

**TOWN OF ARUNDEL, MAINE
BOARD OF SELECTMEN MEETING**

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**Monday September 28, 2020
ML Day Library
7PM**

- I. Call to Order
- II. PUBLIC HEARING 2020 MMA Model GA Ordinance**
- III. Approval of Agenda
- IV. Public Forum – Public comment on non-agenda items
- V. Approve Minutes of September 14, 2020
- VI. Committee and Board Reports
- VII. Manager’s Report
 - Transfer Station/Request for Traffic Pattern Change
 - Hours of Operation Public Works Department
- VIII. Business
 - Scheduling of Open House / New Arundel Municipal Building
 - Action on MMA General Assistance Ordinance
 - Renewal of Automobile Graveyard/Junk Yard Permits
(Gary’s Auto Salvage-Randrick Trust-Aim Recycling)
- XI. Other Business and Adjournment
 - Approval Payable Warrant
 - Adjournment

PUBLIC HEARING

Monday, September 28, 2020

The Arundel Board of Selectmen will hold a Public Hearing at their regularly scheduled meeting to adopt the 2020 MMA Model GA Ordinance with Appendices A, B, C, D & H for the period of October 1, 2020 – September 30, 2021. A copy of the Ordinance with Appendices is available for you to review at the Town Hall.

The meeting will be held in the Library of the Mildred L. Day School at 7:00 P.M.

GENERAL ASSISTANCE ORDINANCE

Pursuant to 22 M.R.S. § 4305, the municipal officers of the Municipality of

Arundel hereby enact the following General Assistance Ordinance in its entirety, after notice and hearing. This Ordinance shall supercede and replace all previous Ordinance versions. A copy of this Ordinance is filed with the Department of Health & Human Services (DHHS) in compliance with Title 22 M.R.S. §4305(4), and shall be available for public inspection at the municipal office along with a copy of the Maine Revised Statutes, Title 22, chapter 1161.

Signed this 28th day of September, 2020, by the municipal officers:
(day) (month) (year)

Velma Jones Hayes _____
(Print Name) (Signature)

Thomas Danylik _____
(Print Name) (Signature)

Philip Labbe _____
(Print Name) (Signature)

Jason Nedeau _____
(Print Name) (Signature)

Daniel Dubois _____
(Print Name) (Signature)

[Please send a copy of the enactment page (only) to DHHS, 109 Capitol Street, SHS 11, Augusta, ME 04330-0011]

Appendix I

26 MRS.A §_1043 (23)

Misconduct. “Misconduct” means a culpable breach of the employee’s duties or obligations to the employer or a pattern of irresponsible behavior, which in either case manifests a disregard for a material interest of the employer. This definition relates only to an employee’s entitlement to benefits and does not preclude an employer from discharging an employee for actions that are not included in this definition of misconduct. A finding that an employee has not engaged in misconduct for purposes of this chapter may not be used as evidence that the employer lacked justification for discharge. [1999, c. 464, §2 (rpr).]

A. The following acts or omissions are presumed to manifest a disregard for a material interest of the employer. If a culpable breach or a pattern of irresponsible behavior is shown, these actions or omissions constitute “misconduct” as defined in this subsection. This does not preclude other acts or omissions from being considered to manifest a disregard for a material interest of the employer. The acts or omissions included in the presumption are the following:

- (1) Refusal, knowing failure or recurring neglect to perform reasonable and proper duties assigned by the employer;
- (2) Unreasonable violation of rules that are reasonably imposed and communicated and equitably enforced;
- (3) Unreasonable violation of rules that should be inferred to exist from common knowledge or from the nature of the employment;
- (4) Failure to exercise due care for punctuality or attendance after warnings;
- (5) Providing false information on material issues relating to the employee’s eligibility to do the work or false information or dishonesty that may substantially jeopardize a material interest of the employer;
- (6) Intoxication while on duty or when reporting to work or unauthorized use of alcohol while on duty;
- (7) Using illegal drugs or being under the influence of such drugs while on duty or when reporting to work;
- (8) Unauthorized sleeping while on duty;
- (9) Insubordination or refusal without good cause to follow reasonable and proper instructions from the employer;
- (10) Abusive or assaultive behavior while on duty, except as necessary for self-defense;
- (11) Destruction or theft of things valuable to the employer or another employee;
- (12) Substantially endangering the safety of the employee, coworkers, customers or members of the public while on duty;
- (13) Conviction of a crime in connection with the employment or a crime that reflects adversely on the employee’s qualifications to perform the work; or
- (14) Absence for more than 2 work days due to incarceration for conviction of a crime.

