

Performance Standards and Local Licensing Requirements
Medical Marijuana Registered Caregiver
Rev October 24, 2021, Rev August 26, 2022, Rev September 13, 2022, Rev November 2, 2022, REV
March 6, 2023

§ 140-67.3 Performance Standards and Local Licensing Requirements for Medical Cannabis Registered Caregiver.

Purpose and Authority:

Maine municipalities are authorized to regulate registered caregivers under 22MRS §2429-D. *Local Regulation.*

Registered caregivers as defined under prevailing laws and rules:

State of Maine Title 22: HEALTH AND WELFARE, Subtitle 22: HEALTH, Part 5 FOOD AND DRUGS, Chapter 558-C: MAINE MEDICAL USE OF CANNABIS ACT §2422. Definitions 11. Registered Caregiver pursuant to §2425-A,

MAINE MEDICAL USE OF MARIJUANA PROGRAM RULE 18-691, CODE OF MAINE RULES 18 Department of Administrative and Financial Services, 691 Office of Marijuana Policy Chapter 2: Maine Medical Use of Cannabis Program Rule, Chapter 2 (formerly 10-144 Ch. 122)

Registered caregivers shall apply and operate under local license and performance standards listed in this chapter.

Purpose and Authority: This ordinance is enacted pursuant to authority granted 30-A M.S.A. § 3001, 22 M.R.S. § 2423-A (14) and 28-B M.R.S. § 402. The purpose of this ordinance is to set forth *procedures* and standards for the issuance of local licenses for Medical Marijuana Registered Caregivers in-order to protect public health, safety, and welfare.

Registered Caregiver: See definitions section §140-9

Disqualifying drug offense: See definitions section §140-9

Registered Caregiver: “Registered Caregiver” means a caregiver who is registered by the State of Maine Department of Administrative and Financial Services, Office of Cannabis Policy pursuant to 22 M.R.S. §2425-A.

Disqualifying drug offense: “Disqualifying drug offense” means conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more, but does not include (1) An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years earlier; or (2) An offense that consisted of conduct that would have been permitted under the Maine Medical Use of Marijuana Act.

Performance Standards and Local Licensing Requirements
Medical Marijuana Registered Caregiver
Rev October 24, 2021, Rev August 26, 2022, Rev September 13, 2022, Rev November 2, 2022, REV
March 6, 2023

Administration: License Requirement: Effective 30-days following enactment of the Ordinance (“the effective date”, a Medical Cannabis Registered Caregiver (“MCRC”) shall not begin or continue operations unless it has received and is in possession of a license pursuant to this Ordinance. MCRC that holds an approved special use permit and/or are operating as of the effective date shall submit a completed application within 30 days of the effective date but shall have a grace period of 60 days after the effective date to receive a license, which may be extended by order of the Council if justified due to the anticipated timeline of the review process.

Licensing Authority: All MCRC license applications, whether new or a renewal, shall be reviewed by the Town Planner and shall be approved by the Town Council after public hearing. Application shall be made in writing to the Town Planner using a form prepared by the Town for the purpose and must include all information required by this Ordinance and by the form. The Town Clerk shall give notice of any public hearing held by the Town Council by publication in a newspaper of general circulation in the Town of South Berwick at least seven (7) days prior to action.

Review Procedures: The review procedures described below shall be the same for initial license applications as well as renewals, unless otherwise indicated. In reviewing these license applications, the Licensing Authority, and any consulting Town officials, may consider the approval standards under this Ordinance as well as any additional applicable local, State or federal laws and, for license renewals, the Licensee’s record of compliance with the same.

- A. The Town Planner shall be responsible for the initial investigation of the application to ensure compliance with the requirements of this Ordinance and to obtain recommendations from other Town officials as required.
- B. The Town Council shall have the authority to impose any conditions on a license that may be reasonably necessary to ensure compliance with the requirements of this Ordinance or to address concerns about operations. Failure of any Licensee to comply with such conditions shall be considered a violation of the license and of this Ordinance.
- C. No license shall be granted by the Licensing Authority until the Police Chief, Fire Chief, and Code Enforcement Officer all made positive recommendations regarding the Applicant’s ability to comply with this Ordinance or any other applicable Town ordinance or state or federal law enforced by such local officials. The Town Planner is responsible for ensuring the submission of documentation from the Code Enforcement Officer, Fire Chief, Police Chief.
- D. For renewal licenses, the application, review process and reviewing authority shall be the same as for initial licenses. All renewal applications for Medical Cannabis Registered Caregivers shall be reviewed by the Town Council, which shall issue a renewal license only upon a finding that the MCRC has in the past license term been operating in

Performance Standards and Local Licensing Requirements
Medical Marijuana Registered Caregiver
Rev October 24, 2021, Rev August 26, 2022, Rev September 13, 2022, Rev November 2, 2022, REV
March 6, 2023

accordance with this Ordinance as well as the MCRC previously submitted Operations Plan.

- E. Licenses shall be approved only for the type of MCRC identified in the application. A Licensee who intends to expand or convert Licensed Premises to a type of cannabis business this is not specifically approved in a license must obtain a new license for that use.
- F. Any Licensee that is required to obtain approval from the State of Maine shall provide the Code Enforcement Officer and Town Planner copies of all necessary approvals prior to operating the licensed business.
- G. Authorized municipal official with authority to make recommendations, grant licenses or enforce this or other municipal ordinances regarding MCRC operations shall have the authority to enter the Licensee's or Applicant's premises without notice to make any inspection reasonably necessary to ensure compliance.

Application Requirements: Each applicant for MCRC license shall complete and file an application form provided by the Town Planner, together with applicable license fee. The Application fee is non-refundable. Two paper copies and one electronic copy of the application and supporting materials shall be provided.

- A. A copy of the Applicant's State License application and supporting documentation.
- B. Evidence of all State approvals or conditional approvals required to operate as a M-CRC including, as applicable, State caregiver registration, Food and Fuel License application and certificate.
- C. If not a proprietor business, include any articles of incorporation, by-laws, partnership agreement or articles of association governing the entity that will own and/or operate the MCRC business.
- D. A release for each Applicant and for each officer, owner, member, manager, or partner of the MCRC applicant seeking a license allowing Town of South Berwick officials to obtain criminal records and other background information related to the individual(s).
- E. Evidence of all land use approvals required to operate as MCRC, including, but not limited to, building permit(s), site plan review approval and change of use permit.
- F. Evidence of all other local approvals required to operate as MCRC, including any applicable food or victualer's license.
- G. A description of the premises for which the license is sought, including a plan of the premises.

If the Town Planner determines the submitted application is incomplete, they shall notify the applicant of additional information required. Supplemental requested information must be submitted within thirty (30) days of the Planner's request or the application shall be denied.

License Issuance and Renewal:

- A. Each license issued under this Ordinance shall be valid for term of the license granted by the State License Authority (“the license year”) or otherwise for one (1) year from the date of issuance. Applications for renewal licenses shall be submitted 90 days prior to the expiration of the existing term to allow for timely processing. Any MCRC which fails to obtain a renewal license prior to expiration of the existing term shall not have the authority to operate until the license is granted.
- B. Applications for Medical Cannabis Registered Caregiver will be processed as received and, forwarded to the Council for action. If additional documents or information is needed, the Town Planner will contact the applicant to inform them of the deficiency.

Denial, Suspension or Revocation of a License: A license application for MCRC shall be denied by the Town and an existing license may be suspended or revoked by the Town Council after notice and hearing, if the Applicant, or any owner of the property or Licensee:

- A. Fails to meet the requirements of this Ordinance.
- B. Is not 21 years of age.
- C. Has a license required for MCRC suspended or revoked by the Town, by a municipality in the State of Maine, or by the State.
- D. Is in violation of this or any other Ordinance or has unpaid penalties assessed by a court related to cannabis business.
- E. Has not acquired all necessary state and local approvals prior to issuance of the license.
- F. Fails to meet zoning or other land use, shoreland, resource protection ordinances.
- G. Has been convicted of a criminal violation arising out of operation of a cannabis business.
- H. Has provided false or misleading information in connection with the license application.
- I. Odor must be mitigated in the allotted 5 days after being notified by the Code Enforcement Officer.

Approval and Operating Requirements:

To obtain a license pursuant to this ordinance, the applicant shall demonstrate to the Town Council or its designee the following requirements shall be met. A license holder shall comply with all these requirements during the term of the license.

Performance Standards and Local Licensing Requirements
Medical Marijuana Registered Caregiver
Rev October 24, 2021, Rev August 26, 2022, Rev September 13, 2022, Rev November 2, 2022, REV
March 6, 2023

- A. Fixed Location: All licensed premises shall be fixed, permanent locations. License holders shall not be permitted to operate other marijuana operations or establishments in other than the licensed premises, excluding for example, farmer's markets, farm stands or kiosks.
- B. Security: The licensed premises shall have lockable doors and windows and shall be served by a security system.
- C. Ventilation: The licensed premises shall comply with all odor and air pollution standards established by statute or ordinance, or as a condition of approval by the Planning Board.
- D. Waste Disposal: the licensed premises shall not dispose of waste and/or residue from the growth, cultivation, processing of medical marijuana in an unsecured waste receptacle not in its possession or control. All waste receptacles on site must have a metal cover and be always locked with proper security.
- E. No nuisance such as offensive noise, vibration, smoke, dust odors, heat or radiation shall be generated. (*§140-43*)
- F. Lighting: (Must Comply with *§140-27*)
- G. Parking: (Must Comply with *§140-24*)
- H. Signage: Major home occupations shall not have any business-related signage visible from the exterior of the property.
- I. External Facing Window Displays, Lighting or Lit or Unlit Wall Signage Prohibited.
- J. Hours of operation: Client product pick-up times shall be limited to the following: 8:00am to 8:00pm.
- K. MCRC shall meet all operating and other requirements of prevailing State and Local law.
- L. Notification of changes in business operations.

Transfer of Ownership of Change of Location: Licenses issued under this Ordinance are not transferable to a new owner. Licenses are limited to the premises for which they are issued and shall not be transferable to a different location. A licensee who seeks to operate in a new location shall acquire a new license for that location.

Appeals:

Any party may take an appeal, within 45 days after the decision is rendered by the Town Council to Superior Court from any order, relief, or denial in accordance with the Maine Rules of Civil Procedure, Rule 80B.

Performance Standards and Local Licensing Requirements
Medical Marijuana Registered Caregiver
Rev October 24, 2021, Rev August 26, 2022, Rev September 13, 2022, Rev November 2, 2022, REV
March 6, 2023

Enforcement and Penalties: For Operations of MCRC business without the required license of this Ordinance shall be a violation of this Ordinance. The Town of South Berwick or its designee shall enforce the provisions of this subsection.

Severability: The provisions of the Ordinance are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.

Other Laws: In the event of a conflict between the provisions of this Ordinance and the provisions of other law or ordinance the more restrictive shall apply.

Move to Fee Schedule: Appendix A

Medical Cannabis Registered Caregiver Licensing Ordinance Schedule of Fees

Medical Cannabis Registered Caregiver License- No Cultivation on-site	\$1,500
Medical Cannabis Registered Caregiver License- Cultivation conducted on-site	\$3,000
Medical Cannabis Registered Caregiver License Exchange / Conversion Application	\$750

Move to §140-9 Definitions

Cannabis: Cannabis means the leaves, stems, flowers, and seeds of all species / derivatives (including hemp) of plant genus cannabis, whether growing or not. It does not include mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of mature stalks, fiber, oil or cake or sterilized seed of the plant which is incapable of germination.

Cannabis Cooperative: Two or more Medical Cannabis or Adult Use Cultivators claiming a location as a primary residence in order to conduct cannabis home production. Cannabis cooperatives are considered Adult Use Cannabis Production Facilities if cannabis is grown by an Adult Use Caregiver and considered a Medical Cannabis Production Facility if grown by a Medical Cannabis caregiver.

