires payment of a fine of \$1,000. **Kathy Martin-Savage moved to allow the Town Manager to execute the consent agreement with the DEP and pay the \$1,000 fine out of contingency. Vote 5-0-0.** Peter Rines said a check-off list of the DEP requirements for a controlled burn was now in place.

c. MDOT Utility Receivable Agreement (future Route 1 improvements State WIN #023805.00)-Estimated cost \$61,500: John O'Connell said the agreement was for replacement of manhole covers at a cost of \$61,500 which will be due the year after next. **Jeff Slack moved to authorize the Town Manager to execute the MDOT Receivable Agreement for State WIN #023805.00. Vote 5-0-0.**

d. Monthly Financials

- Department year to date expense report
- H.M. Payson Statement of Accounts

e. Request for Qualifications Opening

- Airport Planning and Engineering Services : Bids had been received from Stantec in Brunswick and Aviest in Caribou.

f. Community Action Plan and Analysis of Brownfield Clean-up Alternatives-Set date for public meeting (January 22, 2020 suggested): The meeting was set for Thursday, January 23, 2020 at 6 p.m.

11. Town Manager's Report

- a. A Request for qualifications and fees had been sent out to auditors.
- b. Investment Committee meeting is scheduled for January 16 at 4:30 p.m.
- c. Cenergy Update – The Planning Board had met with Steve Barrett, consultant on the solar project, on November 25. Ed Polewarczyk, who attended the Planning Board meeting, said Barnett has 12 years of experience and has generated documents that the FAA uses for requirements for solar projects. Polewarczyk’s comments included: his impression that the project would be sold when it is in operation, the FAA’s permitting process will take a year, the project will connect with the high voltage lines, there will be a single axis rotation on the panels from east to west, interconnectivity costs have not been determined, the benefits on the amount of energy generated may or may not be viable with snow, nighttime and pollen, the payback period may be extended to possibly 40 years, although the panels are good for only 20 years, and there is the possibility the project could be sold or the project owners could walk away. John O’Connell said that Cenergy has submitted modified plans: Site 1, up to 35 acres for 1.5MW AC Solar, two-year lease option \$500, then \$1,000 per year; Site 2, up to 35 acres for 1X5MW AC Solar, two-year lease option \$500, then \$1,000 per year. **Jeff Slack moved to allow the Town Manager to sign the two separate agreements. Vote 5-0-0.**
- d. Potential Ordinances Proposals/Revisions for June: The following are issues that might require changes or additions to the town’s ordinances and will be submitted to the Ordinance Review Committee for action before the Town Meeting: abandoned mobile homes, solar farm ordinance, Certificate of Occupancy, Historic Preservation Ordinance draft, potential marijuana ordinance, illegal junkyards, business license process, and requirement for building code.
- e. Wastewater Treatment Plant Updates
 - Engineering Services interviews: two interviews have taken place, a third is scheduled later in the week.
 - Maine Rural Water Association Conference: Rick Gaeth and Rob Lalli will attend.
- f. Staffing Updates
 - Officer Jonathan Barnes graduates from Maine Criminal Justice Academy
 - Robert Bickford appointed Fire Chief
- g. Main Street Pier Safety Updates: MMA in its risk assessment recommended stopping vehicular access to the pier and installing wire netting on the perimeter. Regarding the sale of Christmas trees on the pier, evidently no one who was authorized gave approval.
- h. **Jeff Slack moved to give the Town Manager permission to sign a sludge contract with Cassella. Vote 5-0-0.**

12. Assessors’ Business

- a. Abatements (Assessors’ Agent recommended)
 - Richard A. and Nancy Lutes, Map R01, Lot 020-00-\$374.12
 - Juan Dermody and Sarah Mosher, Map R06, Lot 15 - \$398.00
 - Norman Sherman, Personal Property - \$63.68

Ben Rines, Jr., moved to approve the abatements for Richard A. and Nancy Lutes for \$374.12; Juan Dermody and Sarah Mosher for \$398; and the personal property abatement for Norman Sherman for \$63.68 as recommended by Assessors' Agent Ellery Bane. Vote 5-0-0.

b. Personal Property (Prior Tax years)

- David Laemmle, Personal Property Account #79 for \$16.20 (2013)
- Peter West, Personal Property Account #47 for \$19.44 (2013)
- Edward and Scott Simpson, Personal Property Account #133 for \$34.25 (2018)

Ben Rines, Jr. moved to approve the Personal Property abatements of David Laemmle for \$16.20; Peter West for \$19.44; and Edward and Scott Simpson for \$34.25. Vote 5-0-0.

11. Other Board Business

Ben Rines, Jr., asked if the old street signs had been located by the highway crew and was informed that they had been found.

Judy Colby said with all the upheaval over the past few years regarding the downtown project, she was happy to see the fantastic job done by 30 volunteers in decorating the downtown for the holidays. She said Pikes Industries had received a letter from a little boy which said, "Thank you for downtown. It is great. I love it." Kudos were given to Peter Rines as DJ. Judy Colby wished all a Merry Christmas and Happy New Year and a safe holiday. John O'Connell said all town offices would close at noon on Christmas eve.

12. Adjournment

Kim Andersson moved to adjourn the meeting at 8:45 p.m. Vote 5-0-0.

Kathleen Onorato

From: Legal Services Department <legal@memun.org>
Sent: Wednesday, January 8, 2020 9:28 AM
To: admin@wiscasset.org
Subject: Wiscasset questions

Kathleen,

- (1) Yes, it is relatively common for a manager to also serve as treasurer. (I assume the treasurer position is appointed and not elected). Holding other positions would normally be something that might be negotiated between the board and manager and outlined in the manager's contract. The board may want to review what the current contract with the manager says about additional responsibilities.

If the manager is appointed as treasurer, he/she would need to be appointed with written appointment papers and need to be sworn in to the treasurer position. Normally, the manager would appoint the treasurer in a manager town, but in this case, the selectboard would need to appoint him/her as the manager cannot appoint herself/himself. If this is to be more than a short term solution, it would be best if the manager's contract also spelled out that the manager would have that responsibility just because of the fact that normally the manager appoints the treasurer.

- (2) I assume the question concerns selectboard meeting minutes, and not town meeting minutes. State law does not require anything particular in board meeting minutes other than very basic information. The Maine FOAA ([1 MRS § 403](#)) requires that most boards and committees make a very basic record of their meetings. See a Legal Note below that summarizes the law:

“FOAA Now Requires Record of Meeting

Maine Town & City - October, 2011

Maine's Freedom of Access Act (FOAA) has been amended to require a record of all public proceedings of a public body except where the body is a purely advisory one.

Public Law 2011, c. 320 (eff. Sept. 28, 2011) amends 1 M.R.S.A. § 403 to require that a record be made of each public proceeding within a reasonable time after the meeting and that the record be open to public inspection. At a minimum, the record must include (1) the time, date and place of the meeting, (2) the members of the body recorded as either present or absent, and (3) all motions and votes taken, by individual member if by roll call. There is no requirement in § 403 for detailed minutes of deliberations, although certain types of proceedings may require a detailed record (see “Board Meeting Minutes,” Maine Townsman, “Legal Notes,” July 2009).

An audio, video or other electronic recording of a public proceeding is deemed to satisfy this requirement.

Although technically an unfunded mandate, the new requirement for meeting records is consistent with our longstanding advice and the time-honored practice of most municipal boards. While it is now the law, however, § 403 expressly provides that the failure to make or maintain a record does not affect the validity of any action taken at a public proceeding.

As noted, advisory bodies that make recommendations but have no decision-making authority are exempt.

For other requirements that attach to public proceedings, see our “Information Packet” on the “Right to Know” law, available free to members at www.memun.org. (By R.P.F.)”

It is possible that Wiscasset could have an ordinance, board bylaws or a board policy that requires more detail than the state law requires. There are also lots of good practical reasons to provide more detail in meeting minutes than required by state law.

I hope that this answers your questions. Please let me know if you need anything further.

Susanne F. Pilgrim, Esq., Director
Legal Services Department

Maine Municipal Association
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From: Kathleen Onorato [<mailto:admin@wiscasset.org>]
Sent: Wednesday, January 8, 2020 8:50 AM
To: Legal Services Department <legal@memun.org>
Subject: Wiscasset questions

The Town of Wiscasset’s Treasurer is leaving. The Town is considering appointing the Town Manager as Treasurer in the Interim, is it acceptable for the Town Manager to hold both positions. Also we had questions from a Selectboard member as to what is required in the minutes. Kathy

Kathleen Onorato
Administrative Assistant/Human Resources
Town of Wiscasset
207-882-8200 Ext. 103
admin@wiscasset.org

WISCASSET SELECT BOARD,
TAX ASSESSORS AND OVERSEERS OF THE POOR
JANUARY 7, 2020

Preliminary Minutes

Present: Kim Andersson, Chair Judy Colby, Kathy Martin-Savage, Vice Chair Ben Rines, Jr., Jeff Slack and Town Manager John O'Connell

Chair Judy Colby called the meeting to order at 6 p.m.

1. Pledge of Allegiance

2. Approval of Treasurer's Warrants

a. **Kathy Martin-Savage moved to approve the payroll warrants of December 20, 2019 and January 3, 2020. Vote 5-0-0.**

b. **Kathy Martin-Savage moved to approve the accounts payable warrants of December 24, 2019 and January 7, 2020. Vote 5-0-0.**

3. Approval of Minutes

In response to a letter from Katie Bryant regarding the minutes, Judy Colby said she would accept the correction of two misspellings of names and asked the Town Manager to address the other changes which Mrs. Bryant had requested. John O'Connell said the purpose of the minutes was to record the votes on motions made at the meeting; it was not a transcript of the meeting. **Kim Andersson moved to table the minutes. Vote 5-0-0.**

4. Special Presentations or Awards

a. Ted Snowden presented a Perfect Attendance Recognition to Matthew Huber, who had not missed a day of work for more than a year.

5. Committee Appointments – none

6. Public Hearing – none

7. Public Comment

Ed Polewarczyk noted that at the previous meeting it was mentioned that the solar project had been changed from 50 acres to 70 acres, a 40% increase in acreage but no increase in megawatts. He also noted that two additional companies had been added and wondered if there was financial capability to complete the project. He urged caution on the part of the board.

Chief Larry Hesselstine, who has been chief for a year and a half, said he loves the job. He said there was 100% increase in arrests in the past year and the department had received over 6,400 calls, an average of 18 per day. Since 2015, 11 full-time officers had been hired, but there had been no turnover in the past year. He said he hopes the upcoming budget negotiations will encourage the latest officer who had

just completed training to remain in Wiscasset. Hesselstine thanked Ted Snowden for help he had given the department.

Ben Rines, Jr., confirmed with O'Connell that relative to the solar project, there had been no cost to the town to date. O'Connell said nothing basically had changed, permitting is taking place. The expense will be incurred when the Town attorneys look over final documents.

Kim Andersson said her support for the solar project was based on the opportunity for clean energy, not the cost.

John O'Connell assured the board that it can still opt out of the project; the only obligation was to not allow use of the portion of the airport under discussion. The FAA is in agreement with the project because it needs a return on its investment in the airport. He offered the board the opportunity to examine all the documents received to date.

8. Department Head or Committee Chair report

a. Wastewater Treatment Plant

- Department of Environmental Protection Report: Rick Gaeth reported that the DEP's report on the final inspection was favorable.
- Grease Trap Inspections: Gaeth said grease traps had not been inspected lately and asked if CEO Bruce Mullins and the Wastewater Treatment Plant employees could assist in the inspection. **Kathy Martin Savage moved to give Rick Gaeth permission to use the employees requested. Vote 5-0-0.**

9. Unfinished Business

a. MDOT Utility Receivable Agreement (future Main Street improvements State WIN #021843.00 – Estimated cost \$33,175). **Kathy Martin-Savage moved to approve the MDOT Receivable Agreement for State WIN #021843.00. Vote 5-0-0.** This agreement had not previously been brought to the board.

b. Approval of Modification to Utility Receivable Agreement (Main Street Project State WIN # 021843.00). **Kathy Martin Savage moved to accept the amended Forecasted Agreement End Date in the Utility Receivable Agreement from June 30, 2019 to July 15, 2020. Vote 5-0-0.**

c. Update on interviews for Wastewater Treatment Plant Engineering Services: Rick Gaeth, Chuck Applebee, Jeff Slack and John O'Connell have met and discussed the interviews. Rick Gaeth is negotiating with a firm and will present the recommendation to the board for approval.

d. Update of review of airport Planning and Engineering Services RFQs: RFQs had been received from Stantec and Aviest. **Jeff Slack moved to accept the quote from Stantec. Vote 5-0-0.**

e. Main Street Pier Update: John O'Connell reported the status of the following safety violations:

Perimeter Fencing: wire mesh has been installed by Public Works.

No Vehicles on Pier: A post has been installed in the middle of the ramp. ADA ramp will be upgraded.

Non-compliant extension cords will be removed before the operating season

Inspect wiring: Will be scheduled.

DEP inspection of waterfront use: to be scheduled before licenses are issued.

Liability Concerns:

Unauthorized sale of Christmas Trees: The pier was closed in mid-October.

Unlicensed ATM: A Business license will be necessary as well as responsibility for cost of electricity.

Christmas Festival Event did not obtain town approval.

10. New Business

a. Quit Claim Deed

- Harold E. Cole, Map U01, Lot 142: **Kim Andersson moved to grant the Quit Claim Deed for Harold E. Cole. Vote 5-0-0.**

b. Review of Airport Hangar Leases: The FAA report following its inspection of the airport contained several issues regarding leases: All leases exceed 49 years; one lease was executed for development of a hangar which was never built; one lease provides several acres to develop hangars, only one of which was built; and the lease of a hangar which contains a non-aeronautical use is based on aviation rates. Rick Tetrev and John O'Connell have reviewed the leases, some of which did not meet FAA standards.

Donald Falvey, a tenant at the airport, described his activities at the airport beginning with the construction of two hangars. However, after he had spent \$100,000 in site work and engineering and was half finished with the project, the market for large hangars dropped due to the offer of free hangars in Brunswick. His lease payment was reduced after he gave the Town the land for the snow removal building, representing \$40,000 of his investment. He said he has paid his leases every year and hoped to get a current bill for his lease. He signed a 20-year lease in 2005. O'Connell said he understood Falvey was looking for some reimbursement, although the FAA had found that the lease was unqualified to be continued. In addition, the FAA pays 90% of the airport costs and its concern is for the future of the airport. Because of the many questions from the board regarding the airport leases and FAA requirements, the matter will be taken up at the next meeting allowing time for Rick Tetrev to obtain the necessary information from the FAA and answers to the board's questions.

c. Set Budget Schedule: O'Connell said he had received budgets from most of the departments. He suggested meetings on the budget begin the week after next on Mondays and Thursdays at 5 p.m.

11. Town Manager's Report

a. Staffing Updates: O'Connell reported that Treasurer Vernice Boyce had resigned to take a position in Winthrop. Her last day will be January 13. **Ben Rines, Jr., moved to accept the resignation with regret. Vote 5-0-0.** O'Connell asked that the board appoint him temporary treasurer until a new treasurer is hired. He will check with MMA whether the manager could also be temporary treasurer. **Judy Colby moved to ask MMA if the manager can also be the interim treasurer, and if not, Kathy Onorato will be appointed interim treasurer. Vote 4-0-1 (Andersson abstained).**

b. Public Meeting-January 23 for Community Action Plan and Analysis of Brownfield Clean-up Alternatives: A meeting with Steve Dyer will be held on January 23 at 6 p.m.

c. Potential Ordinance Revisions for June Election: Will be on the agenda for the next meeting.

12. Assessors' Business

A: Abatements (Assessors' Agent recommended)

- Lester P. Locke, III, Map R02, Lot 023 for \$398

b. Abatement (Prior Tax Years)

- Lester P. Locke, III, Map R02, Lot 023 for \$375.20

Kathy Martin Savage moved to approve both abatements. Vote 5-0-0.

13. Other Board Business

At 7:50, Judy Colby moved to enter executive session pursuant to 1 M.R.S.A. §405 (6)(A). Vote 5-0-0.

At 8:31 Jeff Slack moved to come out of executive session. Vote 5-0-0.

14. Adjournment

Judy Colby moved to adjourn the meeting. Vote 5-0-0.

8a

Town of Wiscasset
December 2019
Monthly Reports





Town of Wiscasset

AIRPORT REPORT

To: John O'Connell, Town Manager
From: Rick Tetrev
Re: December Monthly Report
Date: January 15, 2020

Activity for the month of December 2019, as reported by the G.A.R.D. system (Airport Invisible Intelligence System), totaled 313 operations. In a comparison of 2018, there is a difference of 28 operations, with 2018 having 285 operations.

Sale of 100 LL Aviation Gas was 1,144 gallons for a gross revenue of \$6,051.28. Sale of Jet-A was 46 gallons for a gross revenue of \$204.76. KIWI reserves were 3,859.42 gallons of 100LL at the end of the month.

As previously reported 100LL supplies in Maine will be curtailed until March due to reconstruction of the holding tanks in Portland. If it is necessary to have a delivery, we can get gas from Albany, NY, at a premium, due to transportation costs.

In November, KIWI had 8 aircraft that were housed for one night or more, either on the ramp or in a hangar. From those 8 aircraft we collected \$525 in fees and sold \$109.98 of 100 LL, no Jet A was purchased.

For calendar year 2019 KIWI sold 36,682.770 gallons of 100 LL for a total of \$183,877.11 and 3,540.620 gallons of Jet A for a total of \$15,439.86

Respectfully submitted,
Rick Tetrev



Town of Wiscasset

TOWN CLERK REPORT

To: John O'Connell, Town Manager
From: Linda Perry, Town Clerk
Re: December Monthly Report
Date: January 16, 2020

Elections:

The Clerk's office is preparing for the upcoming Presidential Primary Election and State Referendum which will be held on Tuesday, June 12, 2018. The single State Referendum question is listed below. The polls will be open from 8:00 a.m. to 8:00 p.m. at the Community Center. Absentee ballots will be available from February 3rd through February 27th. Absentee ballots can be obtained by calling the Clerk's Office at 882-8200 ext.4 or by voting in person at the Town Office. Ballots can also be requested by an immediate family member, in writing, or on the Absentee Ballot Request Service www.maine.gov/sos/cec/elec

Special State Referendum Election

Question 1:

Do you want to reject the new law that removes religious and philosophical exemptions to requiring immunization against certain communicable diseases for students to attend schools and colleges and for employees of nursery schools and health care facilities?

Clerk:

The Clerk's office received several Citizen and Candidate petitions to certify during the month of December and will continue receiving them through February. The Clerk's office is responsible for verifying all signatures to be sure they are currently registered voters in Wiscasset.

Inland Fisheries license sales have increased this month due to holiday sales. Snowmobile registrations also increased due to the winter season.