Appendix I

~~—[1999, c. 464, §2 (new).]~~

B. "Misconduct" may not be found solely on:

- ~~(1) An isolated error in judgment or a failure to perform satisfactorily when the employee has made a good faith effort to perform the duties assigned;~~
- ~~(2) Absenteeism caused by illness of the employee or an immediate family member if the employee made reasonable efforts to give notice of the absence and to comply with the employer's notification rules and policies; or~~
- ~~(3) Actions taken by the employee that were necessary to protect the employee or an immediate family member from domestic violence if the employee made all reasonable efforts to preserve the employment.~~

~~—[1999, c. 464, §2 (new).]~~

23. Misconduct. "Misconduct" means a culpable breach of the employee's duties or obligations to the employer or a pattern of irresponsible behavior, which in either case manifests a disregard for a material interest of the employer. This definition relates only to an employee's entitlement to benefits and does not preclude an employer from discharging an employee for actions that are not included in this definition of misconduct. A finding that an employee has not engaged in misconduct for purposes of this chapter may not be used as evidence that the employer lacked justification for discharge.

A. The following acts or omissions are presumed to manifest a disregard for a material interest of the employer. If a culpable breach or a pattern of irresponsible behavior is shown, these actions or omissions constitute "misconduct" as defined in this subsection. This does not preclude other acts or omissions from being considered to manifest a disregard for a material interest of the employer. The acts or omissions included in the presumption are the following:

- (1) Refusal, knowing failure or recurring neglect to perform reasonable and proper duties assigned by the employer;
- (2) Unreasonable violation of rules that are reasonably imposed and communicated and equitably enforced;
- (3) Unreasonable violation of rules that should be inferred to exist from common knowledge or from the nature of the employment;
- (4) Failure to exercise due care for punctuality or attendance after warnings;
- (5) Providing false information on material issues relating to the employee's eligibility to do the work or false information or dishonesty that may substantially jeopardize a material interest of the employer;
- (6) Intoxication while on duty or when reporting to work, or unauthorized use of alcohol or marijuana while on duty except for the use of marijuana permitted under Title 22, chapter 558-C;
- (7) Using illegal drugs or being under the influence of such drugs while on duty or when reporting to work;
- (8) Unauthorized sleeping while on duty;
- (9) Insubordination or refusal without good cause to follow reasonable and proper instructions from the employer;

Appendix I

(10) Abusive or assaultive behavior while on duty, except as necessary for self-defense;

(11) Destruction or theft of things valuable to the employer or another employee;

(12) Substantially endangering the safety of the employee, coworkers, customers or members of the public while on duty;

(13) Conviction of a crime in connection with the employment or a crime that reflects adversely on the employee's qualifications to perform the work; or

(14) Absence for more than 2 work days due to incarceration for conviction of a crime.

[PL2019, c. 125, §1 (AMD).]

B. "Misconduct" may not be found solely on:

(1) An isolated error in judgment or a failure to perform satisfactorily when the employee has made a good faith effort to perform the duties assigned;

(2) Absenteeism caused by illness of the employee or an immediate family member if the employee made reasonable efforts to give notice of the absence and to comply with the employer's notification rules and policies; or

(3) Actions taken by the employee that were necessary to protect the employee or an immediate family member from domestic violence if the employee made all reasonable efforts to preserve the employment.

[PL 2019, c. 125, §1 (AMD).]