Cannabis Caregiver Home Production: Cultivation, Delivery, Selling and/or storing of Medical Cannabis at a person's primary year-round residence. This use shall meet the Home Occupation requirements **(insert Section when identified)**

Cannabis, Adult Use: Cannabis that is cultivated, manufactured, distributed, or sold by a Cannabis establishment for adults 21+ as defined by Maine Title 28-B.

Cannabis Caregiver Retail Store: A store, in compliance with Zoning §140-67.1, that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer cannabis plants or harvested cannabis for sale to qualifying patients.

Cannabis Cultivation Facility, Adult Use: A facility licensed under this chapter to purchase cannabis plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use cannabis; to sell adult use cannabis to product manufacturing facilities, to cannabis stores and to other cultivation facilities; and to sell cannabis plants and seeds to other cultivation facilities and immature cannabis plants and seedlings to cannabis stores.

Cannabis Dispensary, Medical: An entity registered under section 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, or dispenses cannabis plants or harvested cannabis or related supplies and educational materials to qualifying patients and the caregivers of those patients.

Cannabis Establishment: A cultivation facility, a products manufacturing facility, a testing facility or a cannabis store licensed by the State of Maine.

Cannabis Manufacturing, Adult Use: The production, blending, infusing, compounding or other preparation of cannabis and cannabis products, including, but not limited to, cannabis extraction or preparation by means of chemical synthesis. "Manufacturing" or "manufacture" does not include cultivation or testing.

Cannabis Store, Adult Use: A facility licensed under Maine Title 28-B to purchase adult use cannabis, immature cannabis plants and seedlings from a cultivation facility, to purchase adult use cannabis and adult use cannabis products from a products manufacturing facility and to sell adult use cannabis, adult use cannabis products, immature cannabis plants and seedlings to consumers.

Cannabis Testing Facility: A facility licensed by the State of Maine to research and test cannabis, cannabis products and other substances.

Medical Cannabis Registered Caregiver/s: Registered Medical Cannabis Caregiver means a home-based facility used by a maximum of two (2) registered caregivers for cultivating, processing, and/or storing of medical marijuana at a registered caregiver's primary year-round residence. This definition also includes cultivating marijuana, harvesting marijuana, drying marijuana, and the packaging and transportation of the product from the premises or for limited client pick-up. The use is to be for growing medical marijuana for personal use and for medical cardholding patients / clients. The use is subject to Town licensing requirements and all other activities authorized by State Law. Only marijuana grown on the premises shall be allowed on the property at any time with the exception of the Caregiver's personal use. No cannabis grown or produced products manufactured off the premises shall be transported to, stored at, sold, packaged, or processed at the property. The property may not be utilized for commercial resale. No more than 700 designated square feet per licensed caregiver or, where two (2) registered caregivers are growing on / within the same property, a maximum of \$1,200 designated square feet of cumulative square feet are permitted for the entire home occupation operation.

Medical Cannabis: Cannabis that is acquired, possessed, cultivated, manufactured, used, delivered, transferred, or transported to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition.

Medical Cannabis Caregiver: A person, licensed hospice provider or licensed nursing facility that is designated by a qualifying patient to assist the qualifying patient with the medical use of cannabis in accordance with Maine State Law. A person who is a medical cannabis caregiver must be at least 21 years of age and may not have been convicted of a disqualifying drug offense.

Medical Cannabis Production Facility: A facility used for cultivating, ethanol extraction, and/or storing medical cannabis by a medical cannabis caregiver at a location which is not the medical cannabis caregiver's primary year-round residence or their patient's primary year-round residence. Butane extraction is considered an Industrial Use. The maximum size of a medical cannabis production facility is 2,500 square feet of cultivation area. The industrial use zones are I1 and I2 for the industrial facilities zoning. **(Inserted Industrial Use Section, as necessary)**

Medical Cannabis Caregiver Home Occupation

The below uses constitute a Major Home Occupation which must conform to the following

Performance Standards and Local Licensing Requirements
Medical Marijuana Registered Caregiver
Rev October 24, 2021, Rev August 26, 2022, Rev September 13, 2022, Rev November 2, 2022, REV
March 6, 2023

1. Medical Cannabis Registered Caregiver Home Occupation:

a) Medical Cannabis Registered Caregivers as a home occupation shall not include the employment of any persons not residing on the premises in the performance of the occupation. SEE DEFINITION "Cannabis Cooperative".

b) There shall be no outdoor storage of materials or products on the premises, associated with the business, on the premises. All outdoor waste disposal receptacles must have a metal cover and be always locked.

c) Municipal Approval Required: Major Home Occupations shall be reviewed and, if all applicable standards are met, approved by the Town's Code Enforcement Officer (CEO). If the CEO determines that the application does not meet the adopted standards the CEO may work with the Applicant towards bringing the application / proposal into full compliance with the standards (curtailing the operations etc.) or the Applicant may bring the matter to the Zoning Board of Appeals to challenge the CEO's determination.

d) Square Footage Limitations: A cannabis caregiver home occupation shall be carried on wholly within the principal building or within a building or other structure accessory to it and shall utilize, at a maximum, no more than 700 designated square feet per licensed caregiver or, where two (2) registered caregivers are growing on / within the same property, a maximum of 1,200.

e) Odor Control / Mitigation:

1) No use shall emit product odor across the lot lines in such quantity as to be readily detectable at any point along the lot lines.

2) Odor Control Plan: An Odor Control Plan shall be submitted to the Town's Code Office specifying the engineering and administrative controls the Caregiver will use to prevent odors from being detected offsite. The plan shall provide a list of all odor control measures, equipment and cleaning / maintenance for all existing and new odor control equipment; and must include carbon filtration and a negative pressure environment or sealed rooms. This Maintenance Log shall be shown to the Town's Building and Fire inspectors upon request. Any noted deficiencies shall be corrected within the timeline provided by the enforcement authority.

3) After the Fact Mitigation: If responding to odor complaints emitting from a caregiver's property, with or without, an approved odor control plan which is insufficient, as determined by the Town's Code Enforcement Officer (CEO), the CEO may work with the operator to bring the property into full compliance. Any noted deficiencies shall be corrected within the timeline provided by the enforcement authority. Should the odor issues be unable to be resolved, to the Town's satisfaction, the CEO may begin an enforcement action and / or seek Town Council revocation of required licensing.

Performance Standards and Local Licensing Requirements
Medical Marijuana Registered Caregiver
Rev October 24, 2021, Rev August 26, 2022, Rev September 13, 2022, Rev November 2, 2022, REV
March 6, 2023

f) Major home occupations shall not have any business-related signage visible from the exterior of the property.

1) No goods may be sold from the property which were not produced on-site. Items such as soil, fertilizers, etc., utilized by the caregiver for the operation of their home occupation or normal household products, utilized on site are not included in this prohibit.

2) Client visits / product sales from the property shall be comply to with the following:

a. All sales shall be transacted within the interior of the premises.

b. Client visits shall be appropriately scheduled to prevent/minimize client overlap. Client visits by appointment only.

c. No traffic shall be generated in greater volumes than would normally be expected by a residential use.

g) Hours of operation: Client product pick-up times shall be limited to the following: 8:00am-8:00pm.

h) Sufficient off-street parking shall be provided for one (1) client parking space. If existing parking is sufficient, as determined by the CEO, no additional parking is required. In all cases parking shall resemble parking at a typical residential home.

i) Pick-up windows and/or drive-through service are strictly prohibited.

j) Exterior Lighting: All exterior lighting shall be residential in nature installed to reduce light spillage into surrounding properties. This condition does not prohibit, time limited, motion activated security lighting.

k) No nuisance such as waste discharge, offensive noise, vibration, smoke, dust, heat, or radiation shall be generated.

l) A copy of the building layout must be provided to the Chief of Police and the Chief of Fire to ensure the safety of first responders.

**South Berwick Town Council
Public Hearing
Stormwater [Ordinances 96, 108, 121, & 140]
April 25, 2023**

Vice-Chair Jeffrey Minihan opened the hearing at 6:30pm. Councilors present included Chair Mallory Cook, John James, Jessica Cyr, Jeffrey Minihan, and Melissa Costella. Town Manager Tim Pellerin and Assistant Town Manager Jennifer Janelle were also in attendance. Jenifer McCabe, Code Enforcement Officer was also present to answer any questions.

The purpose of the hearing was to receive public comment on the proposed amendments to Town Codes regarding Stormwater management. The CEO explained that the changes are being proposed to keep the Town in compliance with required MS4 Federal and State regulations and have been approved by the Planning Board.

-Cliff Cleary, Spillane's Hill, asked what the ordinance(s) were. Mrs. Cook explained that the Town is required to monitor, maintain, and clean all stormwater management facilities. This would include storm drains, catch basins, drainage swales, detention ponds, and all their related structures.

-Mrs. Costella questioned the language of only allowing a "Qualified Post Construction Stormwater Inspector" to oversee the cleaning and maintenance.

No one on zoom wished to comment.

The hearing was closed at 6:34pm.

Attest:

Barbara Bennett, CCM

**South Berwick
Town Council Meeting
April 25, 2023**

Vice-Chair Jeffrey Minihan called the meeting to order at 6:34pm. Councilors present included Chair Mallory Cook, John James, Jessica Cyr, and Melissa Costella. Town Manager Tim Pellerin and Assistant Town Manager Jennifer Janelle were also in attendance.

On a motion by Mrs. Cook, seconded by Mrs. Costella, it was unanimously voted to take up Unfinished Business #1 out of order.

On a motion by Mrs. Cook, seconded by Mr. James, it was unanimously voted to indefinitely table, without comment or discussion, the appointment of Christine Prunier as a regular voting member to the Planning Board. [The Clerk erroneously commented that to indefinitely table meant to 'kill' the consideration of the motion in the future. To indefinitely table only means that the specific motion is not actionable during the current meeting.]

On a motion by Mrs. Cook, seconded by Ms. Cyr, it was unanimously voted to hold an executive session at 6:00pm on May 9th to conduct an interview with a prospective planning board member.

Approval of Minutes

1. Public Hearing 4-11-23: On a motion by Mrs. Cook, seconded by Mr. James, it was unanimously voted to adopt the minutes after deleting the extra \$ in the 8th paragraph in front of \$295,000.
2. Town Council 4-11-23: On a motion by Mrs. Cook, seconded by Ms. Cyr, it was unanimously voted to adopt the minutes as written.

Treasurer's Warrant

1. On a motion by Mrs. Cook, seconded by Mr. James, it was unanimously voted to sign the warrant dated April 20, 2023 in the amount of \$327,254.72.

Reports & Presentations

The Manager announced that April 30th to May 6th is Professional Municipal Clerks' Week. The Chair and Vice-Chair presented a Proclamation to the Clerk and Deputy Clerk expressing the Council's appreciation for the dedication to the position, the ongoing training, and the work done by the Clerk & Deputy.

Public Comment

1. Rheinhold Holton, Emery's Bridge Rd, addressed the Council regarding the notice his partner received from the Code Office regarding the business being operated at their farm. Mr. Holton expressed his displeasure and frustration over how the situation was handled. Mr. Holton went on to explain that the "Whoopie Shack" had received all its approvals from the state and from the former CEO. He asked, why after 3 years is this now an issue. Mrs. Cook stated that in this instance the Council doesn't have any input. This is a Code issue. [Clerk note: The specific use of the property has changed since the initial approvals were given]

Council thanked Mr. Holton for his comments and took no action.

Unfinished Business

1. See above.
2. The Town has received full approval from the State for the Transit Oriented Omnibus TIF, effective April 18, 2023.
3. The Sebago Technics traffic study has come in over budget by \$15,980. There was extra work done beyond the scope of the contract. They have requested that the Town consider paying some or all of the additional costs.

Mrs. Costella stated that they should have been more mindful of the budget and issued changed work orders. Mrs. Costella also expressed her concerns with pulling too much money from the TIF account.

On a motion by Mrs. Cook, seconded by Mr. James, it was voted 3-2 (Mrs. Costella and Ms. Cyr opposed) to pay one-half of the additional costs of \$7,990, funds to be expended from the TIF account. [The total overage was \$15,980.]