Dog licenses will expire December 31st. Postcard reminder notices will be sent to residents that have not yet licensed their dogs for 2020. This reminds dog owners that beginning February 1st there will be a late fee of \$25 per dog.

Airplane excise tax bills will be sent out in January on aircraft that was hangered at the Wiscasset Municipal Airport in 2019. All Business in Wiscasset will need to renew their Business Licenses in 2020. I will be mailing a notice to all business owners with instructions on the renewal process.



Town of Wiscasset

Financials:

	Auto Excise	Boat Excise	Agent Fees	Vital Fees
Monthly Revenues	\$55,223.43	\$12.00	\$1,723.50	\$352.00
Year to date	\$385,095.22	\$1,553.40	\$9,267.25	\$2,506.40
Met yearly revenue projection by:	57.05%	25.68%	54.51%	——



Town of Wiscasset

CODE ENFORCEMENT REPORT

To: John O'Connell, Town Manager
From: Bruce Mullins, Code Enforcement Officer
Re: December Monthly Report
Date: January 7, 2020

Building Permits:

Gardiner Road:	New used mobile home
Old Sheepscot Road:	Barn addition
Flood Ave.	Shed

Plumbing Permit:

Gardiner Road:	Hookup new used mobile home
----------------	-----------------------------

Other Projects:

- Route 1 mobile home across from Ship's Chow Hall. The tenant has been removed and cleanup of the property has begun. Note: there is a garage on Lee Street that the tenant from Rt. 1 has illegally occupied. The owner has been advised.
- Chewonki Foundation, five new girls cabins, staff quarters, and shower building is framed up.
- The building at 35 Water Street, is in the drywall stages for the medical offices.

Projects under supervision:

- Two new homes in the Clarks Point Subdivision
- One new home on Clarks Point Road
- Offices on Water Street
- New garage and home addition on Young's Point Road
- Chewonki Foundation's additions
- Garage on Stonewall Drive
- New coffee shop on Rt.1

New Projects

- New restaurant in the old Simpsons Seafood Market
- New brewery and pub in the Market Place Shopping Center
- New wine bar on Maine Street
- New use for the old Wiscasset Primary School
- New owner for the old vet clinic on the Gardiner Road
- Two new solar projects in the planning stages
- New rehab at McDonalds restaurant



Town of Wiscasset

EMS/EMA REPORT

To: John O'Connell, Town Manager
From: Dennis Simmons, EMS/EMA Director
Re: December Monthly Report
Date: January 6, 2020

Scene Incident City Name (eScene.17)	Number of Runs	Percent of Total Runs
Wiscasset	40	63.49%
Dresden	12	19.05%
Westport Island	5	7.94%
	2	3.17%
Boothbay Harbor	2	3.17%
Damariscotta	2	3.17%
	Total: 63	Total: 100.00%
Disposition Incident Patient Disposition (eDisposition.12)	Number of Runs	Percent of Total Runs
Treated - Transported by this EMS Unit	41	65.08%
Patient Treated - Refused Transport	11	17.46%
Canceled (Prior to Arrival At Scene)	3	4.76%
Patient Evaluated, No Treatment/Transport Required	3	4.76%
Patient Refused Evaluation/Care (Without Transport)	2	3.17%
Assist - Public	1	1.59%
Dead at Scene-Resuscitation Attempted (Without Transport)	1	1.59%
No Patient Found/Contact	1	1.59%
	Total: 63	Total: 100.00%

Run volume was comparable to last month. Total calls for service for 2019 were 627.

I have been working on the fiscal 2021 budget. Vernice has the proposed numbers for the year. Staffing around the holidays was problematic, resulting in some overtime. Erin and I ended up covering both holidays. This is one of the problems with running a full service department with per-diem staff who pick and choose the days they wish to work.

We will be having a staff meeting Wednesday January 22nd @ 6:00 pm. An agenda will be posted but we will be discussing a wide range of topics/issues, such as scheduling, community paramedicine, training/education and goals for the year. Members of the town administration are invited and encouraged to attend.

We welcomed Emily Wells to our ranks. Emily is an AEMT and a pharmacy student and will be working mainly Saturdays.

Respectfully,
Dennis Simmons



Town of Wiscasset

FIRE DEPARTMENT REPORT

To: John O'Connell, Town Manager
From: Robert Bickford, Fire Chief
Re: December Monthly Report
Date: January 9, 2020

As I settle into my first month as chief, I would like to thank everyone for their congratulations and words of encouragement. I would especially like to thank the officers and members of the department for their continued support.

Operations:

The fire department responded to 16 calls for service during the month of December.

The calls for December break down as follows: 8 motor vehicle accidents; 1 fire alarm; 2 service calls (flooded basements); 1 carbon monoxide call; 1 smoke investigation; 1 assist to EMS; and 2 "other" (trees down).

Of the 16 calls, 15 were in Wiscasset. We provided mutual aid support to Dresden for a structure fire.

Training:

Training for the month focused on completing the renovations within the fire station. The floor has been completed and we are finishing up with the new paint job and moving all our furniture back in to the station. I would like to thank all the members who have put in time working on this project. We would also like to send out a big thank you to the town manager and the board of selectmen for supporting the renovation project as well as the public works director and his staff for their efforts waxing the floors.

Staffing:

Our roster currently stands at 17 members in addition to 8 members on the Lifetime Members roster.

Events:

This month, the fire department assisted with the fireworks for the towns Marketfest celebration. We are looking forward to participating in the Winterfest celebration at the end of the month that is put on by the Parks & Rec department.

Respectfully submitted,
Rob Bickford



Town of Wiscasset

Wiscasset Police Department

To: John O'Connell, Town Manager
From: Lawrence Hesseltine, Wiscasset Police Chief
RE: December Monthly Report
Date: January 13, 2020

The Police Department responded to 449 calls for service during the month of December. (Jan 304, Feb 634, Mar 800, Apr 543, May 846, Jun 445, Jul 496, Aug 651, Sept 442, Oct 559, Nov 366, Dec 449)

Officers responded to 12 motor vehicle accidents. Officers conducted 106 motor vehicle stops.

Arrests/Summonses were made for the following:

- Criminal threatening with a dangerous weapon
- Violating condition of release (3)
- Operating after suspension
- Operating vehicle without license (1)
- Operating while license suspended or revoked (7)
- Unlawful possession of scheduled drug (2)
- Domestic Violence criminal threatening
- Assault
- OUI (drugs or combo) (4)
- Driving to endanger
- Fugitive from justice (2)
- Attaching false plates
- Terrorizing
- Criminal trespass
- Littering (more than 15 pounds)

The calls for service in 2018 at this point was 4829. YTD Calls for service for 2019 was 6424, a 25% increase.

Officer Hubert began his training at MCJA on Dec. 30th and will graduate on May 1, 2020.

Larry Hesseltine
Chief of Police
Wiscasset Police Department
51 Bath Rd.



Town of Wiscasset

PUBLIC WORKS DEPARTMENT

To: John O'Connell, Town Manager
From: Theodore Snowdon, Public Works Director
Re: December Monthly Report
Date: January 15, 2020

Operations:

In addition to our daily routine and keeping up with snow and ice:

- Down town snow removal has been quite a challenge this season do to all the new construction, finally after the first few storms we figured out.
- Keeping up with the airport plowing and snow removal.
- Keeping up with salting and sanding of down town sidewalks and town office.
- Staying on top of service and repair of all town owned vehicles including our plowing equipment.
- Due to the absence of the Transfer Station supervisor I have taken over the daily operations and keeping it staffed from the Public Works personnel.
- Keeping up with roadside clean up and clearing snow from any fire hydrant needed.
- Placed snow fencing in needed places throughout the town.
- Removed Christmas lighting and stored for next season.
- Hazard tree removal on Foye road.
- Still trying to keep up with the pot holes throughout the town.
- Finally figured out heating system in Police and Ambulance area.

I would also like to mention the hard work and dedication of our Public Works crew keeping up with snow and ice. And the ongoing support from our Town Manager and staff.

To conclude, all is well within the Department.

Respectfully,
Ted/crew



Town of Wiscasset

PARKS AND RECREATION DEPARTMENT

To: John O'Connell, Town Manager
From: Duane Goud, Parks & Recreation Director
Re: December Monthly Report
Date: January 10, 2020

Program Updates

Youth Basketball is in full swing and all teams and divisions seem to be learning and developing their skills. We have been playing games with area communities either through the league or just picking up scrimmages, giving our kids time on the court to better their games. Adult Basketball League is in full swing with 6 very competitive teams, we now have 47 league members - still looking for one player (Jeff)? We have been submitting the weekly results to the newspapers to acknowledge the 6 different businesses in our community that have sponsored our teams. The league plays 3 games every Sunday evening (4:30 pm) throughout the months of January & February, with Playoffs in March. Looking forward to another great season from both of these programs.

Paddle Board Yoga had great participation and is being offered again starting in January. Karate has been growing in participation with a new session starting in January. Lost Valley Ski Program is lacking participation - working with Mr. Ralph Keyes to combine with the WMHS Outing Club to promote this program.

Starting to set up dates for Travel Team Basketball Tournaments throughout the month of March. Also starting to set up our Spring sports programs as well as Vacation Camps. Swimming lessons for our 3rd Grade Elementary School kids started in November and will be finishing up in January, we have also had good participation in our group lessons. Our WCC Un-sinkables Swim Team has been participating in multiple Swim Meets around the state. They represented the community well at the Bowdoin Open.

Community Events

Our Gingerbread Workshop had great participation again this year, it was great to see the kids & adults working together to decorate their houses.

Breakfast with Santa went off without a hitch, special thanks to David Sawyer (Santa), Larry Rines, Mike Gordon, our resident exchange student Daryna Yesyp and Tricia Goud. We closed early on Christmas Eve (Noon), closed Christmas Day, closed early on New Year's Eve (6 pm) and closed New Year's Day.

Holiday Marketfest put on by the Chamber, was a great success according to all involved. Upcoming events include a JV Jamboree (Jan 11th) that we have joined forces with the WMHS (Warren Cossette, AD), our Picture Day (Jan 25th) for Youth Basketball, Trivia Night (Jan 31st), Winterfest (Jan 31st & Feb 1st) and our Annual Father / Daughter Dance (Feb 7th).



Town of Wiscasset

Coordination Meetings & Professional Development

I pulled back on the Brochure, deciding to go with a spring / summer brochure giving us more time to pull accurate information together.

I met with the Senior Trustees, continuing to work on ways to get more information out about the Senior Center.

I met with the Chamber of Commerce and the 'Friends of Wiscasset' for updates and input about different activities and events within our community. I am now on the Board of the Chamber as a representative from the Wiscasset Parks & Recreation Department.

Bonnie & I also met with the Cooper DiPerri Scholarship Committee about scholarships and Winterfest, finalizing details for our upcoming fundraiser.

As I mentioned in December, I had signed up for the upcoming Northern New England Recreation & Parks Conference in New Hampshire on Jan. 7, 8 & 9. This was a great conference, I was able to meet and compare departments with a number of different Directors from around the New England area as well as sit in on some good discussions about many different areas of the Parks & Recreation Department. Thank you for this great opportunity.

Director's Notes

I hope everyone had a great Christmas & New Year's Holiday. I am working with my staff, putting numbers together for our upcoming budget season. We have a number of areas that we are looking at within the department where adjustments may be needed in this year's budget. I am still spending time getting caught up on a number of different items, projects and/or events that I knew about but was not a part of previously. I look forward to working with you as we approach the upcoming spring budget season, looking at things that we might be able to do moving forward. Wishing you all well in this New Year, bring on 2020!!

Duane Goud



Town of Wiscasset

TOWN TREASURER REPORT

To: John O'Connell, Town Manager
From: Vernice Boyce, Town Treasurer
Re: December Monthly Report
Date: January 8, 2020

Credit Card Receipts:

Over the counter:	\$12,271.98
Transfer station:	12,271.98
Boat excise:	\$0.00
Vehicle registration excise:	\$6,807.15
Airport:	\$7,616.62
Parks & Recreation:	\$10,435.00

Tax payments:	\$0.00
	\$49,402.73

Total Credit Card Receipts

EMS payments:	\$18,652.46
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Bank Account Balances:

Town operating:	\$2,800,672.37
INFORME Debit/credit account:	\$2,135.81
<u>General Fund Total</u>	<u>\$2,802,808.18</u>

School Checking:	\$120,029.64
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Transfers to the school:	\$515,000.00
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Interest earned on checking:	\$4,896.08
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Budget:

The Finance Department, at month end, has spent 48.28% of its budget; we are 50% through our current fiscal year.

The TAN is in place so can be used if needed.

It has been a pleasure to have served as your treasurer. I know I am leaving the town in a better place than it was when I arrived. I will be available to give a hand as needed.

Please contact Vernice Boyce @ 207-882-8200 Ext. 5 or treasurer@wiscasset.org if you have any questions.

Vernice H. Boyce

December 2019 Monthly Report



Town of Wiscasset

WASTE WATER TREATMENT PLANT

To: John O'Connell, Town Manager
From: Richard Gaeth, Waste Water Treatment Plant Superintendent
Re: December Monthly Report
Date: January 10, 2020

Operations:

Average flow per day = 0.259 mg
Licensed flow per day = 0.62 mg
Percent of average flow per day to license limit = 41%
Total Rainfall per month = 5.39 inches
BOD Effluent Lab Results for mg/L for monthly average, weekly average & daily max.
all within license limits
BOD Effluent % Removal was % much better than the 85% required in the license
TSS Effluent Lab Results for mg/L for monthly average, weekly average & daily max,
all within license limits
TSS Effluent % Removal was % much better than the 85% required in the license
Settable Solids were within license limit of 0.3 mL/L
PH was within license limits of 6-9

Safety: Safe Approach installed the safety nets in the 5 pits here at the facility.

Budget: At the end of December which is 50% of the budget year we have spent 42.72% of the budget, however that does not account for anything going to the Loan interest or Depreciation so when that is figured in at 50% of those amounts we are at 52.6% of the budget. I have prepared almost all of the budget for the 2020-2021 year for presentation to the Budget Committee. Still awaiting some cost estimates for the Buildings. Rob Lalli and myself will be meeting with the Budget Committee on January 8th to review with them. Rob has very little budget experience therefore I am assisting with this topic. It indeed is a very challenging budget.

Equipment: Continuing to do the monthly aeration basin blower rotation. The new effluent sampler is now flow paced. Worked with Seacoast Security on all the paper work required and tentatively have the work scheduled for Jan. 8, 9, 10, 13 and 14th.

DEP Related: Met with Denise Behr (Inspector) to review all the progress done during the last year to put on an inspection report. Had to schedule an additional day to review the draft and do a walk-a-round of the plant. All was completed in December and you have a summary of that report. Pam Parker (Enforcement) came to review the consent decree and advised she considers the following still open: Asset Management – she knows we did start this and is aware that it should be part of the FSA which the Engineering firm should be doing. She said to make sure they do the proper format for it. The other issue is funding – she wants to make sure that the funding required to maintain and upgrade the plant keeps occurring. She has been advised that I have presented a number of the projects to the board as well as the budget committee to consider



Town of Wiscasset

prior to the Engineering firm(s) doing their assessment(s). In addition we will be presenting our budget to the Budget Committee and subsequently the Board and will keep her updated to the status of those meetings. Sent the updated Wet Weather/High Flow & Septage Management to Denise Behr. These had also been sent to the DEP with the license renewal.

Preventative Maintenance: Continuing to work on preventative maintenance routines – particularly for any new equipment that we bring into the plant.

Other: Continuing to train Rob (next Supt.). Have spent considerable time on the budget, as this is something new to him.

I have gotten an extension for filling of the following: QA/QC Manual, O & M update, and the Industrial Survey.

A meeting should be held with the Ordinance Committee to discuss what we recommend being put in the ordinance as well as taken out. We have a number of businesses (particularly the proposed breweries), which can have some negative effects to the Wastewater Treatment Plant. We need to determine where the volume of wrappers and other debris are coming from that we keep finding at Pump Station #3.

Completed the second Interview with the three engineering firms and we are currently negotiating the scope and work prior to a presentation to the Board.

Housekeeping: The chemical company came and picked up the empty hypo and bisulfite barrels

Respectfully Submitted,
Rick Gaeth
Superintendent

9/0

AOPA's Guide To FAA Airport Compliance

***“FAA enforcement action
is a last resort to be used
only when all local options
for achieving voluntary
compliance have failed.”***

The information contained in this booklet is intended as a guide in understanding the rules, procedures, and policies applicable to the FAA's procedures for airport compliance. It is not intended to replace the necessary research and review of applicable law that may be required in a particular case. It is not intended to give legal advice or take the place of an attorney who can advise with respect to a particular situation. While every care has been exercised in the preparation of this booklet, AOPA cannot and does not accept responsibility for an individual's reliance on its contents.

This publication was prepared by the AOPA Regional Affairs Department.

Bill Dunn, Vice President
Keith Holt, Manager, Airport Policy
Kim Johnson, Government Analyst, ASN
John Collins, Government Analyst, ASN



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Introduction

On a daily basis, AOPA receives questions from members regarding problems at their local airports. These problems range from airport closure and non-aeronautical use of airport property to steep increases in charges, unreasonable lease terms, and restrictions on servicing aircraft at the airport.

Our ability to help with these issues is directly related to the ability to demonstrate that the problem at hand has a "compliance" base. The Airport Compliance Program is the Federal Aviation Administration (FAA) program that administers the rights obtained by airport users and the public at large in exchange for federal assistance to airports in the form of grants or land. Having accepted the federal assistance, the airport owner, also known as the sponsor, agrees to live up to a series of obligations, also called "assurances," laid out in the contract it signed with the federal government.

When the FAA determines that the airport sponsor has failed to meet its obligations, an airport compliance issue arises. Compliance disputes are resolved through a set of procedure(s) which includes both informal and formal components. AOPA's Guide to FAA Airport Compliance is intended to acquaint you with the basics of the compliance program.