Metropolitan FMR Areas

Penobscot Cty. HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	137	587	160	688
1	137	587	160	688
2	171	735	211	909
3	217	932	266	1,145
4	227	975	288	1,238
Portland HMFA				
	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	238	1,025	262	1,126
1	253	1,089	284	1,222
2	331	1,422	371	1,596
3	438	1,883	487	2,096
4	532	2,288	593	2,551
Sagadahoc Cty. HMFA				
	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	155	667	179	768
1	172	738	203	871
2	197	849	238	1,023
3	268	1,152	317	1,365
4	308	1,325	369	1,588
York Cty. HMFA				
	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	178	764	201	865
1	183	785	213	918
2	225	966	265	1,140
3	289	1,242	338	1,455
4	315	1,354	376	1,617
York/Kittery/S. Berwick HMFA				
	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	228	982	252	1,083
1	228	982	257	1,103
2	301	1,293	341	1,467
3	379	1,629	428	1,842
4	543	2,333	604	2,596

APPENDIX G

Mileage Rate

This municipality adopts the State of Maine travel expense reimbursement rate as set by the Office of the State Controller. The current rate for approved employment and necessary medical travel etc. is 4~~5~~⁴ cents (4~~5~~[¢]) per mile.

Please refer to the Office of State Controller for changes to this rate: Telephone: 626-8420 or visit: <http://www.state.me.us/osc/>

Appendix H

Effective: 10/01/~~2019~~ to 09/30/2~~1~~9

Funeral Maximums

Burial Maximums

The maximum amount of general assistance granted for the purpose of burial is **\$1,475**. Additional costs may be allowed by the GA administrator, where there is an actual cost, for:

- the wholesale cost of a cement liner if the cemetery by-laws require one;
- the opening and closing of the grave site; and
- a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- removal of the body from a local residence or institution
- a secured death certificate or obituary
- embalming
- a minimum casket
- a reasonable cost for necessary transportation
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Cremation Maximums

The maximum amount of assistance granted for a cremation shall be **\$1,025**. Additional costs may be allowed by the GA administrator where there is an actual cost, for:

- a cremation lot in the least expensive section of the cemetery
- a reasonable cost for a burial urn not to exceed \$55
- transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

COUNTY	1	2	3	4	5*
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	918	980	1,212	1,539	1,720
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	1,136	1,165	1,539	1,926	2,699

*Note: Add \$75 for each additional person.

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	649	710	831	1,119	1,200
Franklin County	683	729	837	1,102	1,480
Hancock County	836	871	1,047	1,319	1,445
Kennebec County	769	786	979	1,284	1,371
Knox County	792	795	979	1,291	1,390
Lincoln County	868	886	1,057	1,349	1,554
Oxford County	764	767	936	1,322	1,537
Piscataquis County	659	708	874	1,158	1,396
Somerset County	709	744	959	1,249	1,338
Waldo County	818	871	997	1,339	1,705
Washington County	710	713	926	1,160	1,254

* Please Note: Add \$75 for each additional person.

NEW MAXIMUM'S FOR 2020-2021

MAXIMUM LEVELS OF ASSISTANCE

No. in household

	1	2	3	4	5	6
Old	\$899.00	\$961.00	\$1,190.00	\$1,525.00	\$1,692.00	\$1,767.00
New	\$918.00	\$980.00	\$1,212.00	\$1,539.00	\$1,720.00	\$1,795.00

NOTE: For each additional person add \$75.00 per month

FOOD

WEEKLY

MONTHLY

No. in household

Old/New

Old/New

1	\$ 45.12/\$ 47.44	\$ 194.00/\$ 204.00
2	\$ 82.56/\$ 86.98	\$ 355.00/\$ 374.00
3	\$118.37/\$124.42	\$ 509.00/\$ 535.00
4	\$150.23/\$158.14	\$ 646.00/\$ 680.00
5	\$178.60/\$187.67	\$ 768.00/\$ 807.00
6	\$214.19/\$225.35	\$ 921.00/\$ 969.00
7	\$236.74/\$249.07	\$1,018.00/\$1,071.00
8	\$270.70/\$284.65	\$1,164.00/\$1,224.00

NOTE: For each additional person add \$146.00/mo

HOUSING

UNHEATED

No. of bedrooms

(Old) Weekly/ Monthly

(New) Weekly/ Monthly

0	\$174.00/\$ 748.00	\$178.00/\$ 764.00
1	\$179.00/\$ 769.00	\$183.00/\$ 785.00
2	\$220.00/\$ 946.00	\$225.00/\$ 966.00
3	\$285.00/\$1,225.00	\$289.00/\$1,242.00
4	\$274.00/\$1,326.00	\$315.00/\$1,354.00