4. The Council discussed the proposed rules for the Transfer Station. Manager Pellerin explained that the rules already exist in our ordinance and the Council has the authority to adopt rules as needed. He also stated that staff members have been verbally and physically threatened.

On a motion by Mrs. Cook, seconded by Mrs. Costella, it was unanimously voted to accept the rules, as presented, and order that they be displayed at the Transfer Station.

The council discussed the issue of glass recycling. There are currently no vendors to purchase the glass. Our crushing machine is broken and would be cost prohibitive to repair. Until we are able to sell the glass, it will be thrown into the hopper. Note was made that all area towns are doing the same thing. Ms. Cyr commented that in some states they are required to use a certain percentage of crushed glass in their paving mix for road construction. More effort should be made here to find alternative uses.

New Business

1. On a motion by Mrs. Cook, seconded by Mr. James, it was unanimously voted to schedule an executive session at 6:15pm on May 9th to interview both Karl Honkonen and Philip Brekke prior to considering any appointments to the York River Partnership Wild & Scenic Stewardship Committee.

2. The Council discussed the logistics of making a nomination for the Spirit of America Award and how/when it would be presented. On a motion by Mrs. Cook, seconded by Mr. Minihan, it was unanimously voted to seek nominations from the community, with the nominations due by May 19th.

3. Code Enforcement Officer Jeni McCabe explained that the requested changes to Chapters 121 & 140 are somewhat minor. They include a small change to the sketch plan review process and a decrease in the setbacks required in the Industrial Zones.

On a motion by Mrs. Cook, seconded by Mr. Minihan, it was unanimously voted to hold a public hearing on May 23, 2023 at 6:30pm at the Police Station to receive input on the proposed changes to Chapters 121 and 140 of the Town Code.

4. The Council discussed the upgrade of lighting in the Library and Community Center. The high efficiency, intelligent lighting is projected to save the Town about \$11,500 annually. At year 20 the return on investment is estimated at about \$160,000.

On a motion by Mrs. Cook, seconded by Mr. Minihan, it was unanimously voted to authorize the Manager to sign a contract with Affinity Lighting for the lighting project at the Library and Community Center, and sign the Lease with Municipal Leasing Consultants for the financing.

5. On a motion by Mr. James, seconded by Mrs. Cook, it was unanimously voted to authorize the Town Manager to sign a contract with P. Gagnon & Son to replace the oil tanks when the boilers are replaced.

Town Manager's Report

-Highway: Have begun inspecting stormwater basins. Have been repairing and reseeding areas damaged by plowing. Staff attended a recent excavation & trench safety class.

Police: Made 2 arrests, attended 5 accidents, and conducted 42 traffic stops. In the process of hiring a new officer.

-Fire: Had 15 calls; YTD is 211. The online fire permit system is available. Brush fire season has begun. Completed the annual controlled burn at the golf course.

-HR/Personnel: Have 137 unpaid tax accounts to date. Will be sending out 30-day demand notices on May 2nd.

-Town Clerk: Attended the York County Clerk's meeting on April 20th. MOSES Rep Angela was very informative. Britney's training is going well. Genealogy season has begun.

-Assessing: Finishing up work on permit passes. Tyanne has been out measuring decks and sheds. Working on the BETE and Personal Property declarations. Manager Pellerin commended Tyanne for her efforts learning and helping in Assessing.

-Code/Planning: Issued 2 plumbing permits, 7 building permits, and conducted 22 inspections. There are 2 applications before the Planning Board. Kudos to Martha the temp. She has been instrumental in getting the office in shape and organized.

-Library: Has been busy. Lee will be on vacation in Honduras next week. The library now has the State Park Vehicle Passes that can be signed out. (They are good for about a week).

-Community Center/Recreation: Signage for Powderhouse Hill and the Willow ball fields are ready for installation. Most of the summer camp staff are returning this year; there is only one position for a camp counselor available. Sign-ups for summer camp are going well. The first week is already full. The seniors will have a lunch and learn on balance and falls.

-Transfer Station: Busy. The brush has been mulched and hauled away; we are able to take more. Staff finished winter clean up. Have met with Casella; no one is taking glass. Transfer Station rules will be posted on new signs. A police presence during the busy days may be necessary.

-Finance/HR: Working on FEMA documents. Will have a town hall update for the Council meeting on May 23rd. Looking into the cost of tearing down the Red Barn. The change from Consolidated Communications to GWI is complete.

-Administration: Admin Asst Dawn Moreau is in Bangor for Welfare Director training. Reminded everyone to give ample notice for any time off. Issued a memo regarding which groups will use the PD Training room for meetings and which will use town hall. (A new owl has been ordered for the PD room. The older owl will be at town hall). Still planning on setting up a day in May for staff to visit the Counting House Museum. Mandatory training will be held on Thursday, April 27th.

Councilor Comments

1. Ms. Cyr:

-Appreciates staff efforts in providing reports and information.

-The Marshwood Baseball golf scramble fundraiser went very well.

2. Mrs. Costella:

-Received concerns from residents about speeding traffic on some of the back roads. She asked if 'Maggie' the speed sign could be utilized in these areas.

-Has become aware that what you say is not always what people hear. She clarified that she is not trying to tell people how to vote; but that they should go vote.

3. Mr. James:

-In response to Mrs. Costella's comment, stated that if you "don't vote, don't complain".

EXECUTIVE SESSION

On a motion by Mrs. Cook, seconded by Mr. James, it was unanimously voted to enter executive session at 7:54pm pursuant to 405.6A, Personnel and 405.6D, Negotiations.

The Chair reported the following to the Clerk:

On a motion by Mrs. Cook, seconded by Mr. James, it was unanimously voted to end the executive session at 8:31pm.

Adjournment

On a motion by Mrs. Cook, seconded by Mr. James, it was unanimously voted to adjourn the meeting at 8:32pm.

Attest:

Barbara Bennett, CCM

South Berwick
12:29 PM

A / P Warrant

Bank: KENNEBUNK Operating

05/03/2023
Page 1

Type	Check	Amount	Date	Wrnt	Payee
P	46461	37,114.80	04/21/23	66	0132 BUREAU OF MOTOR VEHICLES
P	46462	184.84	04/25/23	66	1176 TREASURER STATE OF MAINE
P	46463	21,765.71	04/28/23	66	0132 BUREAU OF MOTOR VEHICLES
P	46464	184.84	05/01/23	66	1176 TREASURER STATE OF MAINE
R	46465	227.50	05/03/23	66	0891 2-Way Communications Services, Inc.
R	46466	600.00	05/03/23	66	1069 AFFORDABLE OFFICE SOLUTIONS
R	46467	64.00	05/03/23	66	1195 AHM-NORTHERN LIGHT DRUG TESTING
R	46468	146.54	05/03/23	66	0447 AIRGAS USA, LLC
R	46469	1,367.40	05/03/23	66	0151 ATLANTIC RECYCLING EQUIPMENT LLC
R	46470	298.43	05/03/23	66	0054 BAKER & TAYLOR
R	46471	6,327.50	05/03/23	66	0012 BERNSTEIN, SHUR, SAWYER & NELSON
R	46472	253.59	05/03/23	66	0062 BUSINESS EQUIPMENT UNLIMITED
R	46473	233.41	05/03/23	66	0048 Capital One
R	46474	4,009.63	05/03/23	66	0183 CENTRAL MAINE POWER
R	46475	2,400.00	05/03/23	66	1026 CHADWICK-BAROSS
R	46476	200.55	05/03/23	66	1158 CINTAS CORP
R	46477	75.00	05/03/23	66	1223 CLAVETTE, DENISE
R	46478	525.80	05/03/23	66	0142 COLONIAL LIFE & ACCIDENT INS.
R	46479	1,223.00	05/03/23	66	0910 COMFORT SYSTEMS USA
R	46480	396.00	05/03/23	66	0567 COMPUTER PROJECTS OF ILLINOIS, INC.
R	46481	2,761.75	05/03/23	66	0181 CONSOLIDATED COMMUNICATIONS
R	46482	617.75	05/03/23	66	0021 CUMMINS NORTHEAST LLC
R	46483	8,420.00	05/03/23	66	0107 DOUCETTE EXCAVATING
R	46484	116.15	05/03/23	66	0108 ELIOT SMALL ENGINE REPAIR, INC.
R	46485	318.00	05/03/23	66	0911 FADDEN CUSTOM PEST SERVICES LLC
R	46486	3,279.00	05/03/23	66	0337 GENEST PRECAST
R	46487	704.56	05/03/23	66	1169 GREAT WORKS INTERNET-GWI
R	46488	185.00	05/03/23	66	0076 HASTY, TOM
R	46489	148.62	05/03/23	66	0168 HOME DEPOT CREDIT SVCS
R	46490	75.00	05/03/23	66	0699 JANELLE , JENNIFER
R	46491	100.00	05/03/23	66	0850 KIDS FREE TO GROW
R	46492	650.00	05/03/23	66	1239 KOLTKO, VICTOR
R	46493	648.99	05/03/23	66	0251 LAWSON PRODUCTS
R	46494	1,683.00	05/03/23	66	0092 MAD SCIENCE OF MAINE
R	46495	75.00	05/03/23	66	0504 MAINE ANIMAL CONTROL ASSOCIATION
R	46496	200.00	05/03/23	66	0420 MAINE CHIEFS OF POLICE ASSOCIATION
R	46497	4,974.50	05/03/23	66	0179 MAINE DEPARTMENT OF INLAND FISHERIES AND WILD LIFE
R	46498	212.50	05/03/23	66	0082 MAINE RESOURCE RECOVERY
R	46499	728,737.74	05/03/23	66	0129 MAINE SAD 35
R	46500	75.00	05/03/23	66	1187 MCCABE, JENI
R	46501	2,560.15	05/03/23	66	0084 MICK BODYWORKS INC
R	46502	493.64	05/03/23	66	0800 MONTAGE ENTERPRISES, INC
R	46503	295.46	05/03/23	66	1119 MOREAU, DAWN
R	46504	516.15	05/03/23	66	0454 MORIN STEEL, INC.
R	46505	951.00	05/03/23	66	0276 NORTH COAST SERVICES
R	46506	416.00	05/03/23	66	1160 NORWOOD, ASHLEY
R	46507	26.85	05/03/23	66	0044 OFFICE OF INFORMATION TECH A/P

South Berwick
12:29 PM

A / P Warrant

Bank: KENNEBUNK - Operating

05/03/2023
Page 2

Type	Check	Amount	Date	Wrnt	Payee
R	46508	52.00	05/03/23	66	0158 OMNI SERVICES INC.
R	46509	444.29	05/03/23	66	0088 P GAGNON & SONS INC
R	46510	75.00	05/03/23	66	1071 PELLERIN, TIMOTHY
R	46511	1,918.25	05/03/23	66	0089 PIKE INDUSTRIES INC
R	46512	180.00	05/03/23	66	0219 PITNEY BOWES GLOBAL FINACIAL SERVICES
R	46513	3,920.00	05/03/23	66	1237 PRC INDUSTRIAL SUPPLY
R	46514	75.00	05/03/23	66	0167 REDIMARKER, JAY
R	46515	1,867.04	05/03/23	66	1229 ROBERT HALF
R	46516	175.00	05/03/23	66	0451 S.A. MCLEAN & SONS
R	46517	7,990.00	05/03/23	66	1171 SEBAGO TECHNICS
R	46518	2,480.00	05/03/23	66	0090 SHOEM CORP
R	46519	210.00	05/03/23	66	0039 SIG SAUER INC.
R	46520	224.71	05/03/23	66	0226 SOUTHWORTH MILTON INC
R	46521	92.40	05/03/23	66	0095 STELLAR NETWORKS
R	46522	2,709.44	05/03/23	66	1238 TEDDER INDUSTRIES LLC
R	46523	50.00	05/03/23	66	0143 TREASURER OF STATE-CONCEALED FIREARMS
R	46524	89.00	05/03/23	66	0180 Treasurer, State of Maine
R	46525	100.75	05/03/23	66	0581 TRI-CITY MASONRY SUPPLIES
R	46526	124.78	05/03/23	66	0097 VERIZON WIRELESS
R	46527	406.66	05/03/23	66	1175 WELCH OIL, LLC
R	46528	1,664.71	05/03/23	66	0100 WEX BANK
R	46529	395.00	05/03/23	66	0311 WILDLIFE ENCOUNTERS LLC
R	46530	94.91	05/03/23	66	0840 Willey, Theresa
R	46531	1,394.35	05/03/23	66	0481 XPRESS COPY
R	46532	8,191.50	05/03/23	66	0102 YORK AMBULANCE ASSN INC
R	46533	100.00	05/03/23	66	0432 YORK COUNTY COMMUNITY ACTION CORPORATION