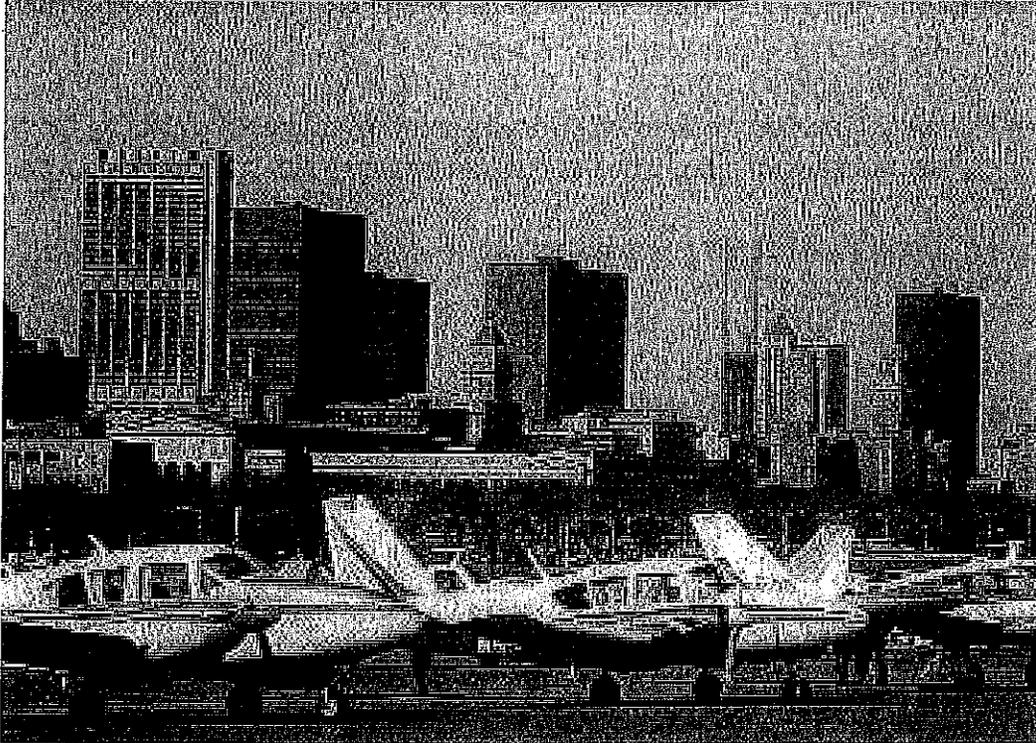
Section 1, "The Airport Sponsor Assurances," covers the obligations of airport sponsors who accept federal assistance. It focuses on explaining the types of federal aid to airports and a listing of the 36 assurances typically included in an FAA grant agreement. The section also covers surplus property transfers and non-surplus land conveyances. Section 2, entitled "The FAA Airport Compliance Program," details the FAA Airport Compliance Program. Section 3 "Informal Investigation, Enforcement, and Resolution Procedures" and Section 4 "Formal Investigation and Enforcement Procedures" cover informal and formal resolution respectively.

The appendices provide the local and regional contacts for the FAA as well as contacts for the state aviation agencies. A full set of assurances is also included in the appendices. These assurances are the starting point for the basic research on determining whether a problem at the airport is, in fact, a compliance problem that can be resolved using established laws and FAA policies.

21. *Compatible Land Use*

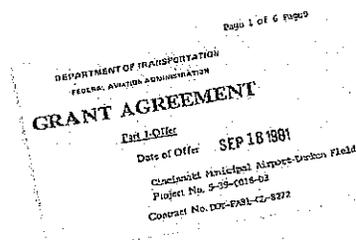
***"It will take appropriate action,
including the adoption of zoning laws..."***

Section 1: The Airport Sponsor Assurances



Before they can get federal airport development assistance, airport sponsors must make certain assurances to the Secretary of Transportation. These assurances, laid out under federal law, are part of the contract between the FAA and the airport owner or sponsor. In short, the airport sponsor agrees to accept certain obligations in exchange for federal money or land. These obligations may be based on several types of agreements and federal statutes, including:

- *Grant agreements* under federal grant programs such as the Airport Improvement Program (AIP) and its predecessors such as Federal Airport Aid Program (FAAP) and the Airport Development Aid Program (ADAP). The money for AIP grants comes from the Aviation Trust Fund, and the amount is determined by the 90/5/5 matching rule. Historically, that has meant that the FAA paid 90 percent of the cost, the state paid 5 percent and the airport sponsor paid 5 percent. Only airports that are part of the National Plan



of Integrated Airports, or NPIAS, are eligible for AIP grants, but limited funding means that not every qualified airport receives federal help. NPIAS is an FAA planning document that identifies all airports considered to be important components of the nation's airport infrastructure.

- *Surplus airport property* instruments of transfer. Former military installations that are no longer needed are typical examples of surplus property. Surplus property instruments of disposal are issued under the Surplus Property Act of 1944.
- *Non-Surplus property conveyances*, also known as Deeds of Conveyance, *Section 16/23/516* conveyances, or *Section 47125* conveyances. An example of a non-surplus property conveyance would be the transfer of Department of Interior land to an airport sponsor for use as an airport site. These types of transfers are particularly common in the Western United States where large tracts of land are controlled by the Bureau of Land Management and the National Park Service.

The specific obligations of airport sponsors vary depending on the type of agreement, so this booklet focuses on the obligations associated with the most common type, AIP grant agreements as set forth in *FAA Order 5100.38A, Airport Improvement Program (AIP) Handbook*.

While AIP grant agreements and related obligations are somewhat standardized, the requirements of surplus property and non-surplus property agreements vary from agreement to agreement. This means that **it is vital to review the specific agreements for your airport before treating an airport problem as an FAA compliance problem.**

As mentioned earlier, the requirements associated with AIP grants are commonly called *assurances*. As of 1998, there were a total of 36 assurances, covering issues ranging from civil rights, economic discrimination, and revenue diversion to compatible land use requirements and exclusive rights at airports.

The important thing to remember about assurances is that **once an airport sponsor accepts an AIP grant, the assurances become binding contractual obligations between the sponsor and the federal government.** Typically, these assurances are binding for 20 years, meaning that after 20 years the FAA has limited enforcement capability. This does not apply to exclusive rights as laid out under Assurance #23. (See Appendix 2.) These rights remain in effect even after other assurances have expired.

The FAA has no authority to enforce assurances or other obligations at airports that have not received federal aid. So before taking action on an airport compliance problem, airport users must find out whether the airport has received AIP funds or federal lands and whether the

grant agreements are still binding.

To find out whether your airport has received AIP money, refer to *FAA order 5190.2R "List of Public Airports Affected By Agreements With The Federal Government"* or contact the FAA regional office for the state where the airport is located for more up to date information. (See Appendix 1 for FAA contacts.)

But the FAA is not the only place to turn for information about assurances affecting your airport. *FAA Form 5010*, kept on file with state aviation agencies as well as the FAA, shows whether a specific airport has received federal aid. That information can be found on Line 25 of *Form 5010*, also known as an airport master record. Because states provide some of the AIP funds under the matching rule or the "State Block Grant Program," your state aviation agency may be able to provide you with more specific grant information as well. (See Appendix 2 for state aviation agency contacts.) In any case, many states have their own compliance requirements, so it is important to check with the state aviation agency before pursuing a compliance action.

Federal AIP Grant Assurances

The following list identifies the topics covered by the 36 standard AIP grant assurances. (See Appendix 3 for a more complete and textual description of the assurances.)

1. General Federal Requirements
2. Responsibility and Authority of the Sponsor
3. Sponsor Fund Availability
4. Good Title
5. Preserving Rights and Powers
6. Consistency with Local Plans
7. Consideration of Local Interests
8. Consultation with Users
9. Public Hearings
10. Air and Water Quality Standards
11. Pavement Preventive Maintenance
12. Terminal Development Prerequisites
13. Accounting Systems, Audit and Record Keeping
14. Minimum Wage Ranges
15. Veteran's Preference
16. Conformity to Plans and Specifications
17. Construction Inspection and Approval
18. Planning Projects
19. Operation and Maintenance
20. Hazard Removal and Mitigation
21. Compatible Land Use

22. Economic Nondiscrimination
23. Exclusive Rights
24. Fee and Rental Structure
25. Airport Revenue
26. Reports and Inspections
27. Use by Government Aircraft
28. Land for Federal Facilities
29. Airport Layout Plan
30. Civil Rights
31. Disposal of Land
32. Engineering and Design Services
33. Foreign Market Restrictions
34. Policies, Standards, and Specifications
35. Relocation and Real Property Acquisition
36. Access by Intercity Buses

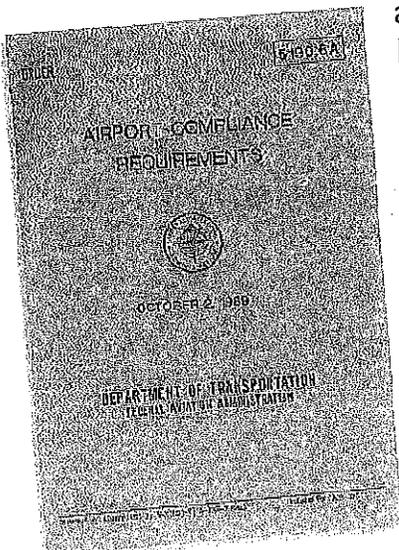
While assurances covering the topics listed above are found on most AIP grant agreements, it is important to remember that there is some flexibility in those agreements. The FAA may alter an assurance, making the resulting agreement different from the standard guidelines. This is particularly common in non-grant agreements such as transfer of surplus property and non-surplus conveyances.

Therefore, when your airport is involved in a possible compliance issue, you must **always review the actual contract between the FAA and the airport sponsor.**

Section 2: The FAA Airport Compliance Program



Most airport owners want FAA help with capital improvement projects such as building runways, taxiways and buying land for expansion. Some airports owners believe they have a right to federal assistance with such expensive projects but see their own responsibilities under the agreement as secondary. When that happens, conflicts can arise between airport owners and users, and both sides expect the FAA to quickly settle the issue.



The FAA's Airport Compliance Program is designed to help the agency do just that. The program has two primary objectives. First it aims to ensure that the nation has a system of safe and properly maintained public-use airports operated according to the airport owners' federal obligations. Second, it is designed to safeguard the public's investment in civil aviation.

Because the airport owner is an intermediary between the federal funds that help

build airports and the public that uses them, the FAA must balance the needs of the airport owners with those of the users. In other words, **the FAA has two sets of customers – airport owners and airport users.**

The FAA Airport Compliance Program is designed to specifically achieve the following:

- Educate the FAA's "customers", i.e. airport owners and users.
- Promote dispute resolution through an informal process using CFR 14 Part 13.1 or/and alternative dispute resolution, also called ADR.
- Eliminate duplication by distinguishing between the functions of local, regional, and national FAA offices.
- Speed decision-making.
- Enforce agreements when necessary.

From an airport user's perspective, it is important to remember that the Airport Compliance Program **does not control or direct the operation of airports.** Instead, it protects the federal investment in them by monitoring the way airport sponsors live up to their agreements with the federal government. In short, **the compliance program is designed to protect the public interest and the federal investment in safe and efficient public-use airports.**

The guidelines for operating the Airport Compliance Program can be found in *FAA Order 5190.6A, Airport Compliance Requirements, also known as the Airport Compliance Handbook*. This document is not regulatory; rather, it establishes the policies and procedures to be followed by the FAA in handling compliance issues. It also provides guidance for FAA personnel in interpreting and administering the various commitments made by airport owners in exchange for federal aid. Finally, the *Airport Compliance Handbook* covers all aspects of the Airport Compliance Program except enforcement procedures, which are covered later in this booklet. (See Section 4.) The following are among the topics covered in detail in the *Airport Compliance Handbook*:

- Scope and Authority of the FAA
- Types of Agreements
- Grants, Surplus Property, Non-Surplus Property Agreements
- Exclusive Rights
- Obligations of Airport Owners
- The Compliance Program
- Analysis and Enforcement
- Release, Modification, Reformation, or Amendment of Agreements
- Reversion of Airport Property
- Appendices - Forms

There are **three steps in the compliance process**. The first step, handled at the FAA Region and Airport District Office (ADO) level, is **FAA notification and initial investigation**. This is based on the guidelines provided in the *Airport Compliance Handbook*, current FAA policies, and precedents in earlier cases.

Also handled at the regional or local FAA level is **informal dispute resolution**, which is accomplished by using *FAA Investigative and Enforcement Procedures (14 CFR § 13.1)* and *Alternative Dispute Resolution (ADR)*. This is the second step in the compliance process.

Formal enforcement procedures mark the third and final step. These procedures, which would be handled primarily at the FAA's headquarters in Washington, DC, are set forth in the *FAA Rules of Practice for Federally-Assisted Airport Proceedings (14 CFR, Part 16)*. Both formal and informal FAA compliance procedures are covered in Section 3 and Section 4 of this booklet.

"Federal agencies are required to use Alternative Dispute Resolution (ADR) when appropriate because it encourages quick dispute resolution at the local level without the time consuming, costly, and often hostile process of more formal complaint procedures."

Section 3: Informal Investigation, Enforcement, and Resolution Procedures



There are two ways to address an airport compliance problem or dispute when it involves airports that have received federal aid. **They are informal and formal resolution.** This section covers informal resolution.

The FAA will not consider formal airport compliance complaints unless the parties have first tried to resolve the dispute informally. Besides, going straight to civil court with an airport compliance problem can be self-defeating. The civil court may dismiss the case on the grounds that the FAA has primary jurisdiction. And, since the FAA has relevant administrative procedures in place, these must be exhausted before a civil court will take an active role.

To report an airport compliance problem, call or write to the local FAA district office. The FAA will then review the complaint, which it considers to be a *FAA Part 13.1* or informal compliance report, and decide whether the problem is assurance-related, whether the complaint falls under FAA jurisdiction, and whether further action may be required. If the FAA does have jurisdiction, it will evaluate the allegations and tell the parties involved whether or not the complaint merits further FAA action.

Whether or not there appears to be a violation, both the complainant and the airport owner should be sent a letter explaining the FAA's conclu-

sions. The FAA generally begins by using *FAA Part 13.1* and alternative dispute resolution techniques to try to informally resolve reports of violations.

Alternative dispute resolution, also known as ADR, grew out of the *Administrative Dispute Resolution Act of 1996, Public Law 104-320*. Federal

agencies are required to use ADR when appropriate because it encourages quick dispute resolution at the local level without the time consuming, costly, and often hostile process of more formal complaint procedures. The alternative dispute resolution process may include arbitration, mediation, negotiation, or a mini-trial.

More specifically, the FAA regional or district office investigating a *FAA Part 13.1* report may respond by:

PART 13—INVESTIGATIVE AND ENFORCEMENT PROCEDURES

Subpart A—Investigative Procedures

Sec. 13.1 Reports of violations.

13.3 Investigations (general).

13.5 Formal complaints.

13.7 Records, documents and reports.

Subpart B—Administrative Actions

13.11 Administrative disposition of certain violations.

Subpart C—Legal Enforcement Actions

- Acknowledging receipt of allegations of assurance violations by telephone or letter.
- Requesting additional information or clarification.
- Asking the complainant to submit the allegations and supporting information in writing. When the FAA requests such a written report, it then provides a copy to the airport owner, asking for a detailed reply to each allegation.
- Reviewing and evaluating the airport-specific factual situation, contacting the parties and, to the extent possible, assisting them in resolving their differences while ensuring compliance with the grant assurances. Reports of violations may be resolved at any stage if the parties involved agree to the resolution.
- Sending letters to the complainant and the airport owner explaining the FAA's conclusions.

Airport user reports like those from AOPA members are an important part of the system. The FAA uses those reports, filed under *FAA Part 13.1* or as part of alternative dispute resolution procedures, as an "early warning system" for compliance problems. The FAA initially treats these reports as requests for information about the rights and responsibilities of airport owners and users, rather than as complaints.

The FAA insists that airport owners and users be part of the solution to any problems that arise. As far as the FAA is concerned, if the complainant does not get involved in trying to solve the problem, there is no problem.

At the regional or district office level, the FAA should be available to

§47107. Project grant application approval conditioned on assurances about airport operations
(a) GENERAL WARRANTY ASSURANCES.—The Secretary of Transportation may approve a project grant application under this chapter for an airport development project only if the Secretary receives written assurances, satisfactory to the Secretary, that—
(1) the airport will be available for public use on reasonable conditions and without unjust discrimination;
(2) air carriers making similar use of the airport will be subject to substantially comparable charges—
(A) for facilities directly and substantially related to providing air transportation; and
(B) regulations and conditions, except for differences based on reasonable classifications, such as between—
(i) tenants and non-tenants; and

airport owners and users alike, helping both sides to resolve airport-specific conflicts. At the same time, however, the FAA cannot get too deeply involved because it must be the objective final arbiter, ensuring that airport owners meet

their obligations to airport users and to the taxpaying public. The FAA may be required to make the final decision if the conflict cannot be resolved informally.

FAA compliance staff at the regional or district office level should be the first point of contact when airport users suspect a compliance problem. Because FAA staff members are both contractual partners with airport owners and putative neighbors of the airport users, they should be able to use their relationships with both sides to effectively provide policy guidance, clarification, explanations of assurance-based rights and responsibilities, and assistance in dispute resolution under *Part 13.1* and ADR.

If the regional or district office concludes that the airport owner appears to be violating its assurance obligations, the FAA will try to obtain **voluntary compliance**. This is the FAA's first choice in addressing apparent airport owner assurance violations. The best resolutions are those that can be worked out at the local level between the parties involved in the complaint. Of course, the resolution must be consistent with the airport owner's assurances and established policies.

When the airport owner cannot be brought into voluntary compliance, the FAA's regional or district office will notify the airport owner in writing of the potential non-compliance situation.

This written notice will identify the violation or violations, specify corrective action needed to bring the airport owner into compliance, and prescribe a deadline for completing the corrective action. If the airport owner refuses to take the prescribed corrective action, the FAA's regional and headquarters offices will coordinate the appropriate enforcement action.

Headquarters compliance staff is able to provide the FAA regional and district offices with grant assurance interpretation, policy guidance, and training in conflict resolution. Following the advice and counsel of the FAA's chief counsel, the headquarters compliance staff will provide compliance staff at the regional level with statutory interpretation, legal guidance, and enforcement guidance.

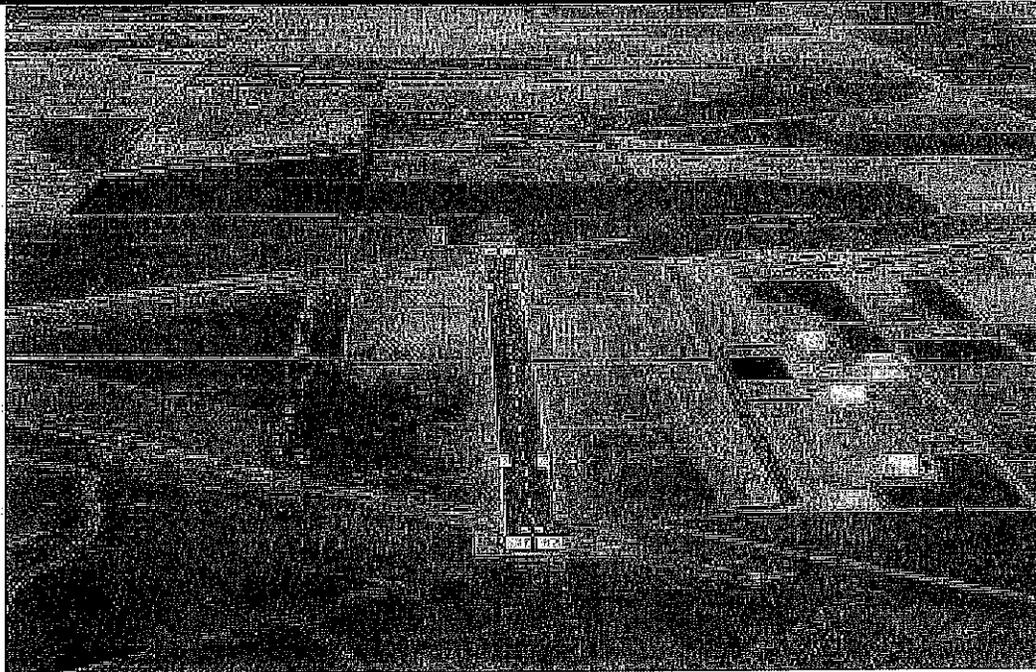
In summary, the FAA has in place a process to informally assist airport users and airport owners in resolving allegations of airport-related assurance violations. *FAA Part 13.1* and ADR works to everyone's benefit. It provides for:

- Timely and non-judgmental FAA evaluation of conflicts between airport owners and airport users.