HOUSING

HEATED

No. of bedrooms

(Old) Weekly/ Monthly

(New) Weekly/ Monthly

0	\$197.00/\$ 845.00	\$201.00/\$ 865.00
1	\$209.00/\$ 897.00	\$213.00/\$ 918.00
2	\$259.00/\$1,112.00	\$265.00/\$1,140.00
3	\$333.00/\$1,434.00	\$338.00/\$1,455.00
4	\$368.00/\$1,583.00	\$376.00/\$1,617.00

TOWN OF ARUNDEL

468 LIMERICK RD ARUNDEL MAINE 04046 (207) 985-4201 FAX (207) 985-7589

BUSINESS MEETING September 28, 2020

EXECUTIVE SUMMARY

BOS Members: The purpose of this summary presented is to give you some information over and above just the mentioning of the subject matter on the agenda. It is my hope that this information assists you in your decision making.

PUBLIC HEARING

-As you know the Town of Arundel approved following the MMA Model for a General Assistance Ordinance. Annually the MMA Model is modified based upon recommendations and research performed by MMA. The materials presented to you have been reviewed by our Local General Assistance Administrator and provided to you for approval.

MANAGERS REPORT

-Transfer Station/Request for Traffic Pattern Change: Last week Roger, Terry and I met with officials from Pine Tree Waste. Pine Tree Waste is experiencing confusion and a bunching up of folks dropping off Trash and Recycling that is leading to folks just throwing trash and not paying for what they are throwing. Pine Tree Waste would like to propose another try at controlling traffic at the site with the hope that a controlled environment would ease tensions and confusion.

-Hours of Operation Public Works Department: Department personnel would like to propose a permanent change to 4-10 Hours days for the Department. They have provided to me a spread sheet which indicates that the 26 weeks of the Winter Schedule only had personnel in snow plow operation 3.3 times on average in the 26 week period over a three year period.

BUSINESS

-Open House @ New Municipal Building: You met on Tuesday with the Municipal Building Committee and members of additional groups interested in celebrating the Building Opening. The conclusion was that a ceremony should be very short because of COVID-19 and that we should seek hiring a company to professionally put together a Video and Virtual Tour of the new Building and share the video on the Town Website so folks can observe what they paid for.

-MMA GA Ordinance: You need to take formal action with regard to the materials reviewed and discussed in the Public Hearing.

-Renewal of three Automobile Graveyard/Junk Yard Permits.

OTHER BUSINESS AND ADJOURNMENT

(a) Account Payable Warrant: Provided at Meeting for review.

**TOWN OF ARUNDEL
BOARD OF SELECTMEN**

Monday September 14, 2020
ML Day School Library
7 PM

Members present: Selectmen Tom Danylik, Phil Labbe, Dan Dubois, Velma Hayes, Jason Nedeau

Others: TM Trefethen, Jack Turcotte, Jack Reetz, Sam Hull, Joan Hull

Call to Order: Chairman Hayes called the meeting to order @ 7:00PM

Approval of Agenda: *MOTION Nedeau second Danylik “approve agenda as amended” passed 5-0. (added a discussion on 4x2 meeting by Town Manager.*

Public Forum: Chairman Hayes mention the upcoming Yard Sale offered by the Historical Society and the Arundel Conservation Trust for Saturday 9-2 at the Historical Society property.

Approval of Minutes: *MOTION Dubois second Labbe “approve minutes of August 24, 2020 as presented and reviewed” passed 4-0-1. (Nedeau)*

Committee & Board Report: Open

Managers Report:

- New Equipment @ Public Works: Have taken possession of all equipment (Loader-Bobcat-Truck). BOS can view at the Public Works Garage.
- Apartment Construction w/o permit: Property owner is working with the CEO to have an after the fact permit and sign off from Electrician and Plumber on work performed.
- Building Status @ 204 Campground Road: Owner indicated to CEO that property should be sold as is to a new owner by month's end. We will keep you informed of status.
- Kennebunk, Kennebunkport and RSU #21 wish to start up the 4x2 meeting for Wednesday September 30th, 5PM via Zoom. Both Selectmen Danylik and Dubois will provide me availability.