Total 871,865.14

Count

Checks 73
Voids 0

This is to certify that there is due and chargeable to the appropriations listed above the sum set against each name and you are directed to pay unto the parties name in this schedule as signed by the Town Council below:

Melissa Costella _____ John James _____

Jeff Minihan _____ Jessica Cyr _____

Mallory Cook _____

APPROVED _____

DATE _____

TOWN MANAGER _____

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: May 9, 2023	UB #1
Agenda Item: Planning Board appointment	
Staff Recommendation:	
If appointed, Mr. Rouse's term as an alternate would expire June 30, 2025.	
Town Manager's Recommendation:	
Requested Action:	
Council wishes	
Vote	



**TOWN OF SOUTH BERWICK
BOARD/COMMITTEE APPLICATION**

Committee desired: Planning Board

PERSONAL INFORMATION

Name: Aaron Rouse Date: 3-10-23
Address: 11 High Knoll Dr email: _____
S. Berwick ME 03908
Telephone: (home) _____ (work) 207-619-1495 (cell) 719-330-4282

BUSINESS/EDUCATIONAL BACKGROUND

(You may attach a resume if you prefer, please be specific)

Current - Realtor - Rexas Shoreline
Previous Experience -
10+ years as Mortgage Loan Officer / Acct Exec
14+ years as Mortgage Underwriter / Risk Analysis
& Compliance

MUNICIPAL OFFICES HELD or PREVIOUS BOARD EXPERIENCE

(In South Berwick or elsewhere)

Board/Committee	Appointment Date	Term Expiration
<u>International Committee</u>	<u>2012</u>	<u>2013</u>
<u>of Young People in AA</u>	_____	_____

PLEASE LIST TWO OR THREE NEW IDEAS YOU WOULD LIKE THIS COMMITTEE TO CONSIDER.

Zoning to Encourage Outdoor/Sidewalk dining
& beer gardens
Traffic Lights

PLEASE INDICATE ANY SPECIAL QUALIFICATIONS OR EXPERIENCE THAT YOU THINK MAY BE HELPFUL TO THIS COMMITTEE.

I have worked in Real Estate and Real
Estate Finance for most my adult life

COMMITMENT LEVEL

Are you available to commit to this committee for a minimum of three years?

Number of hours you are able to commit to this committee/board per week:

Yes
4
[Signature]
Applicant's signature

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: May 9, 2023	UB #2
Agenda Item: Representative for York River Stewardship Committee	
Department Head Recommendation:	
To take action on the applications of Karl Honkenon and Philip Brekke for the positions of Representative and Alternate for the York River Stewardship Committee.	
Town Manager's Recommendation	
Requested Action	
Town Council wishes	
Vote	

TOWN OF YORK APPLICATION FOR MEMBERSHIP

York River Partnership Wild and Scenic Stewardship Committee

PLEASE FILL OUT AND RETURN TO THE TOWN MANAGER'S OFFICE

By mailing it to: Diana Janetos, 4 Marketplace Dr. York ME or emailing it to: djanetos@yorkmaine.org

Applications are due by March 31, 2023

The York River was designated as a Partnership Wild and Scenic River by an act of Congress in December of 2022. The law names the York River Stewardship Committee as the local implementor and partner for coordination with the National Park Service Partnership Wild and Scenic Rivers Program. The Stewardship Committee will be formed with voting members appointed by the four watershed towns (York, Eliot, Kittery, and South Berwick). Information on the composition and duties of the Stewardship Committee may be found in the [York River Watershed Stewardship Plan](#) available on www.yorkrivermaine.org.

Name: Philip Brekke

Date: 4/01/23

Physical Address: 26 Pave Street Rd., South Berwick, ME 03908

Mailing Address: Same as above

Telephone: 603-397-2799

Email: philipbrekke@gmail.com

1. Why do you wish to serve?

I am interested in investing my time and energy into my community, particularly in the areas of conservation and recreation. I have a diverse background and skillset that would add an additional perspective to the committee.

2. Describe interests, skills, or expertise you would provide. *(A good candidate for the York River Stewardship Committee will have a broad interest and some level of knowledge, expertise and/or inquisitiveness about the ecology and habitats, historic resources, recreation and commercial uses, cultural importance, water quality, and/or ecosystem services of the York River and its watershed.)*

I started working in the outdoor recreation industry as a trip leader/guide in 2004. More specifically, the majority of my professional career has been contributing to the field of adaptive outdoor recreation. I have in-depth knowledge and experience with wildland accessibility for individuals with disabilities. I became a Maine Guide in Sea Kayaking in 2013 and spend a lot of time in various regions of the York River Watershed

paddling and as a sportsman. I greatly value the conserved lands and waters of our region and would be honored to work toward their continued protection and access.

3. Describe connections to the community, including service on relevant committees, that you have in the towns and/or region that could be helpful in implementing the [York River Watershed Stewardship Plan](#).

I have worked at Northeast Passage, a local nonprofit adaptive sports and Therapeutic Recreation organization, since 2012. I have worn many hats and am now running the Development / Fundraising arm of the organization, which continues to broaden my network. I started a chapter of Project Healing Waters Fly Fishing in 2017 and have operated as a program lead creating opportunities for Disabled Veterans to heal. I have been on the board of Little Harbor Charitable Foundation since 2018 and have helped continue their mission of serving the most vulnerable in the Seacoast. I am quite connected to the local recreational fishing community through these endeavors.

4. Though not necessary, please submit any supporting materials to elaborate on the types of skills and expertise you would bring to the Stewardship Committee or describe below.

My time spent in the outdoors as a guide and a sportsman has given me a keen eye and appreciation for our shared resources. I have held a multitude of paddling endorsements and certifications over the years in addition to being a Certified Interpretive Guide, which allowed me to better understand and explain our natural resources to other users. I have carried a Wilderness First Responder certification since 2009 and still enjoy teaching others skills so they, too, can enjoy their time in nature.

Questions about river designation or the York River Wild and Scenic Study can be directed to: [Judy Spiller](#), Chair, York River Study Committee or [Paul Dest](#), Vice-Chair, York River Study Committee

Questions about the town's appointment process or this application can be directed to: Diana Janetos

BELOW IS FOR TOWN OFFICE USE ONLY

Received Date: 4 / 11 / 2023

Received By: Dawn Ineum

Interview Date: / /

Appointment Date: / /

TOWN OF South Berwick APPLICATION FOR MEMBERSHIP

York River Partnership Wild and Scenic Stewardship Committee

PLEASE FILL OUT AND RETURN TO THE TOWN MANAGER'S OFFICE

By mailing it to: STAFF NAME & MAILING ADDRESS or emailing it to: STAFF NAME & EMAIL ADDRESS

Applications are due by

The York River was designated as a Partnership Wild and Scenic River by an act of Congress in December of 2022. The law names the York River Stewardship Committee as the local implementor and partner for coordination with the National Park Service Partnership Wild and Scenic Rivers Program. The Stewardship Committee will be formed with voting members appointed by the four watershed towns (York, Eliot, Kittery, and South Berwick). Information on the composition and duties of the Stewardship Committee may be found in the [York River Watershed Stewardship Plan](#) available on www.yorkrivermaine.org.

Name: Karl Honkonen

Date: 02/08/2023

Physical Address: 238 Witchtrot Road, South Berwick, ME 03908

Mailing Address: same

Telephone: 339-788-1150

Email: khonkonen@comcast.net

1. Why do you wish to serve?

I would like to see York River watershed natural and cultural resources managed in a sustainable manner that encourages user interaction over the long term.

2. Describe interests, skills, or expertise you would provide. (A good candidate for the York River Stewardship Committee will have a broad interest and some level of knowledge, expertise and/or inquisitiveness about the ecology and habitats, historic resources, recreation and commercial uses, cultural importance, water quality, and/or ecosystem services of the York River and its watershed.)

I will bring decades of resource management experience at the local, state, and federal level to help achieve the stewardship goals of the watershed.

3. Describe connections to the community, including service on relevant committees, that you have in the towns and/or region that could be helpful in implementing the [York River Watershed Stewardship Plan](#).

Previous committee experience: South Berwick Conservation Commission- member, Mt. Agamenticus Steering Committee- town rep., Boy Scouts of America Troop 338- Assistant Scoutmaster, White Pine Programs- Board Member

4. Though not necessary, please submit any supporting materials to elaborate on the types of skills and expertise you would bring to the Stewardship Committee or describe below.

Federal resume attached.

Questions about river designation or the York River Wild and Scenic Study can be directed to: [Judy Spiller](#), Chair, York River Study Committee or [Paul Dest](#), Vice-Chair, York River Study Committee

Questions about the town's appointment process or this application can be directed to: **TOWN STAFF INFO**

BELOW IS FOR TOWN OFFICE USE ONLY

Received Date: 3 / 27 / 2023 Received By: Dan Urean
Interview Date: ____ / ____ / ____ Appointment Date: ____ / ____ / ____

Karl Warren Honkonen

238 Witchtrot Road

South Berwick, ME 03908

Mobile: (339)788-1150

Email: khonkonen@comcast.net

Job Type: Permanent, Temporary, Term, Detail and Telework

Work Experience:**USDA Forest Service**

Green Mountain and Finger Lakes National Forest

PO Box 220

Rutland, VT 05702

10/2022 - Present

Hours per week: 40

Series: 0401 **Pay Plan:** GS **Grade:** 13

Ecosystem Services Staff Officer (90-day detail)

Duties, Accomplishments and Related Skills:

Areas of responsibility include Vegetation Management, Fish & Wildlife, Hydrology, Plants, Soil, GIS, and Fire. Serves as a member of the Forest Leadership Team providing advice and support to the Forest Supervisor, District Rangers, and other Team members in the development of functional programs including formulation of local policies and objectives, the coordination between activities, and the establishment of program priorities for the Forest.

Key Accomplishments:

- Provided leadership, coordination, direction, inventory planning, and budgetary oversight for natural resource program areas.
- Coordinated staff priorities with District Rangers and other Staff Officers to ensure natural resource program goals and objectives are thoroughly understood.
- Monitored staff performance to ensure resource program goals and objectives are successfully achieved.

Supervisor: John Sinclair (443-286-8838)

Okay to contact this Supervisor: Yes

USDA Forest Service

Eastern Region/State and Private Forestry
Durham Field Office
271 Mast Road
Durham, NH 03824

03/2014 - Present**Hours per week:** 40**Series:** 0460 **Pay Plan:** GS **Grade:** 12**Forest Watershed Specialist****Duties, Accomplishments and Related Skills:**

Provides technical assistance and leadership to develop collaborative resource management strategies addressing forest, soil, land, water, wildlife habitat, and recreation concerns in seven states (Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and New York). Strategies include developing and implementing policies and standards to support forestry Best Management Practices, silvicultural prescriptions, source water protection, municipal watershed management, Green Infrastructure, and Forest Stewardship plans.