- FAA assistance to airport users and owners in resolving their disputes in a way that is consistent with grant assurances.
- Timely FAA identification of potential or actual assurance violations, and the opportunity for airport owners to voluntarily comply with their federal obligations.

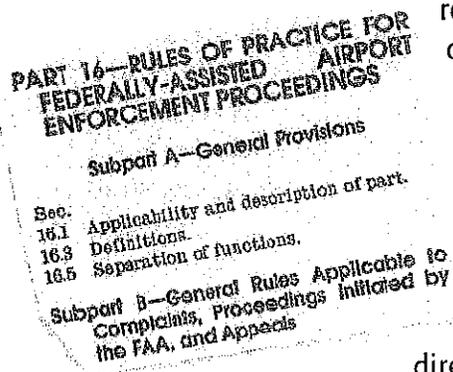
If an airport operator appears to be violating its assurance obligations and no resolution can be reached on the local level, the FAA may withhold approval of grant applications, withhold payment of existing grants, or take other appropriate actions. Such enforcement action is subject to statutory restrictions, requiring an FAA investigation under *FAR Part 16*. As a result, FAA enforcement action is a last resort to be used only when all local options for achieving voluntary compliance have failed.

Section 4: Formal Investigation and Enforcement Procedures



When all attempts to solve the compliance problem informally through *Part 13.1* and ADR fall short, the next step is to use formal complaint procedures. These procedures are prescribed on *CFR 14, Part 16, FAA Rules of Practice for Federally-Assisted Airport Proceedings*. *Part 16* is designed to achieve the following:

- Require parties to make serious efforts to resolve their disputes informally before filing formal complaints.
 - Focus FAA resources primarily on resolving and secondarily on adjudicating complaints.
 - Promote informal resolution by speeding the initial FAA evaluation.
 - Provide for a single complaint procedure to avoid duplicating complaints and overlapping investigations by several FAA offices.
 - Require complainants to be directly and substantially affected by the



dispute at issue.

- Set specific time deadlines for the actions of all parties, including the FAA.
- Limit the number and type of pleadings, and require comprehensive supporting documentation to be filed with all pleadings.
- Require all pleadings and supporting documentation to be served on the FAA and all parties as quickly as possible.
- Establish clearly the burden of each party in making its case.
- Provide reasonable procedural flexibility where necessary.
- Provide an effective FAA appeal process.
- Establish FAA enforcement options. Following a *Part 16* complaint, those options are:
 - Withholding new grants, withholding payments on existing grants, or terminating eligibility for future grants and passenger facility charges.
 - Cease and desist orders.
 - Civil penalties.
 - Judicial enforcement.

It is vital that complainants understand that they must try to solve their disputes informally before filing a *Part 16* formal complaint. These informal attempts at dispute resolution must be well documented.

Once a formal complaint under *FAR Part 16* has been filed with the FAA's Chief Counsel Office in Washington, DC, the FAA normally makes an initial compliance determination within approximately six months of the filing date. This is true whether or not

the airport owner is found to be violating federal assurances. This time period allows the complainant and the airport owner to make two rounds of responsive pleadings. It also allows the FAA to make a quick investigation and prepare its decision.

It is important to remember that the six-month timeframe applies to getting an initial FAA determination only. The process could go on another six months if the finding is challenged and the challenge involves hearings.

This process attempts to strike a balance between the FAA's interest in quickly resolving disputes and the need to allow adequate time for investigation and deliberation before issuing final agency decisions. Because of the relatively short time period allowed for investigation, the FAA has put the

PART B—AIRPORT DEVELOPMENT AND NOISE
CHAPTER 471—AIRPORT DEVELOPMENT
SUBCHAPTER I—AIRPORT IMPROVEMENT

Sec. 47101. Purpose.
47102. Definitions.
47103. National plan of integrated airport systems.
47104. Project grant authority.
47105. Project grant applications.
47106. Project grant application approval conditioned on satisfaction of project requirements.
47107. Project grant application approval conditioned on assurance about airport operations.
47108. Project grant agreements.
47109. United States Government's share of project costs.
47110. Allowable project costs.
47111. Payments under project grant agreements.
47112. Carrying out airport development projects.
47113. Minority and disadvantaged business participation.
47114. Agreements.
47115. Discretionary fund.
47116. Small airport fund.
47117. Use of appropriated amounts.
47118. Designating present and former military airports.
47119. Terminal development costs.
47120. Grant priority.
47121. Records and media.
47122. Administrative.
47123. Noninterference.
47124. Agreements for State and local operation of airport facilities.
47125. Conveyances of United States Government land.
47126. Criminal penalties for false statements.
47127. Criminal grant program.
47128. Check book grant program.
47129. Resolution of airport-related carrier disputes concerning airport fees.
47130. Airport safety data collection.
47131. Annual report.
47132. Personnel maintenance.
47133. Restriction on use of revenues.
47134. Pilot programs and private ownership of airports.

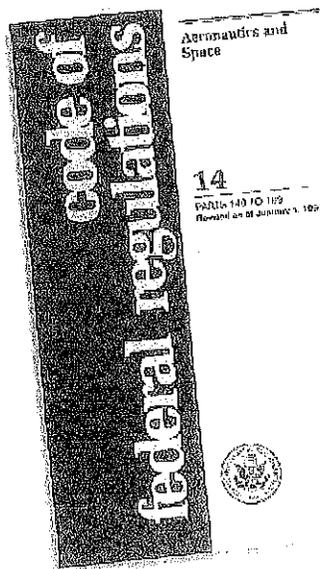
burden of proof on the complainant. That means the complainant is responsible for documenting the problem and the informal efforts to resolve it.

In short, *FAR Part 16* provides procedures that promote quick resolution of disputes between airport owners and airport users, facilitate the final administrative disposition of compliance matters within prescribed time limits, and provide for legally defensible final FAA decisions in such compliance matters.

The headquarters compliance staff, in close coordination with the FAA Chief Counsel Office is exclusively responsible for processing *FAR Part 16* complaints. Those responsibilities include:

- Evaluating complaints.
- Preparing final FAA decisions and a supporting record of decisions (ROD).
- Coordinating draft decisions and supporting RODs from the Associate Administrator for Airports with the FAA Chief Counsel Office for legal sufficiency.
- Issuing final FAA decisions.
- Providing policy support for representatives of the FAA Chief Counsel Office and the Department of Justice during judicial review of FAA compliance decisions.

When an airport-specific compliance matter goes to FAA headquarters for a final decision under *FAR Part 16*, regional compliance personnel should be able to certify the extent of the parties' informal conflict resolution efforts. They should also be able to provide on-site investigation and fact-checking as needed to help FAA headquarters evaluate *FAR Part 16* pleadings.





APPENDIX 1: FAA Airports District Offices (ADO) and Regional Offices

NEW ENGLAND REGIONAL OFFICE

New England Region: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, & Vermont

Regional Airports Division

ANE-600, Federal Aviation Administration,
12 New England Executive Park, Burlington, MA 01803-5299
Phone: (781) 238-7600; Fax: (781) 238-7608

EASTERN REGIONAL OFFICE

Eastern Region: Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Virginia, & West Virginia

Regional Airports Division

AEA-600, Federal Aviation Administration,
1 Aviation Plaza, Jamaica, NY 11434-4808
Phone: (718) 553-3330; Fax (718) 995-9219

Airports District Offices (ADO)

DE, PA: Airports District Office, HAR-ADO, Federal Aviation
Administration, 3911 Hartsdale Drive, Suite 1100, Camp Hill, PA 17011
Phone: (717) 730-2830; Fax: (717) 730-2838

DC, MD, VA: Airports District Office, WASH-ADO, Federal Aviation
Administration, 23723 Air Freight Lane, Suite 210, Dulles, VA 20166
Phone: (703) 661-1354; Fax: (703) 661-1370

WV: Airports Field Office, BKW-AFO, Federal Aviation Administration,
Main Terminal Building, Room 101, 176 Airport Circle,
Beaver, WV 25813-9759
Phone: (304) 252-6216; Fax: (304) 253-8028

NJ, NY: Airports District Office, NYC-ADO, Federal Aviation
Administration, 600 Old Country Road, Suite 446, Garden City, NY 11530
Phone: (516) 227-3800; Fax: (516) 227-3813

SOUTHERN REGIONAL OFFICE

**Southern Region: Alabama, Florida, Georgia, Kentucky, Mississippi,
North Carolina, Puerto Rico, South Carolina, Tennessee, & Virgin
Islands**

Regional Airports Division

ASO-600, Federal Aviation Administration, 1701 Columbia Avenue
College Park, GA 30337
Mailing Address: Airports Division, ASO-600, Federal Aviation
Administration, P.O. Box 20636, Atlanta, GA 30320
Phone: (404) 305-6700; Fax: (404) 305-6730

Airports District Offices (ADO)

GA, NC, SC: Airports District Office, ATL-ADO, Federal Aviation
Administration, Campus Building, 1701 Columbia Avenue, Suite 2-260,
College Park, GA 30337-2747
Phone: (404) 305-7150; Fax: (404) 305-7150

FL, Puerto Rico, Virgin Islands: Airports District Office, ORL-ADO, Federal Aviation Administration, 5950 Hazelton National Drive, Suite 400, Orlando, FL 32822-5024
Phone: (407) 812-6331; Fax: (407) 812-6978

KY, TN: Airports District Office, MEM-ADO, Federal Aviation Administration, 3385 Airways Blvd., Suite 302
Memphis, TN 38131-0301
Phone: (901) 544-3495; Fax: (901) 544-4243

AL, MS: Airports District Office, JAN-ADO, Federal Aviation Administration, 100 West Cross Street, Suite B,
Jackson, MS 39208-2307
Phone: (601) 664-9900; Fax: (601) 664-9901

GREAT LAKES REGIONAL OFFICE

Great Lakes Region: Illinois, Indiana, Michigan, Minnesota, North Dakota, Ohio, South Dakota, & Wisconsin

Regional Airports Division

AGL-600, Federal Aviation Administration, 2500 East Devon Avenue,
Des Plaines, IL 60018
Phone: (847) 294-7272; Fax: (847) 294-7036

Airports District Offices (ADO)

IL, IN: Airports District Office, CHI-ADO, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018
Phone: (847) 294-7336; Fax: (847) 294-7046

MI, OH: Airports District Office, DET-ADO, Federal Aviation Administration, 8820 Beck Road, East Willow Run Airport,
Belleville, MI 48111-1294
Phone: (734) 487-7300; Fax: (734) 487-7299

MN, WI: Airports District Office, MSP-ADO, Federal Aviation Admin.,
6020 28th Avenue, Rm. 102, South Minneapolis, MN 55450-2706
Phone: (612) 713-4350; Fax: (612) 713-4364

ND, SD: Airports District Office, BIS-ADO, Federal Aviation Administration, 2301 University Drive, Bldg. 23B, Bismarck, ND 58504
Phone: (701) 323-7380; Fax: (701) 323-7399

CENTRAL REGIONAL OFFICE

Central Region: Iowa, Kansas, Missouri, & Nebraska

Regional Airports Division

ACE- 600, Federal Aviation Administration, Federal Building,
901 Locust, Kansas City, MO 64106-2325
Phone: (816) 329-2600; Fax: (816) 329-2610
SOUTHWEST REGIONAL OFFICE

**Southwest Region: Arkansas, Louisiana, New Mexico, Oklahoma,
& Texas**

Regional Airports Division

ASW-600, Federal Aviation Administration, 2601 Meacham Boulevard,
Fort Worth, TX 76137-4298
Mailing Address: Department of Transportation, ASW-600,
Federal Aviation Administration, Fort Worth, TX 76193-0600
Phone: (817) 222-5600; Fax: (817) 222-5984

Airports District Offices (ADO)

AR, OK: Airports Development Office, ASW-630,
Department of Transportation, Federal Aviation Administration,
Fort Worth, TX 76193-0630
Phone: (817) 222-5630; Fax: (817) 222-5987

TX: Airports Development Office, ASW-650,
Department of Transportation, Federal Aviation Administration,
Fort Worth, TX 76193-0650
Phone: (817) 222-5650; Fax: (817) 222-5989

NM, LA: Airports Development Office, ASW-640, Department of
Transportation, Federal Aviation Administration,
Fort Worth, TX 76193-0640
Phone: (817) 222-5640; Fax: (817) 222-5988

Oklahoma City Airports District Office, Federal Aviation Administration,
5909 Phillip J. Rhodes Avenue, Wiley Post Airport, Bethany, OK 73008
Phone: (405) 798-2090; Fax: (405) 798-2092

Albuquerque Airports District Office, Federal Aviation Administration,
1601 Randolph SE, Suite 130S, Albuquerque, NM 87106
Phone: (505) 764-1230; Fax: (505) 764-1239

NORTHWEST MOUNTAIN REGIONAL OFFICE

**Northwest Mountain Region: Colorado, Idaho, Montana, Oregon,
Utah, Washington, & Wyoming**

Regional Airports Division

ANM-600, Federal Aviation Administration, 1601 Lind Avenue, S.W.
Suite 315, Renton, WA 98055-4056
Phone: (425) 227-2600; Fax: (425) 227-1600

Airports District Offices (ADO)

ID, OR, WA: Airports District Office, SEA-ADO,
Federal Aviation Administration, 1601 Lind Avenue, S.W.,
Suite 250, Renton, WA 98055-4056
Phone: (425) 227-2650; Fax: (425) 227-1650

CO, UT, WY: Airports District Office, DEN-ADO,
Federal Aviation Administration, 26805 E. 68th Avenue, Suite 224,
Denver, CO 80249-6361
Phone: (303) 342-1252; Fax: (303) 342-1260

MT: Helena Airport District Office, HLN-ADO,
Federal Aviation Administration, FAA Building, Suite 2,
2725 Skyway Drive, Helena, MT 59602-1213
Phone: (406) 449-5271; Fax: (406) 449-5274

WESTERN-PACIFIC REGIONAL OFFICE

**Western-Pacific Region: American Samoa, Arizona, California,
Commonwealth of Northern Marianas Islands, Guam, Hawaii, &
Nevada**

Regional Airports Division

AWP-600, Federal Aviation Administration, 15000 Aviation Boulevard,
Lawndale, CA 90261 Mailing Address: P.O. Box 92007,
Los Angeles, CA 90009-2007 Phone: (310) 725-3600;
Fax: (310) 725-6847

Airports District Offices (ADO)

N. CA*, NV: Airports District Office, SFO-600,
Federal Aviation Administration, 831 Mitten Road, Room 210,
Burlingame, CA 94010-1303
Phone: (650) 876-2775; Fax: (650) 876-2733

American Samoa, Commonwealth of N. Marianas Islands, Guam, HI:
Airports District Office, HNL-600, Federal Aviation Administration,
Prince Jonah Kuhio Kalaniana'ole Bldg., 300 Ala Moana Boulevard,
Room 7-128, Honolulu, HI 96813
Mailing Address: Airports District Office, HNL-600, Federal Aviation
Administration, Box 50244, Honolulu, HI 96850-0001
Phone: (808) 541-1232; Fax: (808) 541-3462

*Northern California includes the following counties: San Luis Obispo,
Kings, Tulare, Fresno, Mono and all counties north thereof. Southern
California includes the following counties: Santa Barbara, Kern, Inyo, and
all counties south thereof. Southern California counties are served direct-
ly from the airports division, AWP-600.