TOWN OF ARUNDEL

468 LIMERICK RD ARUNDEL MAINE 04046 (207) 985-4201 FAX (207) 985-7589

TO: Board of Selectmen
FR: Town Manager 
RE: 4-10 Hour Days for Public Works Department
DATE: September 23, 2020

I have been asked by the Public Works Department to consider a permanent movement of their work week to 4-10 hour days (Monday thru Thursday).

As you know for some years the Department has had a Summer Schedule (4-10) and a Winter Schedule (5-8). The reasoning was with winter comes snow plow operations and having Friday as a work day would reduce overtime throughout the snow plow season.

I have attached a spread sheet which indicates the snow events that have taken place on Friday's, Saturday's and Sunday's over the past three years. The data indicates that we average 3.3 events a year. These events include all types of operations related to road treatment during storms.

My conclusion based on the data is that prohibiting a year round 4-10 hour work week is not based in actual events as the spread sheet indicates.

Since I have been Manager often times if our employees have worked in excess of 40 hours not including that Friday and they have requested it, I have given them the Friday off, (Case by Case) and a reduction in overtime costs.

Because this is a modification of a permanent work schedule, I believe a determination by the Board of Selectmen is appropriate. Remember these modifications can be visited at any time by the Board if they are not working as we are not limited by any collective bargaining agreement.

Snowplowing of Arundel Roads on Friday-Saturday-Sunday during the winter months						
2017	26 weeks			Friday	Saturday	Sunday
November				0	0	0
December				1	3	1
January				1	1	0
February				1	2	2
March				2	0	1
April				0	0	1
				<u>5</u>	<u>6</u>	<u>5</u>
2018						
November				1	0	0
December				1	2	0
January				0	2	1
February				0	0	0
March				0	0	1
April				0	0	0
				<u>2</u>	<u>4</u>	<u>2</u>
2019						
November				0	0	0
December				2	1	0
January				0	1	2
February				1	0	0
March				0	0	1
April				0	0	0
				<u>3</u>	<u>2</u>	<u>3</u>
avg				3.3	4	3.3
				12.70%	15.40%	12.70%

PERMIT TO BE DISPLAYED ON PREMISES

**TOWN OF ARUNDEL
COUNTY OF YORK, MAINE**

Permit Number 2020-2021-2

PERMIT

To establish, operate or maintain an automobile graveyard, automobile recycling business and/or junkyard. Subject to existing rules, regulations and any amendments that may be made thereto, under the provisions of Title 30-A, Sections 3751 to 3760. Chapter 183.

This permit is hereby granted upon condition that the automobile graveyard, automobile recycling business or junkyard does not violate any of the above Sections of Title 30-A.

Owner's Name ----Aim Recycling USA LLC _____

Business Name ----Aim Recycling USA LLC _____

Street or Highway Number ----2244 Portland Rd _____

P.O. Address----- PO Box 400 _____

City/Town- Oakland, ME 04963 _____

This permit expires **October 1, 2021** unless sooner revoked by the Municipal Officials.

Dated at Arundel, Maine this _____ day of _____, 2020

Municipal Officers: _____

Certified True Copy

Town Clerk

1 copy to Applicant
1 copy to Municipality
1 copy to Motor Vehicles, Dealer Section

Aim Recycling USA LLC

PERMIT TO BE DISPLAYED ON PREMISES

**TOWN OF ARUNDEL
COUNTY OF YORK, MAINE**

Permit Number 2020-2021-3

PERMIT

To establish, operate or maintain an automobile graveyard, automobile recycling business and/or junkyard. Subject to existing rules, regulations and any amendments that may be made thereto, under the provisions of Title 30-A, Sections 3751 to 3760. Chapter 183.

This permit is hereby granted upon condition that the automobile graveyard, automobile recycling business or junkyard does not violate any of the above Sections of Title 30-A.

Owner's Name ----Gary Welch _____

Business Name ----Gary's Auto Salvage LLC _____

Street or Highway Number ---258 River Rd _____

P.O. Address _____

City/Town- Arundel, ME 04046 _____

This permit expires **October 1, 2021** unless sooner revoked by the Municipal Officials.

Dated at Arundel, Maine this _____ day of _____, 2020

Municipal Officers: _____

Certified True Copy

Town Clerk

1 copy to Applicant
1 copy to Municipality
1 copy to Motor Vehicles, Dealer Section

Gary's Auto Salvage LLC