Key Accomplishments:

- Developed collaborative relationships with federal, state, tribal, municipal, and non-profit interests to accomplish forestry projects that protect and enhance water quality and quantity. Identified common interests of all parties in negotiations and project development.
- Coordinated US Forest Service involvement in international Great Lakes Restoration Initiative projects between the US and Canada. Developed a five-year Lake Action Management Plan for Lake Ontario to improve water quality. Monitored 22 grant-funded projects from start to finish.
- Evaluated Landscape Scale Restoration proposals and then monitored +/- 27 grants/year to full and successful completion.
- Built innovative water quality partnerships with researchers in universities, government, private forestry, and water supply industries. Ongoing partnerships include:
 1. Northeast/Mid-Atlantic Source Water Partnership (13 states)
 2. Lake Ontario Partnership Working Group (US & Canada)
 3. Saco Watershed Collaborative (NH, ME)
 4. Salmon Falls Watershed Collaborative (NH, ME)

5. Connecticut Source Water Collaborative (CT)
 6. Forest Ecosystem Monitoring Collaborative (VT, NH, NY, MA, CT, RI)
 7. Long Island Sound Study (NY, CT)
 8. New England Watershed Managers (VT, NH, ME, NY, MA, CT, RI)
 9. MassConn Sustainable Forest Partnership (MA, CT)
 10. Mystic Watershed Urban Federal Partnership (MA)
 11. Lake Champlain Basin Program (VT, NY)
 12. Southeast New England Program (MA, RI)
- Emergency Response Qualifications:
 1. Wildland Firefighter (FFT1/ICT5), Intermediate Faller (FAL2), Resource Advisor (READ/REAF), Heavy Equipment Boss (HEQB), and Interagency Resource Representative (IARR) dispatched to wildfire assignments in CA, WY, VA, ID, NM, and MT. 126 days rigorous wildland fire experience.
 2. Emergency Services Function Lead (ESFL) responding to Hurricanes (Harvey, Maria, Dorian) and all-hazard incidents (COVID-19 vaccination centers in NY and RI, post-fire flood mitigation in NM).
 - Created an environment in which diversity is valued. Represent the Durham Field Office on the Region 9 Civil Rights Committee and am a designated Change Champion for current Stand Up for Each Other efforts.
 - Developed a strategy for the Region 9 Environmental Analysis and Decision Making (EADM) program to streamline the Planning, Appeals and Litigation process across all units.

Supervisor: Connie Carpenter (603-809-8666)

Okay to contact this Supervisor: Yes

USDA Forest Service

Eastern Region/State and Private Forestry

St. Paul Field Office

1992 Folwell Ave.

St. Paul, MN 55108

09/2021– 01/2022

Hours per week: 40

Series: 0401 **Pay Plan:** GS **Grade:** 12

Natural Resources Specialist (Great Lakes Restoration Initiative (GLRI) Coordinator) (120-day detail)

Duties, Accomplishments and Related Skills:

Serves as a liaison with Great Lakes partners and stakeholders, helping to formulate program policies and guidance, developing materials that communicate the intent

and importance of the program, and assisting with the development and management of federal financial assistance and accomplishment tracking and reporting tools.

Key Accomplishments:

- Broaden public, other agency, and Congressional understanding of and appreciation for the role forests and trees play in protecting water quality in the Great Lakes region, and the Forest Service role in delivering this value.
- Develop and manage GLRI multi-program Request for Applications release, outreach, review & notification.
- Ensure federal requirements are being met by GLRI grantees and facilitate dialogue about issues, concerns, and opportunities.
- Work with Regional Office GLRI lead on program budget, Interagency Agreement development, administration, and reporting.

Supervisor: Sunny Lucas (651-649-5180)

Okay to contact this Supervisor: Yes

USDA Forest Service

Lincoln National Forest
Smokey Bear Ranger District
901 Mechem Road
Ruidoso, NM 88345

10/2020 – 02/2021

Hours per week: 40

Series: 0340 **Pay Plan:** GS **Grade:** 13

District Ranger (120-day detail)

Duties, Accomplishments and Related Skills:

Serves as the District Ranger with responsibility for the management of the resources, goods, and services of the District. Directly responsible for the development, production, conservation, and utilization of the natural resources of forests and associated lands of the District; and the inventory, planning, evaluation, and management of each forest resource including timber, soil, land, water, wildlife and fish habitat, minerals, forage, wilderness and visual areas, and outdoor recreation. Provides Unit managerial leadership in all areas of employee and public safety. Provides leadership and supervision of the District's prescribed burn program and serves as the lead Agency decision maker for wildfire suppression or other incidents.

Key Accomplishments:

Supervise District staff in Recreation, Wildlife, Grazing and Fire. Major program areas include:

- Ski Apache alpine ski area permit management with the Mescalero Apache tribe. This seasonal operation was complicated by ongoing visitor restrictions due to the COVID-19 pandemic.
- Supervise and support staff projects in the FY21 Program of Work as well as new recreation projects funded by the Great American Outdoors Act.
- Confirm Annual Operating Instructions for 45 grazing allotments on the District.
- Manage wildlife and highly complex prescribed fire projects while considering multiple Threatened & Endangered species including the Mexican Spotted Owl.
- Coordinated District response for the National Environmental Policy Act (NEPA) objection process for the Hale Lake Travel Management Project, designating multiple use road and trail restrictions.

Supervisor: Travis Moseley (575-434-7306)

Okay to contact this Supervisor: Yes

USDA Forest Service

Watershed, Fish, Wildlife, Air and Rare Plants Program

1400 Independence Ave, SW.

Washington, DC 20250

10/2019-12/2019

Hours per week: 40

Series: 1315 **Pay Plan:** GS **Grade:** 13

Hydrologist (60-day detail)

Duties, Accomplishments and Related Skills:

Serves as the National Watershed Program Leader in Washington, DC. Developed an initial draft of an implementation strategy for the Water Source Protection provision of the 2018 Farm Bill. This draft strategy involved networking and engagement with other key staff areas, including Forest and Range Management, Ecosystem Management Coordination, Engineering, and the National Partnership Office.

Key Accomplishments:

- Engaged with internal and external partners to form a preliminary strategy for water source protection on National Forest System land as well as adjacent watersheds.
- Facilitate National hydrology accomplishment reporting. FY19 accomplishments reviewed and reported in the databases of record.
- Participate in National program conference calls with Regional watershed improvement, hydrology, and soil staff.

Supervisor: Chris Carlson (202-503-6756)

Okay to contact this Supervisor: Yes

USDA Forest Service

Eastern Region/State and Private Forestry

Durham Field Office

271 Mast Road

Durham, NH 03824

05/2017 - 08/2017

Hours per week: 40

Series: 1315 **Pay Plan:** GS **Grade:** 13

Forest Management Group Leader (120-day detail)

Duties, Accomplishments and Related Skills:

Provides leadership, direction, administration, and technical assistance in

Cooperative Forestry activities within six New England States and New York.

Supervised Field Office personnel who administer, plan, and implement cooperative forestry programs designed to monitor, protect, and report on forest management activities. Encouraged open communications among all employees. Effectively edited complex reports and materials. Monitored political and economic trends that impacted Cooperative Forestry priorities.

Key Accomplishments:

- Supervised staff in the Forest Stewardship, Urban and Community Forestry, Tree Improvement, Watershed Management and Resource Conservation and Development programs. Treated all staff with dignity and respect and handled interpersonal problems tactfully.
- Managed operating budgets and applications to support landscape scale restoration projects.
- Developed and maintained interagency and multi-organization projects using Cooperative Forestry authorities.
- Identified short and long-term goals and objectives for the Forest Management Group that were consistent with the Northeast Area Five-Year Strategic Plan.

Supervisor: Connie Carpenter (603-868-7694)

Okay to contact this Supervisor: Yes

Federal Emergency Management Agency

99 High Street

Boston, MA 02110

05/2013 - 10/2013

Hours per week: 40

Environmental Specialist

Duties, Accomplishments and Related Skills:

As a member of Federal Emergency Management Agency (FEMA) Region 1 Environmental and Historic Preservation (EHP) branch, provided subject matter expertise to internal and external stakeholders on environmental laws, executive orders, regulations, and policies, including, among others: Endangered Species Act, National Historic Preservation Act, Clean Water Act, and Executive Orders 11988 (Floodplains), 11990 (Wetlands), and 12898 (Environmental Justice). Daily job duties range from basic to advanced level environmental and historic preservation compliance reviews as well as the determination and preparation of National Environmental Policy Act (NEPA) related documents [e.g., Record of Environmental Compliance (REC), Environmental Assessment (EA), Finding of No Significance (FONSI), and Environmental Impact Statement (EIS)] to ensure federal compliance for FEMA funded activities.

Key Accomplishments:

- Coordinated environmental reviews in Maine, New Hampshire, Massachusetts, and Rhode Island.
- serve as a technical specialist, providing advice and assistance to FEMA programs, state, Tribal, local governments, and eligible private non-profit entities for development, execution, and monitoring of EHP requirements.
- technical project monitoring and evaluations, and analyzing a wide range of environmental, floodplain, historic preservation, scientific, technical, management, engineering, socio-economic, and legal issues for all FEMA's programs.

Supervisor: Lynne Starnes (505-238-5445)

Okay to contact this Supervisor: Yes

Enso Engineering

PO Box 1041

Portsmouth, NH 03802

10/2012 - 04/2013

Hours per week: 60

Forensics Specialist

Duties, Accomplishments and Related Skills:

Conducted flood/storm damage assessments for properties affected by Superstorm Sandy across the New England region. Inspected commercial and residential properties to determine scope and cause of loss and developed conceptual repair plans.

Key accomplishments:

- Scheduled site visits with insured parties and surveyed the site to determine losses and causes. Anticipated customer needs.
- Compiled reports including comprehensive photographic inventories and site maps within seven days of site visit.
- Identified cost-effective new technologies to improve forensic data collection and reporting systems.

Supervisor: Paul Serrano (603-781-7688)

Okay to contact this Supervisor: Yes

American Community School

Portsmouth Road
Cobham, United Kingdom

08/2010 - 06/2011

Hours per week: 20

Substitute Teacher

Duties, Accomplishments and Related Skills:

Taught a variety of subjects in Lower, Middle, and High School levels as needed. Subjects include math, science, and social studies.

Supervisor: Fran Bidwell (+44 1932 867251)

Okay to contact this Supervisor: Yes

University of New England

11 Hills Beach Road
Biddeford, ME 04005

08/2009 - 12/2009

Hours per week: 20

Adjunct Professor

Duties, Accomplishments and Related Skills:

Taught "Introduction to Environmental Issues" which discussed air, water, and land pollution, climate change, population growth, urban issues, human health, biodiversity, ecology, and sustainability.

Supervisor: Owen Grumbling (207-602-2245)

Okay to contact this Supervisor: Yes

Marshwood High School

260 Dow Highway

South Berwick, ME 03908

08/2008 - 06/2009

Hours per week: 40

Science Teacher

Duties, Accomplishments and Related Skills:

Taught Conceptual Physics (freshmen), College Preparatory and Honors Chemistry (sophomores), and Environmental Science (seniors). Served as class advisor to 11 Juniors.

Supervisor: Paul Mehlhorn (207-384-4500)

Okay to contact this Supervisor: Yes

Berwick Academy

31 Academy Street

South Berwick, ME 03908

09/2007 - 06/2008

Hours per week: 40

Teaching Intern

Duties, Accomplishments and Related Skills:

Taught 7th grade Science, 8th grade pre-Algebra, 5th grade Science and 5th grade Social Studies classes.

Supervisor: Ruth Rioux (207-384-2164)

Okay to contact this Supervisor: Yes

Weston and Sampson Engineers, Inc.

5 Centennial Drive

Peabody, MA 01960

07/2005 - 07/2007

Hours per week: 40

Project Manager

Duties, Accomplishments and Related Skills:

Developed and implemented solutions for a wide range of environmental projects, particularly municipal and private water supply projects in Massachusetts. Successfully contributed to Business Development activities for the Water Group.

Key accomplishments:

- Prepared state and federal permits including Wetlands, Water Quality Certifications and Endangered Species Act impacts for a variety of water supply projects.
- Prepared Resource Management Plans, Non-Point Source Pollution Evaluations, Stormwater Management Plans and Dam Safety inspections.
- Built a shared vision for the Company's future in Smart Growth and Green Infrastructure strategies.