ALASKAN REGIONAL OFFICE

Alaskan Region: Alaska

Regional Airports Division

Airports Division, AAL-600, Federal Aviation Administration,
Anchorage Federal Office Building, 222 West 7th Avenue, Box 14,
Anchorage, AK 99513
Phone: (907) 271-5438; Fax: (907) 271-2851

APPENDIX 2: State Aviation Agencies



Alabama Department of Aeronautics, John C. Eagerton IV, Director;
770 Washington Avenue, Suite 544, Montgomery 36130; 334-242-4480;
fax 334-240-3274; e-mail jeagerton@aeronautics.state.al.us

Alaska Department of Transportation and Public Facilities– Statewide Aviation, Paul Bowers, Director; 4111 Aviation Avenue, Anchorage 99502;
mailing address: P.O. Box 196900, Anchorage 99519-6900; 907-269-0730;
fax 907-269-0489; e-mail paul_bowers@dot.state.ak.us

Arizona Department of Transportation–Division of Aeronautics,
Gary Adams, Director; 255 East Osborn St., Suite 101, Phoenix 85012-2373;
mailing address: P.O. Box 13588, Mail Drop 426M, Phoenix 85002-3588;
602-294-9144; fax 602-294-9141; e-mail gadams@dot.state.az.us

Arkansas Department of Aeronautics, John Knight, Director;
Regional Airport Terminal, One Airport Drive, 3rd Floor, Little Rock 72202;
501-376-6781; fax 501-378-0820; e-mail deptaero@mac.state.ar.us

California Department of Transportation—Aeronautics Program,
R. Austin Wiswell, Acting Division Chief; 1120 N Street, Sacramento 95814;
mailing address: P.O. Box 942874, Sacramento 94274-0001; 916-654-4959;
fax 916-653-9531; e-mail robert_a_wiswell@dot.ca.gov

Colorado Department of Transportation—Division of Aeronautics,
Travis L. Vallin, Director; 5200 Front Range Parkway,
Watkins, CO 80137; 303-261-4418; fax 303-261-9608;
e-mail travis.vallin@dot.state.co.us

**Connecticut Department of Transportation—Bureau of
Aviation and Ports,** 2800 Berlin Turnpike, Newington 06131-7546;
mailing address: P.O. Box 317546, Newington 06131-7546; 860-594-2530;
fax 860-594-2574

Delaware Department of Transportation—Office of Aeronautics,
Harry E. Van Den Heuvel, Director; 800 Bay Road, Dover 19901;
mailing address: P.O. Box 778, Dover 19903; 302-760-2149;
fax 302-739-2251; e-mail hvandenheuvel@smtp.dot.state.de.us

Florida Department of Transportation—Aviation Office, William J.
Ashbaker, Manager; 605 Suwannee Street, MS 46, Tallahassee 32399-0450;
850-414-4500; fax 850-922-4942; e-mail bj.ashbaker@dot.state.fl.us

**Georgia Department of Transportation—Office of Intermodal
Programs—Aviation,** Edward S. Ratigan, Manager;
276 Memorial Drive, S.W., Atlanta 30303-3743; 404-651-9200;
fax 404-657-4221; e-mail cousins_1@dot.state.ga.us

Guam Airport Authority, Gerald P. Yingling, Executive Manager;
355 Chalan Pasajero, Tamuning 96911; mailing address: P.O. Box 8770,
Tamuning 96931; (011) 671-642-0300; fax (011) 671-646-8823;
e-mail jackiem@kuentos.guam.net

Hawaii Department of Transportation—Airports Division,
Jerry Matsuda, Airports Administrator; Honolulu International Airport,
400 Rodgers Boulevard, Suite 700, Honolulu 96819-1898; 808-838-8600,
836-6411; fax 808-838-8750; e-mail hidotair@mail.lava.net;
www.hawaii.gov/dot/

Idaho Transportation Department—Division of Aeronautics,
3483 Rickenbacker Street, Boise 83705; mailing address: P.O. Box 7129,
Boise 83707-1129; 208-334-8775, 334-8776;
fax 208-334-8789; e-mail dedaniel@itd.state.id.us

Illinois Department of Transportation—Division of Aeronautics,
Hugh Van Voorst, Director; Capital Airport, One Langhorne Bond Drive,
Springfield 62707-8415; 217-785-8500; fax 217-524-1022;
e-mail vanvoorsthe@nt.dot.state.il.us

Indiana Department of Transportation—Aeronautics Section,
Maria Muia, Manager; 100 North Senate Avenue, Room N901,
Indianapolis 46204-2217; 317-232-1496; fax 317-232-1499;
e-mail maria_muai@indot.ibmmail.com

Iowa Department of Transportation—Statewide Aviation,
Michelle F. McEnany, Director; 800 Lincoln Way, Ames, IA 50010;
515-239-1659; fax 515-233-7983; e-mail hmiller@iadot.e-mail.com

Kansas Department of Transportation—Division of Aviation,
Michael A. Armour, Director; 915 S.W. Harrison, Topeka 66612-1568;
mailing address: Docking State Office Building, Room 726 North,
Topeka 66612-1568; 785-296-2553; fax 785-296-3833;
e-mail armour@dtdsob3.wpo.state.ks.us

Kentucky Transportation Cabinet—Division of Aeronautics,
Arthur Pace, Director; 125 Holmes Street, Frankfort 40622; 502-564-4480;
fax 502-564-7953; e-mail lhyatt@mail.kytc.state.ky.us

**Louisiana Department of Transportation and Development—Aviation
Division,** Anthony M. Culp, Aviation Director; 8900 Jimmy Wedell Drive,
Baton Rouge 70802; mailing address: P.O. Box 94245,
Baton Rouge 70804-9245; 225-274-4112; fax 225-274-4181;
e-mail tculp@dotdmail.dotd.state.la.us

**Maine Department of Transportation—Office of Passenger
Transportation,** Ronald L. Roy, Director; 16 State House Station,
Augusta 04333-0016; 207-287-3318; fax 207-287-8300;
e-mail ron.roy@state.me.us

Maryland Department of Transportation—Aviation Administration,
Baltimore-Washington International Airport, Terminal Building, 3rd Floor,
Baltimore 21240; mailing address: P.O. Box 8766, Baltimore-Washington
International Airport, Baltimore 21240; 410-859-7100; fax 410-850-4729

Massachusetts Aeronautics Commission, Robert J. Mallard, Executive Director; 10 Park Plaza, Room 6620, Boston 02116-3966; 617-973-8881; fax 617-973-8889; e-mail Bob.Mallard@state.ma.us

Michigan Department of Transportation–Bureau of Aeronautics, William E. Gehman, Deputy Director; 2700 East Airport Service Drive, Lansing 48906-2160; 517-335-9943; fax 517-321-6522; e-mail burrisba@mdot.state.mi.us; www.mdot.state.mi.us/aero/

Minnesota Department of Transportation–Aeronautics Office, Raymond J. Rought, Director; 222 East Plato Boulevard, St. Paul 55107-1618; 651-296-8202; fax 651-297-5643; e-mail ray.rought@dot.state.mn.us

Mississippi Department of Transportation–Aeronautics Division, Elton E. Jay, Director; 401 Northwest Street, Jackson 39201; mailing address: P.O. Box 1850, Jackson 39215-1850; 601-359-7850; fax 601-359-7855; e-mail ejay@mdot.state.ms.us

Missouri Department of Transportation–Aviation Section, Brian Weiler, Administrator of Aviation; Department of Transportation Building, 105 West Capitol Street, Jefferson City 65101; mailing address: P.O. Box 270, Jefferson City 65102; 573-526-5570; 573-526-4709; e-mail weileb@mail.modot.state.mo.us

Montana Department of Transportation–Aeronautics Division, Michael D. Ferguson, Administrator; 2630 Airport Road, Helena 59601; mailing address: P.O. Box 5178, Helena 59604; 406-444-2506; fax 406-444-2519; e-mail mferguson@state.mt.us

Nebraska Department of Aeronautics, Kenneth L. Penney, Jr., Director; 3431 Aviation Road, Suite 150, Lincoln 68524; mailing address: P.O. Box 82088, Lincoln 68501; 402-471-2371; fax 402-471-2906; e-mail kpenney@mail.state.ne.us

Nevada Department of Transportation, Thomas Fronapfel, Assistant Director Planning; 1263 South Stewart Street, Carson City 89712; 775-888-7002; fax 775-888-7203

New Hampshire Department of Transportation–Division of Aeronautics, Jack W. Ferns, Director; Municipal Airport, 65 Airport Road, Concord 03301-5298; 603-271-2551; fax 603-271-1689; e-mail jferns@dot.state.nh.us

New Jersey Department of Transportation—Division of Aeronautics,
Theodore Matthews, Acting Executive Director; 1035 Parkway Avenue,
CN 610, Trenton 08625-0610; 609-530-2900; fax 609-530-4549;
e-mail theodoremattthews@dot.state.nj.us

**New Mexico State Highway and Transportation Department—Aviation
Division,** John D. Rice, Director; 1550 Pacheco Street, Santa Fe 87505; mailing
address: P.O. Box 1149, Santa Fe 87504-1149; 505-476-0930; fax 505-476-0942;
e-mail Mike.Rice@al.nmshtd.state.nm.us

**New York State Department of Transportation—Aviation Services
Bureau,** Richard A. Chimera, Director of Aviation Services;
1220 Washington Avenue, Albany 12232-0414; 518-457-2821;
fax 518-457-9779; e-mail rchimera@gw.dot.state.ny.us

North Carolina Department of Transportation—Division of Aviation,
Bill Williams, Director; Raleigh-Durham International Airport, 1050 Meridian
Drive, Raleigh 27623; mailing address: P.O. Box 25201, Raleigh 27611;
919-840-0112; fax 919-840-9267

North Dakota Aeronautics Commission, Gary R. Ness, Director; Bismarck
Municipal Airport, 2301 University Drive, Building 1652-22, Bismarck
58504; mailing address: Box 5020, Bismarck 58502; 701-328-9650;
fax 701-328-9656; e-mail gness@pioneer.state.nd.us; www.ndac.org

Ohio Department of Transportation—Office of Aviation, Rudy Rudolph,
Aviation Administrator; 2829 West Dublin, Granville Road,
Columbus 43235-2786; 614-793-5040; fax 614-793-8972, 793-1233;
e-mail rrudolph@odot.dot.ohio.gov

**Oklahoma Department of Transportation—Aeronautics and Space
Commission,** Dr. Bill Miller, Ph.D., Director; 200 N.E. 21st Street, Room B-7
First Floor, Oklahoma City 73105; 405-521-2377; fax 405-521-2379;
e-mail wmilller@fd9ns01.okladot.state.ok.us

Oregon Department of Transportation—Aeronautics Section,
Ann Crook, Director; 3040 25th Street, S.E., Salem 97310-0100;
503-378-4880, 800-874-0102 (Oregon and Washington);
fax 503-373-1688; e-mail ann.b.crook@state.or.us

Pennsylvania Department of Transportation—Bureau of Aviation,
William A. Shaffer, Director; Forum Place, 8th Floor, 555 Walnut Street,
P.O. Box 3457, Harrisburg 17101-1900; 717-705-1260; fax 717-705-1255;
e-mail shaffwi@dot.state.pa.us; www.ppt.psu.edu

Puerto Rico Ports Authority, Miguel Pereira, Esq., Executive Director;
Isla Grande Airport, Main Building, Isla Grande 00907; mailing address:
P.O. Box 362829, San Juan 00936-2829; 787-729-8804; fax 787-722-7867

Rhode Island Airports Corporation, Michael Cheston, Executive Director;
Theodore Francis Green Airport, 2000 Post Road, Warwick 02886-1533;
401-737-4000; fax 401-732-3034;
e-mail mcheston@pvd-ri.com; www.pvd-ri.com

South Carolina Department of Commerce—Division of Aeronautics,
Ira “Bud” Coward, Director; Columbia Metropolitan Airport, 2553 Airport
Boulevard, West Columbia 29170; mailing address: P.O. Box 280068,
Columbia 29228; 803-896-6260; fax 803-896-6266;
www.state.sc.us/commerce/doahome. htm

South Dakota Department of Transportation—Aviation Office,
Bruce Lindholm, Program Manager; 700 East Broadway Avenue,
Pierre 57501-2586; 605-773-3574; fax 605-773-3921;
e-mail bruce.lindholm@state.sd.us

Tennessee Department of Transportation—Aeronautics Division,
Robert “Bob” Woods, Director; 424 Knapp Boulevard, Building 4219,
Nashville 37217; mailing address: P.O. Box 17326, Nashville 37217;
615-741-3208; fax 615-741-4959; e-mail bwoods2@mail.state.tn.us

Texas Department of Transportation—Division of Aviation,
David Fulton, Director; 150 East Riverside Drive, 5th Floor, South Tower,
Austin 78704; mailing address: 125 East 11th Street, Austin 78701-2483;
512-416-4500 or 800-687-4568; fax 512-416-4510;
e-mail dfulton@mailgw.dot.state.tx.us

**Utah Department of Transportation—Aeronautical Operations
Division**, M. Patrick Morley, Director; 135 North 2400 West, Salt Lake City
84116; 801-715-2260; fax 801-715-2276; e-mail pmorley@dot.state.ut.us

**Vermont Agency of Transportation—Division of Rail, Air, and Public
Transportation**, Richard Turner, Aviation Program Manager;
133 State Street, Montpelier 05633; 802-828-2833; fax 802-828-2848;
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Virginia Department of Aviation, Kenneth F. Wiegand, Director;
Richmond International Airport, 5702 Gulfstream Road,
Richmond 23250-2422; 804-236-3624; fax 804-236-3635;
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Washington Department of Transportation–Aviation Division,
8900 East Marginal Way South, Seattle 98108; 206-764-4131,
800-552-0666 (Washington); fax 206-764-4001;

**West Virginia Department of Transportation–Aeronautics
Commission,** Susan V. Chernenko, Director; State Capitol Complex,
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Wisconsin Department of Transportation–Bureau of Aeronautics,
David M. Greene, Director; 4802 Sheboygan Avenue, Room 701,
Madison 53705; mailing address: P.O. Box 7914, Madison 53707-7914;
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Wyoming Department of Transportation–Aeronautics Division,
Shelly Reams, Administrator; 5300 Bishop Blvd., Cheyenne, WY 82009-
3340; 307-777-3952; fax 307-637-7352; e-mail sreams@state.wy.us

“The Secretary of Transportation may approve a project grant application under this subchapter for an airport development project only if the Secretary receives written assurances, satisfactory to the Secretary, that-”

Section § 47107, Title 49 United States Code

APPENDIX 3 : Grant Assurances



Note: These Assurances are for information only. Refer to actual document (contract) for exact text.

A. General

1. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport, and the term "sponsor" includes both public agency sponsors and private sponsors.
3. Upon acceptance of the grant offer by the sponsor, these assurances are incorporated in and become part of the grant agreement.

B. Duration and Applicability

1. Airport Development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor

The terms, conditions and assurances of the grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed **twenty (20) years** from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurance against exclusive rights or the terms, conditions and assurances with respect to real property acquired with Federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

2. Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor

The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

3. Airport Planning Undertaken by a Sponsor

Unless otherwise specified in the grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 30, 32, 33, and 34 in section C apply to planning projects. The terms, conditions, and assurances of the grant agreements shall remain in full force and effect during the life of the project.

C. Sponsor Certification

The sponsor hereby assures and certifies, with respect to this grant that:

I. General Federal Requirements

It will comply with all applicable Federal laws, regulations, executive orders, policy guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project, including but not limited to the following:

Federal Legislation

- a. Title 49, U.S.C., subtitle VII, as amended.
- b. Davis-Bacon Act—40 U.S.C. 276(a) et seq.\1\

\1\ These laws do not apply to airport planning sponsors.
- c. Federal Fair Labor Standards Act—29 U.S.C. 201, et seq.
- d. Hatch Act—5 U.S.C. 1501, et seq.\2\

\2\ These laws do not apply to private sponsors.
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 title 42 U.S.C. 5601, et seq.\1\ \2\
f. National Historic Preservation Act of 1966—Section 106—16 U.S.C. 470(f).\1\
g. Archaeological and Historic Preservation Act of 1974—16 U.S.C. 469 through 469c.\1\
h. Native Americans Grave Repatriation Act—25 U.S.C. Section 3001, et seq.
i. Clean Air Act, Public Law 90-148, as amended.
j. Coastal Zone Management Act, Public Law 93-205, as amended.
k. Flood Disaster Protection Act of 1973—Section 102(a)—42 U.S.C. 4012a.\1\
l. Title 49, U.S.C., Section 303 (formerly known as Section 4 (f)).
m. Rehabilitation Act of 1973—29 U.S.C. 794.
n. Civil Rights Act of 1964—title VI—42 U.S.C. 2000d through d-4.
o. Age Discrimination Act of 1975—42 U.S.C. 6101, et seq.
p. American Indian Religious Freedom Act, Public Law 95-341, as amended.
q. Architectural Barriers Act of 1968—42 U.S.C. 4151, et seq.\1\
r. Powerplant and Industrial Fuel Use Act of 1978—Section 403-2 U.S.C. 8373.\1\
s. Contract Work Hours and Safety Standards Act—40 U.S.C. 327, et seq.\1\
t. Copeland Antikickback Act—18 U.S.C. 874.\1\

- u. National Environmental Policy Act of 1969—42 U.S.C. 4321, et seq.\1\
- v. Wild and Scenic Rivers Act, Public Law 90-542, as amended.
- w. Single Audit Act of 1984—31 U.S.C. 7501, et seq.\2\
- x. Drug-Free Workplace Act of 1988—41 U.S.C. 702 through 706.

Executive Orders

Executive Order 11246—Equal Employment Opportunity \1\
 Executive Order 11990—Protection of Wetlands
 Executive Order 11998—Flood Plain Management
 Executive Order 12372—Intergovernmental Review
 of Federal Programs
 Executive Order 12699—Seismic Safety of Federal
 and Federally Assisted New Building Construction \1\
 Executive Order 12898—Environmental Justice

Federal Regulations

- a. 14 CFR Part 13—Investigative and Enforcement Procedures.
- b. 14 CFR Part 16—Rules of Practice For Federally Assisted
 Airport Enforcement Proceedings.
- c. 14 CFR Part 150—Airport noise compatibility planning.
- d. 29 CFR Part 1—Procedures for predetermination of wage
 rates.\1\
 e. 29 CFR Part 3—Contractors and subcontractors on public
 building or public work financed in whole or part by loans or
 grants from the United States.\1\
 f. 29 CFR Part 5—Labor standards provisions applicable to con-
 tracts covering federally financed and assisted construction
 (also labor standards provisions applicable to non-construction
 contracts subject to the Contract Work Hours and Safety
 Standards Act). \1\
 g. 41 CFR Part 60—Office of Federal Contract Compliance
 Programs, Equal Employment Opportunity, Department of Labor
 (Federal and federally assisted contracting requirements). \1\
 h. 49 CFR Part 18—Uniform administrative requirements for
 grants and cooperative agreements to state and local govern-
 ments.\3\

\3\ 49 CFR Part 18 and OMB Circular A-87 contain requirements for
 State and Local Governments receiving Federal Assistance. Any
 requirement levied upon State and Local Governments by this regu-
 lation and circular shall also be applicable to private sponsors

receiving Federal assistance under Title 49, United States Code.

- i. 49 CFR Part 20—New restrictions on lobbying.
- j. 49 CFR Part 21—Nondiscrimination in federally-assisted programs of the Department of Transportation—effectuation of Title VI of the Civil Rights Act of 1964.
- k. 49 CFR Part 23—Participation by minority business enterprise in Department of Transportation programs.
- l. 49 CFR Part 24—Uniform relocation assistance and real property acquisition for Federal and federally assisted programs.\1\2\
- m. 49 CFR Part 27—Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance. \1\
- n. 49 CFR Part 29—Government wide debarment and suspension (non-procurement) and government wide requirements for drug-free workplace (grants).
- o. 49 CFR Part 30—Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- p. 49 CFR Part 41—Seismic safety of Federal and federally assisted or regulated new building construction. \1\

Office of Management and Budget Circulars

- a. A-87—Cost Principles Applicable to Grants and Contracts with State and Local Governments.
- b. A-128—Audits of State and Local Governments.

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in the grant agreement.

2. Responsibility and Authority of the Sponsor

- a. Public Agency Sponsor: It has legal authority to apply for the grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
- b. Private Sponsor: It has legal authority to apply for the grant and to finance and carry out the proposed project and comply

with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Sponsor Fund Availability

It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under the grant agreement which it will own or control.

4. Good Title

- a. It holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.
- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expected or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in the grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. It will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in the grant agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of the grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or docu-

- ment transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this grant agreement.
- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.
 - d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
 - e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
 - f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance with Title 49, United States Code, the regulations and the terms, conditions and assurances in the grant agreement and shall insure that such arrangement also requires compliance therewith.

6. Consistency With Local Plans

The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport. For noise compatibility program projects, other than land acquisition, to be carried out on property not owned by the airport and over which property another agency has land use control or authority, the sponsor shall obtain from each such agency a written declaration

that such agency supports that project and the project is reasonably consistent with the agency's plans regarding the property.

7. Consideration of Local Interest

It has given fair consideration to the interest of communities in or near where the project may be located.

8. Consultation With Users

In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

9. Public Hearings

In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

10. Air and Water Quality Standards

In projects involving airport location, a major runway extension, or runway location it will provide for the Governor of the state in which the project is located to certify in writing to the Secretary that the project will be located, designed, constructed, and operated so as to comply with applicable air and water quality standards. In any case where such standards have not been approved and where applicable air and water quality standards have been promulgated by the Administrator of the Environmental Protection Agency, certification shall be obtained from such Administrator. Notice of certification or refusal to certify shall be provided within sixty days after the project application has been received by the Secretary.