Supervisor: Blake Martin (1-800-726-7766)

Okay to contact this Supervisor: Yes

Commonwealth of Massachusetts, Executive Office of Environmental Affairs

100 Cambridge Street
Suite 900
Boston, MA 02114

01/2003 - 07/2005

Hours per week: 40

Director of Water Policy

Duties, Accomplishments and Related Skills:

Supplied policy direction on all issues related to water resources protection including water quality, quantity, and wastewater disposal. Worked independently to advance these priorities with state agencies, with members of the Massachusetts Water Resources Authority (MWRA) Board of Directors, the Massachusetts Water Resources Commission (serving as Executive Director) and with municipal officials.

Key accomplishments:

- Developed the first wetlands banking program to reclaim abandoned cranberry bogs and to promote no net loss of wetlands via development in the Taunton River Watershed.
- Coordinated stakeholder input creating an agreement between landowners and water suppliers which protects 100,000 acres surrounding the Quabbin and Wachusett Reservoirs in central Massachusetts.
- Coordinated the interagency review of water supply development projects including Reading, MA municipal water supply and Massachusetts' first water desalination plant in Dighton, MA.

- Coordinated stakeholder input leading to the completion of the first comprehensive Water Policy in Massachusetts.

Contact: Vandana Rao (617-626-1248)

Okay to contact: Yes

Commonwealth of Massachusetts, Executive Office of Environmental Affairs

100 Cambridge Street

Suite 900

Boston, MA 02114

01/2000 - 12/2003

Hours per week: 40

Watershed Manager

Duties, Accomplishments and Related Skills:

Managed all aspects of the Massachusetts Watershed Initiative, a statewide partnership of local communities with state and federal agencies formed to solve today's environmental problems more effectively.

Key accomplishments:

- Coordinated a \$4.5M annual budget to implement priority environmental restoration projects identified by 27 watershed teams.
- Effectively managed a staff of 20 watershed team leaders in offices across the state and five central support staff. Responsible for all recruitment, hiring, training and employee performance evaluations.
- Assisted in the development and implementation of the Community Preservation Act that enhances open space, historic preservation, and affordable housing in 351 Massachusetts municipalities.

Supervisor: Bob O'Connor (617-626-1170)

Okay to contact this Supervisor: Yes

Commonwealth of Massachusetts, Executive Office of Environmental Affairs

100 Cambridge Street

Suite 900

Boston, MA 02114

03/1998 - 12/2000

Hours per week: 40

Buzzards Bay Watershed Team Leader

Duties, Accomplishments and Related Skills:

Coordinated activities of an interdisciplinary team that built strong partnerships between communities, citizens, and government agencies to address environmental problems. This comprehensive approach connected communities by their geographic watershed.

Key accomplishments:

- Helped secure the permanent protection of 209 acres of wooded trails, open field, and rocky shoreline, creating Nasketucket State Reservation in Mattapoisett, MA.
- Worked with farmers and other constituents to improve water quality due to non-point source pollution, especially for mitigating the impacts of pathogens on shellfish beds and swimming beaches.
- Utilizing organizational, project coordination and communication skills, worked effectively with a broad range of people to achieve short and long-term environmental objectives.

Supervisor: Bob O'Connor (617-626-1170)

Okay to contact this Supervisor: Yes

Massachusetts Department of Environmental Management

251 Causeway Street

Suite 600

Boston, MA 02114

03/1985 - 03/1998

Hours per week: 40

Chief, Bureau of Interpretive Services

Duties, Accomplishments and Related Skills:

Managed a statewide educational program in the Massachusetts State Forests and Parks. Responsible for recruitment, hiring, training, and supervising a staff of 87 Park Interpreters and Visitor Services Staff.

Key Accomplishments:

- Created innovative brochures, exhibits, trails, and audio-visual productions designed to enhance visitor understanding and appreciation of park resources.
- Formed and sustained relationships with volunteer Park Advisory Groups and "Friends of the Parks" non-profit organizations.
- Developed award-winning educational exhibits at parks and the New England Spring Flower Show.

Supervisor: Todd Frederick (207-251-3718)

Okay to contact this Supervisor: Yes

Education:

University of New England Biddeford, ME

Master's Degree- Teaching Methodologies

University of New Hampshire Durham, NH

Bachelor's Degree- Environmental Conservation/Forestry Option

Job Related Training:

Aquatic Organism Passage at Road-Stream Crossings 2022

Conservation Finance 2022

Managing By Network: Partnership and Community Collaboration Academy 2019

ArcGIS Online for Wildland Fire Management 2018

Northeast Silviculture Institute 2018

NEPA Line Officer Training 2018

Eastern Province Middle Leader Program 2018

Basic & Advanced Erosion & Sediment Control 2018

Large Wood Structures for Aquatic Ecosystem Restoration and Management 2017

ATV and Trailing 2017

Basic First Aid and CPR 2017

Congressional Briefing 2016

Monitoring Federal Grants and Cooperative Agreements 2015

Facets of Leadership 2015

Social Media Skills and Strategy 2015

Water Quality Best Management Practices 2014

Affiliations:

White Pine Education Programs, York, ME- former Board Member [White Pine Programs](#)

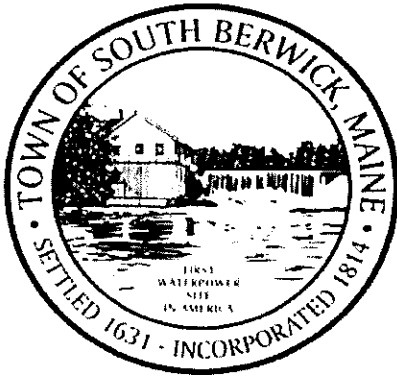
Maine Woodland Owners – Member [Maine Woodland Owners](#)

Society of American Foresters - Maine Chapter Executive Committee [Maine Division – New England Society of American Foresters \(nesaf.org\)](#)

References:

Name	Employer	Title	Phone	Email
Kira Jacobs (*)	USEPA REGION 1 - New England	Source Water Protection Program	617- 918- 1817	jacobs.kira@epa.gov
Robert Clark (*)	US Forest Service	Forest Management Group Leader (retired former Supervisor)	603- 397- 2243	ne4ster@gmail.com
Bob Harrington	The Nature Conservancy	Contractor	406- 544- 6045	rah6759@gmail.com
Ted Hebert			207- 252- 2182	hebertt@comcast.net

(*) professional reference



Town of South Berwick

Planning Department

180 MAIN STREET
SOUTH BERWICK, MAINE 03908

TEL. 207-384-3012

To: South Berwick Town Council
From: South Berwick Planning Board
Date: January 9, 2023

RE: MS4 Stormwater Ordinance Changes

On January 4th the Planning Board heard a presentation from Kristie Rabasca regarding required ordinance changes to comply with our MS4 permit along with a general recommendation to put the Low-Impact Development ordinance changes on hold until Summer or Fall of 2023 because the DEP is currently making changes to Chapter 500 which may affect our LID standards. The Planning Board voted to send a recommendation to the Town Council to adopt the changes as presented with one minor change and general commentary as noted below. A copy of Kristie's December 30, 2022, memo is attached for reference. The December 30th memo offers a clear path forward.

In summary, the required changes affect the following chapters of the South Berwick Code:

1. Chapter 96 - Non-Stormwater Discharge Changes
2. Chapter 108 - Post-Construction Stormwater Management
3. Chapter 121 - Subdivision of Land
4. Chapter 140 - Zoning

After deliberations with Kristie, the Planning Board discussed the process for adopting ordinances. The Planning Board is aware that we can initiate an ordinance revision process but the ultimate authority to adopt ordinance changes rests with the Council as proscribed by charter. Therefore, as a matter of efficiency and the fact that these ordinance changes, as described in the memo, speak for themselves the Planning Board voted that they go directly to the Council.

In making this recommendation, the planning Board did make one change on page 5 changing definition of Qualified Post Construction Inspector to include a restriction that the inspector does not have any ownership, or financial interest in the infrastructure being inspected. Also, in the context of revisions to Chapter 108 the Planning Board would strongly recommend that the Council review the current impact fee structure as contained within the ordinances to make sure they are up-to-date and sufficient. The Planning Board has been reviewing multiple subdivision applications, some of them being rather large, and feel that the Town could be taking on an inordinate amount of work and record keeping complying with these imposed requirements.

Sincerely,

Greg Zinser, Chair



South Berwick Planning Board
180 Main Street
South Berwick, ME 03908

December 30, 2022

Subject: MS4 Stormwater Ordinance changes required to be implemented by 6/30/2023, and Low Impact Development Changes update – For Planning Board Consideration.

Dear Planning Board Members:

This letter provides materials for review by the Planning Board related to three ordinance changes required by the General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer Systems (MS4s), as well as an update related to a fourth ordinance change for Low Impact Development.

Changes required by 6/30/2022: The changes listed below are required to be updated by June 30, 2023:

1. requiring timely removal of non-stormwater discharges from the Town's separated storm drain system,
2. requiring timely maintenance of private stormwater infrastructure after construction and updating schedules for enforcement, and
3. adoption of specific erosion and sedimentation control standards for proposed developments.

The changes will affect Chapter 96 Non-Stormwater Discharge, Chapter 108 Post Construction Stormwater Management, Chapter 121 Subdivision, and Chapter 140 Zoning.

We provided a brief overview of these requirements to the Town Council at their March 8, 2022 meeting, and a more detailed overview to the Planning Board at their April 20, 2022 meeting.

The attachment to this letter provides an introductory overview of each of the three requirements and as well as proposed redline/strike out changes to the Code.

Because these changes must be codified by 6/30/2023, we suggest the Planning Board review these in January to allow the Town Council to review the changes and hold public hearings before the June 2023 deadline.

LID Ordinance Change Updates: On 8/17/2022 we held a brief workshop with the Planning Board to review the MS4 requirements to adopt Low Impact Development Standards. We presented a draft set of standards that the Town intended to adopt, which the Planning Board sent to the Town Council. The Town Council gave preliminary approval of these, and they were subsequently sent to the Maine DEP for Clean Water Act-based Public Comment. Maine DEP sent these out for Public Comment in September. Though there were comments from Friends of Casco Bay on the standards, the Maine DEP approved the Town's submittal without change, and the Town is clear to commence adoption of these standards.

The approval letter provided to the Town stated:

The Department has no objection to the proposal as written. However, the Department would like the Town to be aware that the Department is in the process of commencing rulemaking to revise 06-096 Chapter 500, Stormwater Management. The rulemaking process will include stakeholder meetings to receive input from regulated entities, consulting firms, non-governmental organizations and other interested parties. Kerem Gungor in the Bureau of Land Resources will be the Department contact for this rulemaking and he will be reaching out to stakeholders for their participation in early to mid-March 2023.

The final rule is likely to contain clear, specific and measurable LID measures and techniques that the Town may want to incorporate into the final LID Ordinance to clarify expectations and the enforceability of the ordinance.

As such, the Town may want to wait to adopt the LID changes until the Chapter 500 Rulemaking process has progressed so they can ensure there are no conflicts between the LID standards proposed by the Town and the LID standards that may be adopted statewide.

Closing: I would be happy to attend any Planning Board or Town Council meeting to assist in the understanding of these changes. I anticipate attending the January 4, 2023 Planning Board meeting. If you have any questions about this information or need changes in advance of the meetings, please let me know. I can be reached at 207-415-5830 or via email krabasca@integratedenv.com.

Sincerely,

Integrated Environmental Engineering, Inc.

A handwritten signature in cursive script that reads "Kristie L. Rabasca".

Kristie L. Rabasca, P.E.

Attachments: Redline Strikeout proposed changes to South Berwick Code to address MS4 General Permit requirements.

12/30/2022 PROPOSED CHANGES TO SOUTH BERWICK CODE TO ADDRESS MS4 REQUIREMENTS BY 6/30/2023

CHAPTER 96 NON-STORMWATER DISCHARGE CHANGES

Non-stormwater discharge prohibitions have been part of the Town's code since 2006 to ensure that pollutants are not discharged into the storm drain system (either by dumping or by direct connection).

The 2022 MS4 General Permit requires that an illicit discharge into the storm drain system is eliminated as expeditiously as possible, and that if elimination is not possible within 60 days of discovery that the discharge be eliminated in accordance with a schedule that is approved by the Code Enforcement Office.

We have updated § 96-8 Enforcement and some definitions in § 96-2, and the Statutory authority section in § 96-10.

Proposed new text is shown as italics and underlined. Proposed text for deletion is shown in strikethrough.

§ 96-2. Definitions.

REGULATED SMALL MS4 — Any small municipal separate storm sewer system (MS4) regulated by the State of Maine general permit for the discharge of stormwater from small municipal separate storm sewer systems, ~~dated June 3, 2003~~ renewed October 15, 2020, modified November 23, 2021 including any amendment or renewal thereof; ("general permit"), including all those located partially or entirely within an urbanized area (UA) and those additional small MS4s located outside an UA that as of the issuance of the general permit have been designated by the DEP as regulated small MS4s.

URBANIZED AREA (UA) — The areas of the State of Maine so defined by the ~~latest inclusive sum of the 2000~~ decennial census and the 2010 decennial census by the U.S. Bureau of the Census.

§ 96-8. Enforcement.

A. Notice of violation.

- (1) Whenever the enforcement authority believes that a person has violated this chapter, the enforcement authority may order compliance with this chapter by written notice of violation to that person indicating the nature of the violation and ordering the action necessary to correct it, including, without limitation:
 - (a) The elimination of non-stormwater discharges to the storm drainage system as expeditiously as possible, including, but not limited to, disconnection of the premises from the MS4;
 - (b) The cessation of discharge practices or operations in violation of this section;

- (c) At the person's expense, the abatement or remediation (in accordance with best management practices in DEP rules and regulations) of non-stormwater discharges to the storm drainage system and the restoration of any affected property; and/or
 - (d) The payment of fines, of the municipality's remediation costs, and of the municipality's reasonable administrative costs and attorneys' fees and costs.
- (2) If abatement of a violation and/or restoration of affected property is required, or if elimination of the Non-Stormwater Discharge is not possible within 60 days of identification of the source, the notice shall set forth a deadline within which such elimination, abatement, or restoration must be completed.

§ 96-10. Statutory authority.

The Town of South Berwick enacts this chapter pursuant to 30-A M.R.S.A. § 3001 (municipal home rule ordinance authority), 38 M.R.S.A. § 413 (the "Wastewater Discharge Law"), 33 U.S.C. § 1251 et seq. (the "Clean Water Act"), and 40 CFR Part 122 [U.S. Environmental Protection Agency's regulations governing the National Pollutant Discharge Elimination System ("NPDES")]. The Maine Department of Environmental Protection, through its promulgation of the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems dated June 3, 2003, has listed the Town of South Berwick as having a regulated small municipal separate storm sewer system ("small MS4"); under this General Permit, listing as a regulated small MS4 necessitates enactment of this chapter as part of the municipality's stormwater management program.

POST-CONSTRUCTION STORMWATER MANAGEMENT CHANGES

Chapter 108 Post-Construction Stormwater Management requirements have been part of the Town's code since 2009 to ensure that stormwater infrastructure that is owned by private developments is inspected and maintained. This portion of the Town's code requires maintenance in accordance with a Post-Construction Stormwater Plan, annual inspections on the infrastructure and certification annually to the Town that the system has been maintained, inspected and is functioning as intended.

The 2022 MS4 General Permit requires that we update this ordinance to ensure any corrective measures identified by the owner or inspector are implemented within 60 days of identification or if that is not possible, in accordance with a schedule that is approved by the Code Enforcement Office.

The 2022 MS4 General Permit also requires that any inspector (whether the Owner/Operator or a third-party) be a Qualified Inspector and that a copy of the inspection report be provided to the Town.

Finally, we are updating several definitions, we are removing the requirement for the annual certification to be notarized, and we are updating the Statutory authority section.

The proposed changes to the affected sections of the Chapter 108 are presented below:

§ 108-3. Terms defined.

REGULATED SMALL MS4 — Any small municipal separate storm sewer system (MS4) regulated by the State of Maine general permit for the discharge of stormwater from small municipal separate storm sewer systems, dated ~~June 3, 2003~~ *renewed October 15, 2020, modified November 23, 2021 including any amendment or renewal thereof*; ("general permit"), including all those located partially or entirely within an urbanized area (UA) and those additional small MS4s located outside an UA that as of the issuance of the general permit have been designated by the DEP as regulated small MS4s.

QUALIFIED POST-CONSTRUCTION STORMWATER INSPECTOR — A person who conducts post-construction stormwater management facilities inspections for compensation and who has received a Certification in Inspection and Maintenance of Stormwater BMPs from the Maine Department of Environmental Protection or is a Professional Engineer in the State of Maine with an understanding of stormwater infrastructure and its required maintenance.

§ 108-6. Compliance with plan.

- A. Any person owning, leasing or having control over stormwater management facilities required by a post-construction stormwater management plan approved under the Town's Subdivision, Site Plan or other Zoning Ordinances shall comply with that plan and shall demonstrate compliance with that plan as follows:

- (1) At least annually, hire or use a ~~person who is certified in sediment and erosion control practices through MEDEP or hire or use a licensed civil engineer~~ Qualified Post Construction Stormwater Inspector to inspect and oversee cleaning and maintenance of the stormwater management facilities, including but not limited to any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all municipal and state inspection, cleaning and maintenance requirements of the approved post-construction stormwater management plan.
- (2) Repair any deficiencies found during inspection of the stormwater management facilities within 60 days of identification of the deficiency. . If 60 days is not possible, then the person shall propose an alternate expeditious schedule to complete the maintenance, which if approved by the Code Enforcement Officer must be met;
- (3) On or by July 1 of each year, provide a copy of the annual inspection and a completed and signed certification to the Code Enforcement Officer in a form identical to that attached as Appendix 2 to this chapter,³ certifying that the person has inspected, cleaned and maintained the stormwater management facilities, describing any deficiencies found during inspection of the stormwater management facilities and certifying that the person has repaired any deficiencies in the stormwater management facilities noted during the annual inspection. If any deficiencies are still outstanding when the certification is submitted in accordance with paragraph [b] of this section, that person or a qualified post construction stormwater inspector shall provide documentation of completion of the maintenance within 30 days of completion.

§ 108-9. Statutory authority.

The Town of South Berwick enacts this Post-Construction Stormwater Management Control Ordinance (the chapter) pursuant to 30-A M.R.S.A. § 3001 (municipal home rule ordinance authority), 38 M.R.S.A. § 413 (the Wastewater Discharge Law), 33 U.S.C. § 1251 et seq. (the Clean Water Act), and 40 CFR Part 122 [U.S. Environmental Protection Agency's regulations governing the National Pollutant Discharge Elimination System (NPDES)]. The Maine Department of Environmental Protection, through its promulgation of the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems, has listed the Town of South Berwick as having a regulated small municipal separate storm sewer system (small MS4); under this general permit, listing as a regulated small MS4 necessitates enactment of this chapter as part of the Town's stormwater management program in order to satisfy the post construction minimum control measures required by the General Permit, Part IV-D-5 (Post-construction stormwater management in new development and redevelopment).

EROSION AND SEDIMENTATION CONTROL CHANGES

The 2022 MS4 General Permit requires that Erosion and Sedimentation Control (ESC) standards be incorporated into the Town's ordinances for any proposed development that disturbs one or more acres of land. The standards are listed in the MS4 General Permit, and are the same as the Maine DEP Chapter 500 standards for erosion and sedimentation control. Staff recommends incorporating the standards by reference to facilitate design and understanding by developers and reviewers.

One change we have made to the standards that is different than the State Chapter 500 regulations is to require that a Qualified Erosion and Sedimentation Control Professional prepare any Erosion and Sedimentation Control Plan.

Chapter 121 Subdivision of Land already requires an erosion and sedimentation control plan with the written endorsement of the Public Works Director during preliminary plan submission. The performance standards contain references to a 2003 Maine DEP ESC guidance document.

Chapter 140 Zoning requires erosion and sedimentation control for minor and major site plan review. Minor site plan review is also explicitly required for any new development or redevelopment that disturbs one acre or more of land (see 140-77. B Applicability). The Minor Site Plan Review Process includes submittal of a formal application to the Planning Board which includes submittal of "all erosion and sediment control measures". These projects are required to meet Performance Standards specified in Chapter 140-77.E.(18) which states: *Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the best management practices specified in the Maine Erosion and Sediment Control BMP Manual, March 2003. The Board may require the review and approval of the Public Works Director for any erosion control plan.*

Several other sections of the Town's ordinances reference the Maine Erosion and Sediment Control BMP Manual dated March 2003 for sediment and erosion control also including: Article V Performance Standard Applicable to all Uses (140.36), and 140.42 Campgrounds.

We are proposing updated language to be more reflective of the MS4 permit requirements for all of these sections. The proposed changes are presented below:

CHAPTER 121 SUBDIVISION OF LAND

§ 121-11. Definitions and word usage.

QUALIFIED EROSION AND SEDIMENTATION CONTROL PROFESSIONAL – A person who is certified by Enviro-Cert International in erosion and sedimentation control practices or is certified by completing the Maine Department of Environmental Protection Erosion and Sedimentation Control Practices Workshop, or is a Maine Professional Engineer with at least two years' experience in designing Erosion and Sedimentation Control BMPs.

§ 121-32. Preliminary Plan.

I. A soil erosion and sediment control plan *prepared by a Qualified Erosion and Sedimentation Control Professional* ~~with the written endorsement of the Public Works Director.~~ *(see § 121-44 and 121-47).*

§ 121-44. Street Specifications.

U. Erosion control.

(1) For sites that disturb one or more acres of land including sites that disturb less than one acre of land if the site is part of a larger subdivision that would disturb one or more acres of land, the soil erosion and sediment control plan will be in conformance with Maine DEP Chapter 500 Appendices A, B, and C.

(2) For all other sites, ~~p~~Procedures shall be undertaken, both during preparatory, construction and cleanup stages, to prevent soil erosion and water pollution Maine Erosion and Sediment Control BMP Manual, March 2003~~2016~~, or latest revision thereof.

§ 121-47. Surface drainage, topsoil and erosion control.

B. Subdivisions shall be designed, constructed, and maintained in accordance with the following:

(1) For sites that disturb one or more acres of land including sites that disturb less than one acre of land if the site is part of a larger subdivision that would disturb one or more acres of land, the soil erosion and sediment control plan will be in conformance with Maine DEP Chapter 500 Appendices A, B, and C.

(2) For all other sites, procedures shall be undertaken, both during preparatory construction and clean up stages, for erosion and sediment control ~~measures as~~ specified in the Maine Erosion and Sediment Control BMP Manual, October 2016 ~~March 2003~~, or latest revision thereof.

CHAPTER 140 ZONING

§ 140-9. Definitions.

QUALIFIED EROSION AND SEDIMENTATION CONTROL PROFESSIONAL – A person who is certified by Enviro-Cert International in erosion and sedimentation control practices or is certified by completing the Maine Department of Environmental Protection Erosion and Sedimentation Control Practices Workshop, or is a Maine Professional Engineer with at least two years' experience in designing Erosion and Sedimentation Control BMPs.

C. Preliminary plan review.

(4) Plan requirements.

(o) ~~Erosion and sedimentation control plan endorsed by the York County Soil and Water Conservation District or the Town's engineering consultant~~
prepared by a Qualified Erosion and Sedimentation Control Professional in accordance with the requirements of § 16.7.11.C;

§ 140-77. Site Plan Review.

D. Site plan review application and submission requirements.

(1) Applications for site plan review shall be submitted on application forms provided by the Town. The complete application form, required fees per § 60-3, and the required plans and related information shall be submitted to the Planning Board. Nine copies of written materials plus nine sets of plans or drawings are required. The submission shall contain at least the following exhibits and information:

(j) ~~The location of all erosion and sediment control measures.~~ An erosion and sedimentation control plan.