11. Pavement Preventive Maintenance

With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. Terminal Development Prerequisites

For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under section 44706 of Title 49, United States Code, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

13. Accounting System, Audit, and Record Keeping Requirements

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of the grant, the total cost of the project in connection with which the grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to the grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which the grant was given or used, it shall file a certified copy of such audit with the

Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

14. Minimum Wage Rates

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under the grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

15. Veteran's Preference

It shall include in all contracts for work on any project funded under the grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Veterans of the Vietnam era and disabled veterans as defined in Section 47112 of Title 49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

16. Conformity to Plans and Specifications

It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval of the Secretary, shall be incorporated into this grant agreement. Any modification to the approved plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into the grant agreement.

17. Construction Inspection and Approval

It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to

inspection and approval by the Secretary and such works shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

18. Planning Projects

In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
- d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
- e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
- f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed the scope and cost of professional services.
- g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
- h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

19. Operation and Maintenance

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state, and local agencies for maintenance and

operations. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for—

- (1) Operating the airport's aeronautical facilities whenever required;
- (2) Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
- (3) Promptly notifying airmen of any condition affecting aeronautical use of the airport.

Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.

- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

20. Hazard Removal and Mitigation

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airports hazards.

21. Compatible Land Use

It will take appropriate action, including the adoption of zoning laws, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff or aircraft. In addition, if the project is for noise com-

patibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

22. Economic Nondiscrimination

- a. It will make its airport available as an airport for public use on reasonable terms and without unjust discrimination, to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to—
 - (1) furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
 - (2) charge reasonable, and not justly discriminatory, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
- c. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
- d. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
- e. Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air

- carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.
- f. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport; from performing any services on its own aircraft with its own employees (including, but not limited to maintenance, repair, and fueling) that it may choose to perform.
 - g. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involving will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.
 - h. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
 - i. The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

23. Exclusive Rights

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
- b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport.

If further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, parts, and any other activities sale of aircraft which

because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

24. Fee and Rental Structure

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

25. Airport Revenues

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. Provided, however, that if covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.
- b. As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a manner consistent with Title 49,

United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.

- c. Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of Section 47107 of Title 49, United States Code.

26. Reports and Inspections

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of the grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and
- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 - (i) all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 - (ii) all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

27. Use by Government Aircraft

It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may

be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that—

- a. Five (5) or more Government aircraft regularly based at the airport or on land adjacent thereto; or
- b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft multiplied by gross weights of such aircraft) is in excess of five million pounds.

28. Land for Federal Facilities

It will furnish without cost to the Federal Government for use in connection with any air traffic control of air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

29. Airport Layout Plan

- a. It will keep up to date at all times an airport layout plan of the airport showing (1) boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto; (2) the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities; and (3) the location of all existing and proposed non-aviation areas and of all existing improvements thereon. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as

approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.

- b. If a change or alternation in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities.

30. Civil Rights

It will comply with such rules as are promulgated to assure that no person shall, on the grounds of race, creed, color, national origin, sex, age, or handicap be excluded from participating in any activity conducted with or benefiting from funds received from this grant.

This assurance obligates the sponsor for the period during which Federal financial assistance is extended to the program, except where Federal financial assistance is to provide, or is in the form of personal property or real property or interest therein or structures or improvements thereon in which case the assurance obligates the sponsor or any transferee for the longer or the following periods:

- (a) the period during which the property is used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefit, or (b) the period during which the sponsor retains ownership or possession of the property.

31. Disposal of Land

- a. For land purchased under a grant for airport noise compatibility purposes, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will, at the discretion of the Secretary, (1) be paid to the Secretary for deposit in the Trust Fund, or (2) be reinvested in an approved noise compatibility project as prescribed by the Secretary.

- b. (1) For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, (a) upon application to the Secretary, be reinvested in another eligible airport improvement project or projects approved by the Secretary at that airport or within the national airport system, or (b) be paid to the Secretary for deposit in the Trust Fund if no eligible project exists.
(2) Land shall be considered to be needed for airport purposes under this assurance if (a) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (b) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.
- c. Disposition of such land under (a) or (b) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

32. Engineering and Design Services

It will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services with respect to the project in the same manner as a contract for architectural and engineering services is negotiated under Title IX of the Federal Property and Administrative Services Act of 1949 or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

33. Foreign Market Restrictions

It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

34. Policies, Standards, and Specifications

It will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including but not limited to the advisory circulars listed in the Current FAA Advisory Circulars for AIP projects, dated _____ and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.

35. Relocation and Real Property Acquisition

- (1) It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B.
- (2) It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24. (3) It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

36. Access by Intercity Buses

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport, however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

Additional References

- *AOPA's Airport Directory*
- FAA Order 5190.2R, "List of Public Airports Affected By Agreement With The Federal Government"
- FAA Order 5190.6A, "Airport Compliance Requirements"
- FAA Order 5100.38A, "Airport Improvement Program (AIP) Handbook"
- Code of Federal Regulations 14 "Aeronautics and Space" (CFR 14), Part 13 "Investigative and Enforcement Procedures"
- Code of Federal Regulations 14 "Aeronautics and Space" (CFR 14), Part 16 "Rules of Practice for Federally-Assisted Airport Enforcement Proceedings"
- United States Code (USC) Title 49, Section 47107 "Project Grant Application Approval Conditioned on Assurances About Airport Operations."

9a



MEMORANDUM

January 20, 2020

TO: Wiscasset Board of Selectmen

FROM: Airport Manager, Rick Tetrev

Subject: FAA enforcement action references per Board's request

References:

- a. FAA Airport Compliance Manual – Order 5190.6B
 - b. Aircraft Owners and Pilots Guide to FAA Airport Compliance
 - c. Code of Federal Regulations – 14 CFR Part 16 – Rules of Practice for Federally Assisted Airport Enforcement Proceedings. Specifically, 14 CFR 16.109 – Orders terminating eligibility for grants, cease and desist orders, and other compliance orders
1. Ref. a. Chap. 21 outlines Land Use Compliance Inspections from selection of airports through all details of what is expected when inspected as well as corrective actions when discrepancies are found following an inspection in Section g. page 21-11."Failure to take corrective action will lead to compliance action by FAA."
 - Unfortunately, the Airport Compliance manual does not cover enforcement procedures.Chapter 12, section b, (6) Subordination. Is the lease subordinate to the sponsor's federal obligations? Subordination may enable the sponsor to correct tenant activity through the terms of its lease that otherwise would put the sponsor in violation of its federal obligations.
 2. I then turned to ref. b. for help in defining the exact consequences/corrective action that the FAA can and more than likely will impose on the Airport/Town.
 - a. Section 2 The FAA Airport Compliance Program states:

There are **three steps in the compliance process**. The first step, handled at the FAA Region and Airport District Office (ADO) level, is **FAA notification and initial investigation**. This is based on the guidelines provided in the *Airport Compliance Handbook*, current FAA policies, and precedents in earlier cases.

Also handled at the regional or local FAA level is **informal dispute resolution**,

which is accomplished by using *FAA Investigative and Enforcement Procedures (14 CFR § 13.1)* and *Alternative Dispute Resolution (ADR)*. This is the second step in the compliance process.

Formal enforcement procedures mark the third and final step. These procedures, which would be handled primarily at the FAA's headquarters in Washington, DC, are set forth in the *FAA Rules of Practice for Federally-Assisted Airport Proceedings (14 CFR, Part 16)*. Both formal and informal FAA compliance procedures are covered in Section 3 and Section 4 of this booklet.

b. Section 3 Informal Investigation, Enforcement, and Resolution Procedures states:

If an airport operator appears to be violating its assurance obligations and no resolution can be reached on the local level, the FAA may withhold approval of grant applications, withhold payment of existing grants, or take other appropriate actions. Such enforcement action is subject to statutory restrictions, requiring an FAA investigation under FAR Part 16. As a result, FAA enforcement action is a last resort to be used only when all local options for achieving voluntary compliance have failed.

c. Section 4: Formal Investigation and Enforcement Procedures states:

Following a *Part 16* complaint,
those options are:

- Withholding new grants, withholding payments on existing grants, or terminating eligibility for future grants and passenger facility charges.
- Cease and desist orders.
 - Civil penalties.
 - Judicial enforcement.

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3. Ref. C is the law and it ties our hands. Each case is different, therefore, there is not a cookie cutter answer to what the exact penalty will be. In summary, the FAA can and will enforce non-compliance, which promises to be expensive. The case that they have directed action on has been out of compliance since 2007, and KIWI is in jeopardy of losing the projects that are slated for the next two to three years.

Very Respectfully Submitted,

Rick Tetrev

Rick Tetrev, Airport Manager

MEMORANDUM



Pa.

1/21/20

To: Town Manager
Fr: Airport Manager
Cc: Airport Committee
Dt: October 1, 2014

The following is chronological history of a land lease agreement between the town and Falvey LLC. The notes that follow are tied to various documents attached as Attachments A-H.

Date	Attachment	Event
September 2005 <i>FEB 2004 AIRPORT COMMITTEE MINUTES.</i>	A → AA	Falvey LLC enters into an agreement with the town to lease approximately 105,608 square feet of undeveloped land on the airport's west end for the purpose of constructing aircraft hangars. The lease rate was established at \$0.129/square foot (\$13,623.43 per year) for 20 years, unless terminated sooner. <i>FAA approved.</i> Falvey spends approximately 4-5 years developing the site, which included excavation, with extensive blasting, site prep, etc. No hangars were constructed.
October 2007 <i>2007</i>	B	Falvey petitions the airport committee for a reduction in the lease rate to \$6,776.89/year. The committee recommends approval and the Board of Selectman do as well as a meeting later in the year.
November 13, 207	C	Board approves the lease reduction to \$6,776.89.
June 5, 2008	D	The Lessor submits a letter to the town manager requesting a further reduction in the lease rate to \$1000/year.
September 2008 <i>4/15/2010 TOWN LAWYER'S OPINION</i>	E	Given the state of the economy and lack of hangar sales, the airport committee recommends approval to the Board. Ken Boudin and I petitioned the Board later in the year and to our knowledge they approved, however reluctantly. However, to date, we cannot find any official record of the Board's vote.
August 2009		With concurrence of Falvey, the town constructs a snow removal equipment building on the Falvey lease area, with no reduction in the lease amount, with the understanding that the lease will be amended at some point in the future.
September 2013	<i>Jw Deek</i>	Falvey and I discuss the need to rewrite the lease agreement and we begin the process. In the meantime I brief the former town manager on the lease issue. The decision was made to get a new lease approved by the Board because she felt the earlier reduction from \$6000 to \$1000 was not officially authorized, making the lease null and void (failure to pay the agreed upon amount of \$6000). Falvey and his attorney were notified and it was agreed that they would provide us with a draft document.
January 2014	F <i>Jw Deek</i>	Falvey submits revised lease, which the airport committee rejects and request the airport manager draft up a new version. In addition, the airport committee appoints committee member Steve Williams and myself as sub-committee in dealing with Falvey. The committee agrees

MEMORANDUM



		to abide by the recommendation of the subcommittee.
March 2014	G	I draft a revised lease and after Steve Williams and review it, we submit it to Falvey for consideration.
June 2014		Falvey reject the proposed new lease and suggests a lien on the property. Steve Williams and I agree that we will consider it, however, the concept would have to go back to the airport committee and eventually the Board for approval. It is agreed that Falvey will provide the first draft.
August 2014	H	Falvey presents the draft lien to the airport committee.
September 2014		The airport committee, by a vote of 5-0 recommends not approving the lien.
September 13, 2014	I	Falvey's attorney is notified via email of the airport committees' recommendation. They are reminded that this is merely a recommendation and that the Board has the final say. It is suggested that they contact the town manager for further discussions. To date we have not heard back from the lessor.

Ervin C. Deck
Airport Manager

BUSINESS LICENSE APPLICATION-NEW

Business Requesting License: Pro Body Works (Newowner)

Code Enforcement Officer:

Comments: NO CONCERNS

Signed: [Signature] Dated: 1-13-2020

Wiscasset Police:

Comments: NO CONCERNS

Signed: _____ Dated: _____

Planning Department:

Comments: _____

Signed: _____ Dated: _____

Fire Department:

Comments: NO CONCERNS

Signed: [Signature] Dated: 1/16/2020

License Approved: _____ Dated: _____

1 SELECTMEN REPORT
Department(s): 100 - 514
December

10b

Account	Budget Net	Curr Mnth Net	YTD Net	Pending Activity	Unexpended Balance	Percent Spent
100 - ADMINISTRATI	172,056.00	11,117.09	78,360.99	0.00	93,695.01	45.54
101 - AIRPORT	90,769.00	5,005.56	34,111.38	0.00	56,657.62	37.58
102 - ANIMAL CONTR	17,367.00	0.00	6,112.54	0.00	11,254.46	35.20
103 - ASSESSING	6,778.00	24.25	4,181.75	0.00	2,596.25	61.70
104 - BRDS & COMM	2,843.00	118.97	1,276.50	0.00	1,566.50	44.90
105 - CELEBRATIONS	12,000.00	1,871.76	10,096.76	0.00	1,903.24	84.14
106 - CLERK	90,381.00	4,357.86	44,229.62	0.00	46,151.38	48.94
107 - CEO	35,956.00	2,528.45	16,352.02	0.00	19,603.98	45.48
108 - COMMUN ORG	62,865.00	0.00	34,240.00	0.00	28,625.00	54.47
109 - CONTINGENCY	20,000.00	1,000.00	1,598.00	0.00	18,402.00	7.99
110 - CONTRACTS	197,500.00	3,176.97	54,787.93	0.00	142,712.07	27.74
111 - COUNTY TAX	624,976.00	0.00	624,975.37	0.00	0.63	100.00
112 - DEBT SERVICE	243,234.00	57,058.62	172,975.86	0.00	70,258.14	71.12
113 - ELECTIONS	19,185.00	8.20	1,096.18	0.00	18,088.82	5.71
114 - EMS	540,598.00	38,658.40	241,109.28	0.00	299,488.72	44.60
115 - FD FIRE DEPT	150,938.00	33,069.84	72,137.00	0.00	78,801.00	47.79
116 - FINANCE	223,261.00	12,943.97	107,781.98	0.00	115,479.02	48.28
117 - GA	20,000.00	2,513.34	10,964.25	0.00	9,035.75	54.82
118 - MUN BULIDING	79,141.00	5,820.34	33,661.82	0.00	45,479.18	42.53
119 - MUN INSURANC	201,143.00	7,915.00	98,115.02	0.00	103,027.98	48.78
120 - OVERLAY	53,328.88	835.80	1,858.66	0.00	51,470.22	3.49
121 - PARKS & REC	790,288.00	60,910.05	379,347.29	0.00	410,940.71	48.00
122 - PLANNING	28,700.00	0.00	0.00	0.00	28,700.00	0.00
123 - POLICE	435,541.00	31,225.69	203,333.35	0.00	232,207.65	46.69
124 - PD SRO	50,166.00	2,497.53	17,719.55	0.00	32,446.45	35.32
125 - PUBLIC UT	275,314.00	22,613.25	112,442.27	0.00	162,871.73	40.84
126 - PUBLIC WORKS	651,600.00	48,361.44	283,125.89	0.00	368,474.11	43.45
127 - SELECTMEN	27,162.00	1,349.94	8,136.78	0.00	19,025.22	29.96
128 - SCHOOL TOWN	5,999,053.14	498,879.43	2,993,276.58	0.00	3,005,776.56	49.90
129 - SR CENTER	14,397.00	1,176.33	6,666.91	0.00	7,730.09	46.31
130 - SHELLFISH	6,003.00	0.00	58.00	0.00	5,945.00	0.97
131 - TIF	233,591.20	0.00	233,591.20	0.00	0.00	100.00
132 - TRANSFER ST	593,944.00	49,820.67	312,330.93	0.00	281,613.07	52.59
133 - WATERFRONT	54,909.00	2,872.32	16,069.60	0.00	38,839.40	29.27
134 - COMP PLAN	20,000.00	0.00	0.00	0.00	20,000.00	0.00
135 - XFER TO CAP	14,000.00	0.00	14,000.00	0.00	0.00	100.00
200 - RETIREE HEAL	47,100.00	48.88	20,596.19	0.00	26,503.81	43.73
301 - CAPITAL	518,808.00	0.00	518,808.00	0.00	0.00	100.00
313 - PIER DEBT	40,464.00	3,371.92	20,231.52	0.00	20,232.48	50.00
314 - BACKHOE DEBT	22,237.00	0.00	11,118.42	0.00	11,118.58	50.00
315 - RD/SIDEWALK	200,000.00	31,531.63	85,925.92	0.00	114,074.08	42.96
333 - WCC CAPITAL	58,000.00	0.00	39,099.46	0.00	18,900.54	67.41
334 - RADIOS/REPEA	35,400.00	0.00	0.00	0.00	35,400.00	0.00
335 - MUN FLOORS	45,000.00	6,046.20	14,046.20	0.00	30,953.80	31.21
336 - COMBINE CP	157,007.35	0.00	157,007.35	0.00	0.00	100.00

At 50% of Fiscal year

OVER →

1 SELECTMEN REPORT
Department(s): 100 - 514
December

Account	Budget Net	Curr Mnth Net	YTD Net	Pending Activity	Unexpended Balance	Percent Spent
400 - WASTEWATER CONT'D						
400 - WASTEWATER	750,636.00	39,763.65	306,804.90	0.00	443,831.10	40.87
401 - IMPACT FEES	49,573.24	0.00	42,600.00	0.00	6,973.24	85.93
513 - PERPETUAL CA	0.00	0.00	100,000.00	0.00	-100,000.00	----
514 - CEM OPERATIO	108,013.00	552.69	47,804.06	0.00	60,208.94	44.26
Final Totals	14,091,226.81	989,046.04	7,594,163.28	0.00	6,497,063.53	53.89

HM Payson Monthly Statement of Wiscasset Accounts

<i>Account Name</i>	Market Value as of 10/31/2019	Market Value as of 11/30/2019	Market Value as of 12/31/2019
Montsweag Dam Reserve Fund	\$ 167,043.10	\$ 172,850.10	\$ 177,752.26
Cemetery Trust Fund	\$ 1,997,109.29	\$ 2,066,535.77	\$ 2,125,144.36
General John French Scholarship	\$ 62,962.84	\$ 65,151.65	\$ 66,999.40
Jackson Cemetery Fund	\$ 31,021.59	\$ 32,100.01	\$ 33,010.39
Larabee Band Fund	\$ 750,775.99	\$ 776,875.58	\$ 798,908.38
Haggett Scholarship Fund	\$ 14,217.03	\$ 14,711.26	\$ 15,128.49
Mary Bailey Fund	\$ 457,261.54	\$ 473,157.55	\$ 486,576.67
Seth Wingren Fund	\$ 28,733.00	\$ 29,731.86	\$ 30,575.08
Wiscasset Community Center Endowment Fund	\$ 3,255.29	\$ 3,368.46	\$ 3,463.99
Cooper-DiPerri Scholarship Fund	\$ 32,387.16	\$ 33,513.05	\$ 34,463.51
Recreation Scholarship	\$ 841.19	\$ 870.43	\$ 895.12
Town of Wiscasset Edowment Fund Total	\$ 3,545,608.02	\$ 3,668,865.72	\$ 3,772,917.65
Town of Wiscasset Capital Reserve	\$ 405,205.54	\$ 419,427.01	\$ 431,432.62
Town of Wiscasset Construction Reserve	\$ 2,903,301.04	\$ 3,005,197.97	\$ 3,091,218.30
Town of Wiscasset Equipment Reserve	\$ 4,495,925.82	\$ 4,653,718.98	\$ 4,786,926.32
Town of Wiscasset Furnace Replacement Reserve	\$ 373,603.26	\$ 386,715.59	\$ 397,784.88
Town of Wiscasset Major Repairs Reserve	\$ 503,273.49	\$ 520,936.84	\$ 535,848.05
Town of Wiscasset Recreation Building Reserve	\$ 1,968,609.53	\$ 2,037,701.67	\$ 2,096,028.53
Town of Wiscasset Retirement Health Insurance Reserve	\$ 284,985.44	\$ 294,987.55	\$ 303,431.23
Town of Wiscasset Roof Repair Reserve	\$ 343,075.24	\$ 355,116.13	\$ 365,280.92
Town of Wiscasset Sale of Cemetery Lots Reserve	\$ 102,978.04	\$ 106,592.25	\$ 109,643.33
Town of Wiscasset Highway Department Capital Reserve	\$ 2,415.09	\$ 2,499.85	\$ 2,571.40
Town of Wiscasset Fire Department Vehicle Capital Reserve	\$ 3,220.13	\$ 3,333.15	\$ 3,428.56
Town of Wiscasset Reserve Funds Total	\$ 11,386,592.62	\$ 11,786,226.99	\$ 12,123,594.14

10. HISTORIC PRESERVATION ORDINANCE [6-15]

10.1 PURPOSE AND ESTABLISHMENT

The purpose of this Ordinance is to provide a framework within which the residents of the Town of Wiscasset can protect the historic, architectural and cultural heritage of significant areas, buildings, structures, landmarks and sites in the Town while accepting compatible new construction. The heritage and economic well-being of the Town will be strengthened by preserving its architectural and historic setting, conserving property values in unique areas, fostering civic beauty, and promoting the use of historic or architecturally significant buildings for the education and welfare of the citizens of the Town of Wiscasset. The intent of this Ordinance is to assist property owners in maintaining the architectural integrity of historic resources within the Town. Once destroyed, these historic resources cannot be replaced. To prevent such losses, the intent of this Ordinance is to:

- 10.1.2 Protect, preserve and enhance the outward appearance and architectural features of structures within designated districts or designated sites or landmarks.
- 10.1.2 Prevent, without prior review, the demolition or removal of significant historic buildings or structures within designated districts or designated sites or landmarks and other significant design elements.
- 10.1.3 Preserve, protect and enhance the essential character of designated districts by protecting relationships of groups of buildings or structures.
- 10.1.4 Accept new buildings and structures in designated districts that do not displace historic structures or sites, and that are designed and built in a manner which is compatible with the character of the district.
- 10.1.5 Promote the educational, cultural, economic and general welfare of the people of the Town of Wiscasset.

10.2 DEFINITIONS

- 10.2.1 Terms Defined. As used in Ordinance, the following terms shall have the meanings indicated:

ABUTTER: The owner of a property sharing a common boundary with another property or within 100 feet of a given piece of property, whether or not these properties are separated by a public or private way. Owners

shall be persons listed by the Tax Assessor of Wiscasset and/or the ones against whom taxes are assessed.

ALTERATION: A change in the external architectural or landscape features of any structure. This definition does not include change in color.

APPROPRIATE: Suitable or fitting for a particular purpose, person, or occasion.

ARCHITECTURAL SIGNIFICANCE: The embodiment of distinctive characteristics of a type, period or method of construction; represents the work of a master architect or builder; or possesses high artistic values.

BUILDING: Structures and historic places (i.e., cemeteries, parks, etc.) which are classified under this Historic Preservation Ordinance.

CERTIFICATE OF APPROPRIATENESS: A written approval following a prescribed review procedure granted by the Commission upon application of a person with sufficient right, title or interest in property, certifying that the proposed actions by an applicant are found to be acceptable in terms of the design criteria relating to the historic resource as set forth in this Ordinance.

COMMISSION: The Wiscasset Historic Preservation Commission, as established by this Ordinance.

CONSTRUCTED Built, erected, altered, enlarged, reconstructed, moved upon, or any physical operations on the premises which are required for construction.

CONTRIBUTING STRUCTURES (within districts): A structure located within a designated historic district and identified as contributing to the historical or architectural significance of said district.

DEMOLITION: The permanent removal, dismantling or destruction of all or any portion of an existing designated historic resource.

EXTERIOR ARCHITECTURAL FEATURE: The architectural style and general arrangement of the exterior of a building or structure, including but not limited to:

- The roof shape and the kind and texture of the building materials;
- The type and style of all windows, doors, lights, dormers, gable cornices, porches, decorative trim, etc.;
- The location and treatment of any vehicle access or parking space;

- The design of any sign; and
- The arrangement of any fencing.

HISTORIC DISTRICT: A geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures or landmarks united by events or aesthetically by plan or physical development and designated in accordance with the requirements of this Ordinance as appropriate for historic preservation. Such historic districts may also comprise an individual historic landmark or historic site separated geographically but linked by association or history.

HISTORIC LANDMARK: Any improvement, building or structure of particular historic architectural significance to the Town relating to its heritage, cultural, economic or political history, or which exemplifies historic personages or important events in local, state or national history as may be designated in accordance with this Ordinance.

HISTORIC RESOURCE: Any historic district, historic site or historic landmark.

HISTORIC OVERLAY MAP: A map of the Town of Wiscasset which identifies the location of a designated historic district, historic site, historic landmark or area of neighborhood significance. This map may be used to overlay other Town maps such as zoning, land use or property tax to demonstrate the designated historic resources locations.

HISTORIC SIGNIFICANCE: The embodiment of one or more of the five qualities in Section 10.4.1. Any building classified as noncontributing is not considered to possess historic significance.

~~**MATERIAL CHANGE:** A modification to the architectural style, general design and general arrangement of the exterior of a building or structure, including but not limited to the kind or texture of the building materials and the type and style of all windows, doors, light fixtures, other appurtenant fixtures and other features such as walks, walls, fences, signs, driveways and parking areas. In addition, all activities that affect the exterior of the building and require a building permit are also included in this definition.~~

MINOR ALTERATIONS: Incidental changes or additions to a building or site features which will neither result in substantial changes to any significant historic features nor obscure such features and are easily reversible. In no event shall any change be deemed minor when, in the determination of the Code Enforcement Officer, such change shall alter the historic character of the building or site.

NEIGHBORHOOD SIGNIFICANCE: A contribution to the creation of a physical setting representing a period important to the evolution of the Town. It is understood, in this case, that the physical setting, which is composed of buildings, landscape features and open space, and other architectural features, can transcend the sum of its parts in creating a sense of history. Some examples of situations in which a building would have neighborhood significance are: it is one of a group of similar buildings constructed and/or designed by an individual important in Wiscasset history; it is a compatible element in a group of buildings of similar or equally important significant architectural styles; its location (i.e., on a corner lot, on a rise of land, on a large parcel of land, as the first building to visually introduce an important group of buildings) makes it an important element in the neighborhood; its size gives it a dominant place in the neighborhood.

PRESERVATION: The protection, conservation, maintenance and safeguarding of historic places.

RECONSTRUCTION: The rebuilding of a building or a part of a building. The reconstruction may or may not be a return to the original design of the building.

REHABILITATION: The upgrading of a building, previously in a dilapidated or substandard condition. "Rehabilitation" does not necessarily retain the building's original architectural features.

RESTORATION: The replication or reconstruction of a building's original architectural features. "Restoration" usually describes the technique of preserving historic buildings.

RHYTHM: Characterized by the regular recurrence of strong or weak elements.

STRUCTURE: Anything constructed or erected, the use of which requires a fixed location on or in the ground, or an attachment to something having a fixed location on the ground, including buildings, billboards, signs, commercial park rides and games, carports, porches, and other building features, but excluding sidewalks, fences, driveways, parking lots and noncommercial swimming pools (whether aboveground or in-ground).

VIOLATION: Failure to comply with the plans and conditions as approved by the Historic Preservation Commission when it issued the certificate of appropriateness, and/or any activity listed in Section 10.5.1, Certificate of appropriateness, is carried on without first obtaining a certificate of appropriateness which permits the activity to proceed.

VIEWSCAPE: The public setting in which a structure, site, or landmark is located. It is the immediate visible neighborhood of the street or public land associated with such a structure, including such things as fences, sidewalks and lights. It encompasses the public view of a street, neighborhood or public land. Every kind of structure is considered in the context of its viewscape. A district may include many viewsapes.

~~VISUALLY COMPATIBLE: A mix of styles, sizes, and other elements that blend together well and conform to the five criteria of Section 10.4.1, 10.4.1.1—10.4.1.5.~~

10.3 HISTORIC PRESERVATION COMMISSION

10.3.1 Wiscasset Historic Preservation Commission

10.3.1.1 APPOINTMENT. Members of the Historic Preservation Commission shall be appointed by the Board of Selectmen. Members may be residents, property owners or an appointed representative of a not for profit property. Members should have a demonstrated interest in historic preservation.

10.3.1.2 REGULAR MEMBERS. The Commission shall consist of five regular members and two alternates. The regular members who are first appointed shall be designated to serve terms beginning July 1 and ending June 30 as follows: one for one year, two for two years and two for three years from the date of their appointment. Thereafter, Commission members shall be appointed for terms of three years, except in those instances in which the appointment is made to fill a vacancy, in which case the appointment shall be for the remainder of the unexpired term. The Board of Selectmen shall act within 60 days to fill a vacancy, including expired terms. Regular members may be reappointed.

10.3.1.3 ALTERNATE MEMBERS. Alternate members who are first appointed shall serve terms beginning July 1 and ending June 30 as follows: one for one year and one for two years. Thereafter, alternate members shall be appointed for terms of three years, except to fill a vacancy, in which case it will be for the remainder of the unexpired term. They shall participate in all hearings and discussions. They shall vote only if appointed by the chairman to act in place of a regular member who is absent, has resigned, or has been disqualified because of a conflict of interest. Alternate members may be reappointed.

- 10.3.1.4 **ADVISORY MEMBERS.** In addition to regular and alternate members of the Commission, the Board of Selectmen may appoint other persons, not necessarily residents of the Town of Wiscasset, who shall serve on an advisory or consultant basis to assist the members of the Commission in the performance of their functions. Such members shall not be voting members of the Commission.
- 10.3.1.5 **REMOVAL.** Any regular or alternate member may be removed by the Board of Selectmen for just cause upon written charges and after a public hearing. Three consecutive unexcused absences or four unexcused absences out of five consecutive meetings of the Commission shall be considered sufficient cause for removal of a regular member.
- 10.3.1.6 **OFFICERS.** The Commission shall elect annually a Chairperson, Vice Chairperson and a Secretary from its membership. Three members shall constitute a quorum for the transaction of business, but if less than a quorum is present, then the meeting will be adjourned. The Secretary shall maintain a permanent record of the activities of the Commission, including but not limited to such items as the number and type of cases reviewed and their disposition, new designations of historic sites, landmarks and districts made, resumes of the Commission members, attendance records, appointments to the Commission, correspondence and minutes of all meetings.
- 10.3.1.7 **PROCEDURES.** The Commission under normal conditions may apply Roberts Rules of Order or any other procedure which insures a fair and orderly meeting.
- 10.3.1.8 **MEETINGS.** All meetings of the Commission shall be publicly announced, open to the public except as provided by law, and have a previously available agenda. Public notice shall be provided before any special meeting of the Commission.
- 10.3.1.9 **DUTIES.** The duties of the Commission, at a minimum, shall be to:
- a. Conduct or cause to be conducted a continuing survey of local historical and cultural resources, in accordance with the Maine Historical Preservation Commission guidelines;
 - b. Advise and inform owners and abutters of the requirements of this Ordinance.

- c. Make recommendations to establish historic districts, sites or landmarks;
- d. Review all proposed additions, reconstruction, alterations, construction, removal or demolition of properties designated under the jurisdiction of this Ordinance, except as exempted by Section 10.5.2.3.
- e. Review all proposed National Register nominations for properties within the jurisdiction of the Historic Preservation Commission of the Town of Wiscasset;
- f. Serve in advisory role to the Town officials regarding local historic and cultural resources and act as a liaison between local government and those persons and organizations concerned with historic preservation;
- g. Advise and inform Town officials and owners on physical and financial aspects of preservation, renovation and rehabilitation of historic buildings, structures or sites;
- h. Work to provide local residents with continuing education on historic preservation issues;
- i. Undertake other duties as deemed necessary or desirable by its members to advance the purposes of this section;
- j. Cooperate with federal, state and Town officials in the pursuit of the objectives of historic preservation; and
- k. Participate in land use planning efforts of the Town, state and federal government.

10.3.1.10 HISTORIC PRESERVATION GIFTS, GRANTS AND FUNDING. Gifts, grants and funding received within a fiscal year from entities other than the Town may be expended with Town Meeting approval solely for purposes of historic preservation in the Town of Wiscasset. A dedicated fund shall be established by the Town's Treasurer to receive any unused gifts and grants received in the current year. The Town Treasurer will also establish such operational accounts for the Commission as is deemed appropriate for the Commission to accomplish its duties, such as training, providing notices to the public, etc. These accounts will be funded through the normal budget process.

10.3.1.11 ADMINISTRATIVE SUPPORT. Administrative support to include processing applications, providing public notice of hearings and findings of the Commission, and retention of copies of the permanent records of the activities of the Commission shall be provided by the ~~Planning and Codes Department~~ Town Administrator and Codes Department.

10.4 QUALIFICATIONS, ESTABLISHMENT, DESIGNATION, INCENTIVES, AND PERMITTED USES

10.4.1 Qualifications of Historic Districts, Sites and Landmarks. The historic districts, historic sites or historic landmarks established in accordance with this Ordinance shall have one or more of the following characteristics and qualifications, without limitations as to cultural or chronological period:

10.4.1.1 History of Wiscasset. Structures, buildings or sites at which events occur or have occurred that contribute to and are identified with or significantly represent or exemplify the broad cultural, political, economic, military, social or sociological history of Wiscasset, the State of Maine or the Nation, including sites or buildings at which visitors may gain insight or see examples either of particular items or of larger patterns in the North American heritage;

10.4.1.2 Persons. Structures, buildings or sites associated with important personages;

10.4.1.3 Architecture. Structures or structural remains and sites embodying examples of architectural types or specimens valuable for study of a period, style or method of building construction, of community organization and living, or landscaping, of a single notable structure or a single site representing the work of a master builder, master designer, architect or landscape architect;

10.4.1.4 Visual continuity. Structures or buildings contributing to the visual continuity of the historic district;

10.4.1.5 National register. Those sites or areas on or eligible for listing on the National Register of Historic Places or as a National Historic Landmark.

10.4.2 Establishment of Historic Districts, Historic Sites and Historic Landmarks. Historic districts, historic sites and historic landmarks,

except for districts, sites and landmarks already established at the time of original adoption of this Ordinance, shall be designated in accordance with this section.

10.4.2.1 PRELIMINARY PROCEDURES. The establishment of new historic districts, historic sites or historic landmarks shall be done by amendment to Section 10.4.4. No property will be included within a district nor become a historic site or historic landmark without the written consent of the property owner or owners. The Board of Selectmen, the Planning Board, the property owner(s) or the Commission itself may initiate action to amend Section 10.4.4. Subsequent action to add new districts, sites or landmarks, or expand existing historic district(s) shall be done in the same manner. Any person seeking to add or expand historic districts, sites or landmarks shall submit a request for the amendment in writing to the Commission. A request may include exercising any or a combination of the incentives in Section 10.4.3. Any proposal by the Board of Selectmen or Planning Board shall be referred to the Commission for comment before Selectmen action. The Commission's recommendations concerning the request shall be placed on the agenda of the Board of Selectmen for its action. Formal adoption of historic districts, sites or landmarks may only be achieved by vote of the governing body at the annual Town Meeting. Any application for designation of buildings, structures, sites and districts shall be in writing and include the following as appropriate:

- a. Designation of buildings, structures and sites for historic preservation shall include one or more of the following:
 - (i.) A concise description of the physical elements, qualities, architectural style, period and historical significance represented by the building, structure or site, including a consideration of scale, materials, workmanship and special qualities as relevant
 - (ii.) A concise statement of how the building, structure or site meets the review criteria of 10.4.1.1 – 10.4.1.5
 - (iii.) Exterior photographs of the building or structure illustrating significant details described in Subsection a.(i.) above. ~~In addition, the Commission may request photographs of interior articles of particular historic significance. These interior~~

~~photographs may be provided by the applicant on a voluntary basis and are not required submissions; or~~

- (iv.) Survey forms as generally used by and available from the Maine Historic Preservation Commission.
- b. Designation of districts for historic preservation shall include:
 - i. A concise statement of the physical elements which make this area a historic district and a description of building types and architectural styles and periods represented;
 - ii. A concise statement of how the district meets the review criteria of 10.4.1.1 – 10.4.1.5;
 - iii. An explanation of the boundaries of the district;
 - iv. A definition of types of structures that do not contribute to the significance of the district and an estimate of the number of noncontributing structures;
 - v. An overlay map showing all district structures with an identification of contributing structures.
- c. Expansion of historic districts for historic preservation shall include:
 - i. A concise statement of the physical elements that justify an expansion of an existing district, an explanation detailing how the expansion is consistent with the character of the district and a description of building types and architectural styles and periods represented
 - ii. A concise statement of how the expansion of an existing district meets the review criteria of 10.4.1.1 – 10.4.1.5;
 - iii. A justification of the expanded boundaries of the district; and
 - iv. A map showing all district structures in the proposed expansion area with an identification of contributing structures.

10.4.2.2 Studies and recommendations. Before making its recommendation concerning the proposed establishment or expansion of a historic district, historic site or historic landmark, the Commission may conduct studies and research of the proposal. The Commission shall make and submit a draft report to the Board of Selectmen on every request received. Drafts of the report shall also be submitted to the Maine Historic Preservation Commission in Augusta.

10.4.2.3 Public hearing and final report. Before the final report is made to the Board of Selectmen, the Historic Preservation Commission shall hold a public hearing on the request, after due notice is provided at least seven days before the hearing in a newspaper of general local circulation. Written notice of the proposal shall be given to the applicant, owners of all property to be included within the proposed designation, and owners of abutting property. Not later than 30 days after the public hearing, the Commission shall submit a final report including recommendations to the Board of Selectmen.

10.4.2.4 Action by the Board of Selectmen. After receipt of the Commission's recommendations, as provided above, the Board of Selectmen shall consider the proposed designation and approve or disapprove the request to be placed on the ballot. Formal adoption of historic districts, historic sites or historic landmarks may only be achieved by vote of the governing body at the annual Town Meeting. The owner of each property so designated shall be given written notice by the Planning and Codes Department within 30 days after the designation of any historic district, historic site or historic landmark.

10.4.2.5 Applicability of this Ordinance. After the historic resources have been approved at any the annual Town Meeting, they are subject to the requirements of this Ordinance.

10.4.3 Incentives

10.4.3.1 The Historic Preservation Commission may make recommendations to the Board of Selectmen concerning the use of incentives for the purposes of promoting and ensuring the preservation of historic resources in the Town.

10.4.3.2 Funding for incentives shall be established in accordance with the provisions of 10.3.1.10.

10.4.4 Designated Historic Districts, Historic Sites and Historic Landmarks. This Ordinance may be amended only by vote of the governing body at the annual Town Meeting. Upon adoption and amendment of this Ordinance, the following lands, buildings or structures, or areas of the Town are designated as historic resources and shall be shown on the Historic Overlay Map.

10.4.4.1 Wiscasset Historic District. For the purposed of this ordinance, the Wiscasset Historic District is defined by the boundary of the zoning districts of Village I, Village II, and Village Waterfront District. The requirements of the Ordinance shall apply to any structure(s) within properties wholly-entirely or partially within that district.

10.4.4.2 Historic Sites

10.4.4.3 Historic Landmarks

10.4.5 Permitted Uses. Uses permitted for historic resources shall be those set forth in Article VI, Zoning, of the Town of Wiscasset Ordinances, for the zone in which such district, site or landmark is located.

10.5 CERTIFICATE OF APPROPRIATENESS AND APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

10.5.1 Certificate of Appropriateness

10.5.1.1 A Certificate of appropriateness issued by the Historic Preservation Commission is required for any of but not limited to the following:

- a. New construction of a principal or accessory building visible from a public street where such building will be located in a historic district or upon a historic site;
- b. Demolition of any historic landmark, building or portion of any building, including the removal of architectural features from a historic landmark or a contributing building in a historic district;
- c. Moving of a historic landmark or any building located in a historic district;

- d. Additions, alterations or reconstruction, including porches and steps of existing buildings within a historic district, or a historic site;
- e. New signs placed in a historic district or on a historic site or landmark;
- f. New construction of walls, fences and parking lots in a historic district that are visible from a public way; and
- g. Sandblasting of brick or stone buildings within a historic district, site or landmark.
- h. A modification to the architectural style, general design and general arrangement of the exterior of a building or structure, including but not limited to the kind or texture of the building materials and the type and style of all windows, doors, light fixtures, other appurtenant fixtures and other features such as walks, walls, fences, signs, driveways and parking areas.

10.5.1.2 A building permit for work described in Subsection 10.5.1.1 above shall be issued only after the required certificate of appropriateness is issued by the Historic Preservation Commission.

10.5.1.3 A certificate of Appropriateness is not needed for minor activities reviewed by the Code Enforcement Officer such as but not limited to:

- a. Alterations or additions not visible from a public way;
- b. Restoration or replacement in kind of existing fences, exterior siding, windows or doors which do not alter architectural or historic character;
- c. Repair, replacement or re-pointing of exterior masonry walls in a consistent manner which does not alter architectural or historic character;

10.5.2 Application for Certificate of Appropriateness

10.5.2.1 Application forms and fees. An application for a certificate of appropriateness shall be obtained from the Planning and Codes Department or downloaded electronically from the town

website. A fee established in the Town of Wiscasset Fee Schedule by the Board of Selectmen shall be paid at the time of submission of the application.

10.5.2.2 Application procedure. A completed application for a certificate of appropriateness shall be submitted to the Town Office on or before the 15th of the month to be considered at the Commission's regularly scheduled meeting on the first Thursday of the month to the Planning and Codes Department ~~who~~ which shall date the application and transmit the application to the Historic Preservation Commission. If necessary, the Chairman will call for a second meeting on the third Thursday of the month if an application has been received by the Town Office by the last day of the preceding month. The Commission shall consider each application and, within 30 days of the date of submittal, hold a public ~~meeting~~ hearing and approve, approve with conditions or deny the application. Upon mutual written consent of the Commission and the applicant, the review period may be extended. Notice of all decisions shall be sent to the applicant by email or first-class mail by the Commission within ten days of the decision and a copy shall be given to the Code Enforcement Officer.

10.5.2.3 Alternative procedure for review of installation or alteration of any exterior sign; minor alteration and temporary alterations. To process certificates of appropriateness more efficiently, applications for minor alterations shall be reviewed by the Code Enforcement Officer ~~and by the Historic Preservation Commission.~~ The Code Enforcement Officer ~~will~~ shall review the application to the standards of this Ordinance and shall approve the application, approve the application with modifications or deny the application. No public meetings are required for applications reviewed under this procedure by the Code Enforcement Officer. The Historic Preservation Commission members shall receive a copy of all decisions. If the Code Enforcement Officer has not acted within 10 working days, the applicant may seek approval from the Historic Preservation Commission, rather than from the Code Enforcement Officer. Inaction by the Code Enforcement Officer does not constitute approval or disapproval of the application.

- a. If the applicant is not satisfied with the determination of the Code Enforcement Officer, the applicant shall be permitted to have the application reviewed by the Commission. The Code Enforcement Officer can, for any reason, forward any minor alteration to the Commission for review. The Code

Enforcement Officer shall provide the Commission with written notice of any action. ~~Where~~ When the Commission conducts a review of an application where the Code Enforcement Officer has made a determination under this subsection, the Commission shall conduct a de novo review of the application and make its own decision and findings on whether the application meets the requirements of this Ordinance. The Commission shall conduct its review under the procedures set forth in Section 10.6.1 of this Ordinance.

- b. For purposes of this section only, "temporary" is defined as either a one-time occurrence that does not exceed 30 days or as an annual occurrence that does not exceed one 30-day period each year.

10.5.2.4 Application contents. The application shall state the location, use and nature of the matter for which such application is sought and shall contain at least the information or documentation outlined below. The Commission may waive any application requirement if it determines that it is not necessary to the application.

- a. The applicant's name, address and interest in the subject property, or, if needed, the name and address of the applicant's authorized agent;
- b. ~~The owner's name and address, if different from the applicant's, and the owner's signature~~ If the applicant or authorized agent is not the owner of the property, the owner shall submit a letter authorizing the applicant or authorized agent to bring the request to the Historic Preservation Commission.
- c. The address, tax map and lot number of the subject property;
- d. The present use and zoning classification of the subject property;
- e. A brief description of the new construction, reconstruction, alteration, maintenance, demolition or removal requiring the issuance of the certificate of appropriateness;
- f. A drawing or drawings, preferably scaled, of the exterior architectural features indicating the design, texture, and location of any proposed alteration, reconstruction, maintenance or new construction for which the certificate of

methods that will damage the historic materials shall not be undertaken.

10.7.1.2 Visual compatibility factors. Within the historic districts and on historic sites, new construction, additions to existing buildings or structures and appurtenances thereof which are moved, reconstructed, materially altered, repaired or changed through exterior surfaces shall be visually related generally in terms of the following factors:

- a. Height. Height shall comply with the height standards of Article II, Building Laws, Section 3.2 of the Town of Wiscasset Ordinances.
- b. Width.
- c. Windows and doors.
- d. Relations of solids to voids in front facades.
- e. Rhythm of spacing of buildings on streets.
- f. Rhythm of entrance and/or porch projection.
- g. Relationship of materials and texture.
- h. Roof shapes.
- i. Scale of buildings.
- j. Directional expression of front elevation.

10.7.1.3 CONSTRUCTION OF NEW BUILDINGS AND STRUCTURES IN THE HISTORIC DISTRICTS. In addition to the standards above, the construction of a new building or structure or an addition to an existing building or structure within a historic district or on a historic site shall be generally of such design, form, proportion, mass, configuration, building material, texture and location on a lot as will be compatible with other buildings in the historic district and with streets and open spaces to which it is visually related and in keeping with the ~~area~~ viewscape.

10.7.1.4 SIGNS. ~~General:~~ Signs shall be governed by the standards of Article III, Signs, of the Town of Wiscasset Ordinances, and this section. If there is any conflict, the stricter standards shall

apply. All signs either new or upon alteration, require a certificate of appropriateness. Contemporary signage needs shall be met with signs designed to be consistent with the architectural style of a building, respectful of neighboring buildings, and carefully designed to fit complement the façade. ~~in the case of attached signs.~~ The design shall take into account the scale, character and design of the building, the traditional location of signage on area buildings, the location of existing sign boards, lower cornices, lintels and other architectural elements, and the opportunity to use signage as an element to enhance the appearance of building entrances. Materials and workmanship shall convey a sense of permanence and durability.

- a. Location. Wall signs shall be generally located no higher than the windowsill line of the second story. The use of a continuous sign-band extending over adjacent shops within the same building is encouraged as a unifying element. Where signage is proposed on street level windows, such signage ~~should~~ shall not substantially obscure visibility through the window.
- b. Design. The size of signs and letters shall be at an appropriate scale for pedestrians and slow-moving traffic. Typefaces which are simple, easy to read and scaled appropriately for both the sign and the building shall be used. Pictographs (such as a projecting sign in the shape of a key for a key shop) can be an appropriate feature if consistent with the standards of this Ordinance.
- c. Illumination. ~~Generally,~~ Signs, if illuminated, shall be illuminated from a shielded, exterior source. The light source should be concealed from direct view. However, the Historic Preservation Commission (but not the Code Enforcement Officer) may approve certain special illuminated signs. Special situations such as marquees or special uses such as cultural events or public activities may be appropriate exceptions where sensitively designed.
- d. Additional guidelines for special categories of signs.
 - (i.) Awnings, canopies and marquees. The shape and size of these devices shall correspond to the shape, character and size of the opening over which they will be installed and fully fill the width of the individual window or door opening. Besides the signs standards of

this Ordinance, these sign types and all advertising signs ~~must~~ shall comply with all other historic design standards.

(ii.) Painted wall signs. Painted wall signs such as business names ~~may~~ shall be appropriate if designed in conformance with this Ordinance.

(iii.) Outdoor murals. Painted walls such as murals scenes shall be used only to enhance the streetscape, not for advertising purposes.

10.7.1.5 Demolition or removal.

a. Scope. The following provisions apply to any proposal involving demolition, moving or removal of any historic landmark, or any building or structure or any appurtenance thereto, in a historic district. The purpose of this subsection is to further the purposes of this Ordinance by preserving historic buildings which are important to the education, culture, traditions and the economic value of the Town, and to afford the Town, interested persons, historical societies or organizations the opportunity to acquire or to arrange for the preservation of such buildings.

b. Procedure. An historic resource or any building or structure in an historic district, or any appurtenance thereto, shall not be demolished or moved and a certificate of appropriateness shall not be approved until either:

(i.) The building or structure has been identified by the Commission as incompatible or non-contributing with the historic district in which it is located; or

(ii.) The building or structure, or important portions and features thereof, has been determined by the Code Enforcement Officer to represent an immediate hazard to the public health or safety, which hazard cannot be abated by reasonable measures.

c. Timing. The Historic Preservation Commission shall have a maximum of 60 days to render its decision on demolition or removal.

10.7.2 Ordinary Maintenance and Repair. Nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature or change in color in a historic district or any historic landmark which does not involve a change in the design, material or outward appearance thereof.

10.7.2 10.7.3 Exemption for Substantial Hardship

~~10.7.3.1~~ 10.7.3.1 If a certificate of appropriateness is denied, Before a certificate of appropriateness is considered by the Commission, the property owner may apply for an exemption based on the substantial hardship of maintaining the property according to the design guidelines (Standards of Evaluation, Section 10.7.1) for historic resources. Substantial hardship is to be considered by the Historic Preservation Commission where one or more of the following unusual and compelling circumstances exist:

~~a. The resource cannot reasonably be maintained in the manner dictated by the ordinance;~~

~~b. There are no other reasonable means of saving the resource from deterioration or collapse; or~~

~~c. It is not feasible to maintain appropriately.~~

a. The property cannot yield a reasonable economic return, or the owner cannot make any reasonable use of the property ("reasonable economic return" shall not be construed to mean a maximum return and "any reasonable use" shall not be construed to mean the highest and best use);

b. The cost of compliance is unreasonable and unduly burdensome considering the financial capability of the applicant, or the cost of compliance far outweighs an increase in the fair market value of the property that would arise from the required improvements (as demonstrated by a professional appraisal);

c. The need for an exemption is due to the unique circumstances of the property and not the general conditions of the neighborhood.

d. The conditions or circumstances which constitute the hardship were not caused or created by the property owner after the property became subject to this chapter.

e. The granting of an exemption will not alter the essential character of the neighborhood.

Any vote to grant an exemption shall require a vote in favor thereof by at least three (3) members of the Commission.

10.8 CONFLICTS, AMENDMENTS AND VIOLATIONS

- 10.8.1 Conflicts with other Ordinances. This Ordinance shall not repeal, annul or in any way impair or remove the necessity of compliance with any other ordinance, law, regulation or bylaw. Where this Ordinance imposes a higher and/or stricter standard, the provisions of this Ordinance shall prevail.
- 10.8.2 Amendments. The Board of Selectmen, the Planning Board, the Commission or the public itself through a Maine revised Statutes Title 30-A may initiate action to amend this Ordinance. The request to amend shall be referred to the Ordinance Review Committee and the Commission for a report within 90 days thereof. The Commission shall hold a joint public hearing with the Planning Board at least 10 days before the report is made to the Board of Selectmen. Notice of the hearing shall be made by notice in a newspaper of general local circulation at least two times, with the date of the first publication at least 12 days before the public hearing and the date of the second at least seven days before the public hearing. The notice of the proposed amendment shall be posted in the Town Hall at least 13 days before the public hearing. This Ordinance shall be amended only by vote of the governing body at the annual Town Meeting.
- 10.8.3 Violations. It shall be deemed a violation of this Ordinance if an applicant and/or property owner fails to comply with the plans and conditions as approved by the Historic Preservation Commission when it issued the certificate of appropriateness, and/or any activity listed in Section 10.5.1 is carried on without first obtaining a certificate of appropriateness which permits the activity to proceed. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer determines that any provision of this Ordinance has been violated, he shall send a written notice to the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Code Enforcement Officer shall order the removal of illegal buildings or structures or of additions, alterations or structural changes thereto; order the discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance or state law to ensure compliance with or to prevent a violation of this Ordinance. When violation of any provision of this Ordinance shall be found to exist, the Code Enforcement Officer shall notify the Board of Selectmen, who shall initiate any and all actions to be brought in

the name of the Town. The fines and penalties set forth in 30-A M.R.S.A. § 4452 shall apply to violations of this Ordinance.

10.9 SEVERABILITY

10.9.1 If any portion of this ordinance shall be held to be invalid, such decision shall not affect the validity of the remaining portions thereof.

2020 Changes to Subdivision Ordinance

Article VII, Subdivision

Section 3. B (1) (f) (second paragraph): Notice of time, place and date of such hearing shall be sent by ~~Certified First Class Mail~~ by the applicant. Applicant must show proof of mailing such as photocopy of addressed, stamped envelope.

Section 3.B.(2)(b) (fifth paragraph): All dimensions shall be shown in feet or decimals of a foot and drawn to a scale of not more than 100 feet to the inch. All plans shall have a border of ½ inch from the edge of the paper.

Section 3. B (2) (b)(9) Contour lines at intervals of more than ~~five (5)~~ two (2) feet for all portions of the property proposed to be developed.

Section 3.B.(2)(b) (16) A current boundary survey, as of the date of the application, of the property to be developed prepared by a licensed land surveyor and the location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field.

Section 5. C (1) (h) Upon completion of the requirements in Article VII, Section 3.C(1) and(2) and a finding by the Planning Board that the Final Plan is consistent with the Preliminary Plan, including any revisions or conditions imposed by the Board on the Preliminary Plan, it shall be deemed to have final approval and the ~~mylar~~ plan(s) and copies shall be properly signed by a majority of the members of the Board, using black ink.

Section 6. C(10) (2) (add to end of paragraph) Failure to comply with any condition of approval revokes the town's approval.

Section 7. C (2) (second paragraph) The final subdivision plan shall may also be submitted on an electronic medium...

Section 8. D (1) ~~One mylar copy and at least three~~ Four paper copies of the Final Plan shall be properly signed by a majority of the members of the Board, using black ink. ~~One (1) mylar copy and at least Two (2) paper copies of the plans shall be returned to the subdivider and one (1) signed paper copy shall be retained by the Town.~~ One copy shall be recorded at the Lincoln County Registry of Deeds.

Section 8. D(1) (second paragraph) No building permits for an approved plan will be issued until the plan has been registered with the Lincoln County Registry of Deeds and a letter from the subdivider's surveyor has been submitted to the Town stating that all permanent monuments ~~as required by Article VII, Section 6B(1)~~ for all lot corners have been placed.

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**PUBLIC MEETING NOTICE
CLEANUP OF THE FORMER MASON STATION
WASTEWATER TREATMENT (ASH) PONDS**

**Thursday, January 23 at 6:00 PM
Wiscasset Town Office, 51 Bath Road, Wiscasset, Maine**

The Town of Wiscasset will hold a public meeting to discuss the United States Environmental Protection Agency (USEPA) funded Brownfields Cleanup Project at the former Mason Station Site on Birch Point Road in Wiscasset. This project will focus on the cleanup and decommissioning of the four on-site wastewater treatment lagoons (ash ponds). The public meeting will be held on Thursday, January 23, 2020 at 6:00 PM at the Wiscasset Town Office, located at 51 Bath Road in Wiscasset. During this public meeting, project representatives will discuss the funding mechanisms, project requirements, and recommended cleanup strategies for the site.

An Analysis of Brownfields Cleanup Alternatives (ABCA) has been prepared. The Town of Wiscasset is currently receiving public comments on this document, and the public comment period will run 30 days, ending on Monday, February 17, 2020. The information repository on this project, including the ABCA, prior environmental assessments, and other environmental information is located at the Wiscasset Town Hall. These documents can be viewed electronically on the Town's Website (<https://www.wiscasset.org/documents>), or in person at the Wiscasset Town Hall during their normal business hours. For more information, contact Jaime Madore of Ransom Consulting, Inc. at 207-772-2891, or John O'Connell/Kathleen Onorato at the Wiscasset Town Hall at 207-882-8200.