(2) For major site plan review, the following information is also required:

(c) An erosion and sedimentation control plan.

E. Criteria and standards. The following criteria and standards shall be utilized by the Planning Board in reviewing applications for site plan approval and shall serve as minimum requirements for approval of the site plan. Upon consideration of the factors listed below, the Planning Board may attach such conditions, in addition to those required elsewhere in this chapter, that it finds legally necessary to further the purposes of this chapter and section and to protect the long-range health, safety and welfare of the Town. The standards are not

intended to discourage creativity, invention and innovation. The Planning Board may waive the criteria presented in this section upon a determination by the Planning Board that the application of these criteria is not necessary to carry out the intent of this section. The Planning Board shall approve the site plan unless the plan does not meet the intent of one or more of the following criteria, provided that the criteria were not first waived by the Planning Board.

- (18) Erosion control. Control of ~~Erosion of soil and sedimentation shall conform to MDEP Chapters 500 and 502 or the Maine Construction General Permit, the Erosion and Sediment Control Standards of Maine DEP Stormwater Rule Chapter 500 Appendix A – Erosion and Sediment Control, Appendix B – Inspections and Maintenance and Appendix C Housekeeping, which are adopted by reference.~~ of watercourses and water bodies shall be minimized by employing the best management practices specified in the Maine Erosion and Sediment Control BMP Manual, March 2003. The Board may require the review and approval of the Public Works Director for any erosion control plan

Article V Performance Standards Applicable to all Uses

§ 140-36. Soil erosion control.

All development shall be designed, constructed, and maintained in accordance with the erosion and sediment control measures specified in the Maine Erosion and Sediment Control BMP Manual, October 2016 ~~March 2003~~, or latest revision thereof.

§ 140-42. Campgrounds.

Campgrounds shall conform to the minimum requirements imposed under state licensing procedures and the following:

- E. A soil erosion and sedimentation control plan meeting the standards of the ~~York County Soil and Water Conservation District and the~~ Maine Erosion and Sediment Control BMP Manual, October 2016 ~~March 2003~~, or latest revision thereof shall be submitted. In addition to data on soils, slopes and drainage, a vegetation map showing the following items may be required: **[Amended 6-15-2009]**
- (1) The major types of vegetation should be identified and described (as to age, height, openness or density and pattern, either natural or reforested).
 - (2) New planting should be selected to provide screening and shelter, to tolerate existing and proposed site conditions and to blend compatibly with existing natural vegetation.
 - (3) All vegetative clearing should avoid creating straight-line edges between open lands and surviving stands.
 - (4) Areas of activity and/or traffic should be sited so as to avoid wildlife areas, such as thickets for birds and small mammals or deer yards and trails.

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: 5/9/2023	UB #4
Agenda Item: LD2003 Update	
Staff Recommendation:	
Town Manager's Recommendation:	
<p>The Planning board on May 17th is being presented with the proposed new ordinance for the New State Law LD2003. That ordinance should be in front of the Town Council in June for review.</p>	
Requested Action:	
<p>None, Informational Only</p>	
Vote	

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: May 9, 2023	NB #1
Agenda Item: June 13th meeting	
Staff Recommendation:	
<p>June 13th is Election Day. All Clerk staff will be working the election and unavailable to attend the scheduled Council meeting.</p> <p>In the past, this meeting has sometimes been cancelled and sometimes rescheduled. All business can be conducted at the meeting of June 27th.</p>	
Town Manager's Recommendation:	
Requested Action:	
<p>Council wishes.</p>	
Vote	

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: May 9, 2023	NB #2
Agenda Item: Acceptance of donation from Firefighter's Assoc.	
Staff Recommendation:	
Town Manager's Recommendation:	
Requested Action:	
Motion/vote to accept the 2023 ONE Boat #OBC38R16H223 & the 2023 Venture boat trailer #47GAB1617PB005065 from the Firefighter's Association.	
Vote	



South Berwick Firefighters Association

P.O. Box 384, So. Berwick, ME 03908

March 27, 2023

Town of South Berwick
Attn: Town Manager Tim Pellerin
180 Main Street
South Berwick, ME 03908

Mr. Pellerin,

The South Berwick Firefighters Association was established to support South Berwick's firefighters and their mission to provide the area's best emergency services to the citizens of South Berwick. The association has raised funds for decades through various means to support this mission. We currently raise funds for fire equipment and training through a mailing fundraiser sent out each October to the townspeople.

In 1963 the South Berwick Firefighter's Association purchased a brand new aluminum boat, trailer, and motor for the Fire Department. This new boat greatly enhanced firefighter's ability to respond to water emergencies in the area, and has served the community for the last sixty years!

I am pleased to inform you that we have purchased a new, rigid floor inflatable rescue boat using \$15,000 in funds from the annual fundraiser. This new boat is lighter, yet has a higher carrying capacity, and will provide a more stable platform for water emergency responses. Included with the boat are a new 30hp motor, and trailer.

We are excited to donate this new vehicle to the Fire Department at zero cost to the Town of South Berwick, and are asking you to accept this donation. Please let me know if you have any questions, I look forward to hearing from you.

Sincerely,

A handwritten signature in blue ink, appearing to read "DL", with a long, sweeping horizontal line extending to the right.

Douglas Leach
President
South Berwick Firefighters Association

**WARRANT AND NOTICE OF ELECTION
CALLING MAINE SCHOOL ADMINISTRATIVE DISTRICT NO. 35
BUDGET VALIDATION REFERENDUM
(20-A M.R.S. § 1486)**

TO: Ryan Cormier, a resident of Maine School Administrative District No. 35 (the "District") composed of the Towns of Eliot and South Berwick, State of Maine.

In the name of the State of Maine, you are hereby ordered to serve upon the municipal clerks of each of the municipalities within the District, namely, the Towns of Eliot and South Berwick, an attested copy of this warrant and notice of election. Service shall be in hand within three (3) days of the date of this warrant and notice of election. The municipal clerks of the above municipalities shall immediately notify the respective Municipal Officers. The Municipal Officers shall meet forthwith and countersign this warrant and notice of election. The Municipal Officers shall provide below for the respective municipal clerks to post or have posted this warrant and notice of election.

**TOWN OF SOUTH BERWICK
DISTRICT BUDGET VALIDATION REFERENDUM
WARRANT AND NOTICE OF ELECTION**

York County, ss.

State of Maine

TO: Barbara Bennett, Municipal Clerk of South Berwick: You are hereby required in the name of the State of Maine to notify the voters of this municipality of the election described in this warrant and notice of election.

TO THE VOTERS OF SOUTH BERWICK: You are hereby notified that a District budget validation referendum election will be held at the South Berwick Town Hall, 180 Main Street in the Town of South Berwick on Tuesday, June 13, 2023 for the purpose of determining the following articles:

Article 1A: To elect a moderator to preside at said meeting.


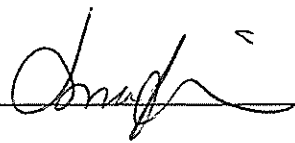
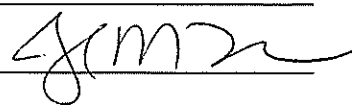
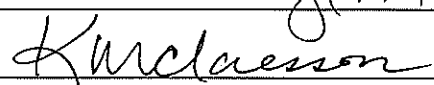
Article 1: Do you favor approving the Maine School Administrative District No. 35 budget for the upcoming school year that was adopted at the latest District budget meeting?

The voting on Article 1 shall be by secret ballot referendum. The polls will be opened immediately after election of the moderator following commencement of the meeting at 8:00 A.M. and closed at 8:00 P.M.

The Registrar of Voters shall hold office hours while the polls are open to correct any error in or change a name or address on the voting list; to accept the registration of any person eligible to vote and to accept new enrollments.

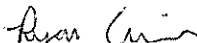
A person who is not registered as a voter may not vote in any election.

Given under our hand this day, May 3, 2023 at South Berwick, Maine.

 _____	 _____
 _____	_____
 _____	_____

A majority of the School Board of Maine School Administrative District No. 35

A true copy of the Warrant and Notice of
Election, attest:



Ryan Cormier
Resident of
Maine School Administrative District No. 35

Countersigned this _____ day of _____, 2023 at South Berwick, Maine.

_____	_____
_____	_____

A majority of the Municipal Officers of South Berwick, Maine

A true copy of the Warrant and Notice of
Election, attest:

Barbara Bennett, Municipal Clerk
South Berwick, Maine

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: 5/9/2023	NB #4
Agenda Item: Maine Municipal Association Safety Grants	
Staff Recommendation:	
Town Manager's Recommendation:	
Accept the two Safety grants from Maine Municipal Association 1 \$2500 for 2 sets of Dump Locks, which holds up the Dumps while staff work underneath them. 2. \$3140 for security cameras at our Town Garage, located at 12 Front street	
Requested Action:	
Make a motion to accept both safety grants from Maine Municipal Association for a total of \$5481.	
Vote	

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: 5/9/2023	NB #5
Agenda Item: Red Barn	
Staff Recommendation:	
Town Manager's Recommendation:	
Tear Down Red Barn and make more parking for the ball fields.	
Requested Action:	
Make a motion to allow the Town Manager to tear down the Red Barn. Funds to be expended from the _____account.	
Vote	

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: 5/9/2023	NB #6
Agenda Item: Warming Hut – Vaughan Fund update	
Staff Recommendation:	
Town Manager's Recommendation:	
We ordered a Warming hut on May 3 rd , and it's scheduled to be delivered mid-June. The Vaughan Fund of \$3000 and Town funds of \$1905 will be used to fund the Warming Hut.	
Requested Action:	
None, Informational Only	
Vote	

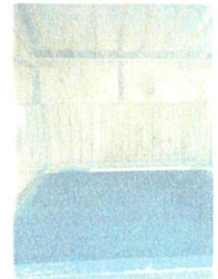
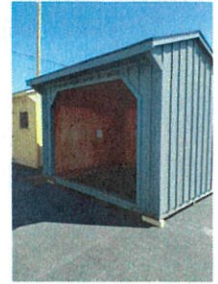


**Hill View
Mini Barns LLC**

@ Save

Print

Warming Hut @ Ice Link



Previous

Next

Building #09658

Size: 10x12

Price: \$5,055.00

Discounted Price: \$4,755.00 or Rent to Own for

\$4905.00 delivered

NO floor

Etna, ME
2 1/2 hrs

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: May 9, 2023	NB #7
Agenda Item: Town Council Rules of Order and Procedure	
Department Head Recommendation:	
Town Manager's Recommendation	
First review of rules.	
Requested Action	
No action, this will be on the next meeting's agenda.	
Vote	



SOUTH BERWICK TOWN COUNCIL

RULES OF ORDER

AND

PROCEDURE

RULES OF ORDER AND PROCEDURE FOR SOUTH BERWICK TOWN COUNCIL

Town Council Meetings

1. Regular Town Council Meetings

The Town Council shall meet in regular session in the Town Council Chambers at 6:30 p.m. on the second and fourth Tuesday of each month. If the meeting day falls on a Town holiday, the meeting shall be held on the following day unless otherwise determined by the Town Council. Should there be a need to cancel, postpone or change the location of the regular meeting for any reason, the Town Manager at the direction of the Chair or Vice Chair in the absence of the Chair, shall see that all Councilors are notified, and reasonable notice given to the public. Notice of the date, time and location of a rescheduled meeting or change in meeting location shall be made in the same manner as is required in Rule 3, Special Meetings.

2. Town Council Meeting Agenda

All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the Town Council shall be delivered to the Town Manager by 10:00 a.m. on the Thursday prior to the regular Tuesday meeting if they are to have consideration at that meeting.

Agenda items must clearly state the scope and intent of the action to be taken.

3. Special Meetings

Special meetings may be called by the Chair of the Town Council, by the Vice Chair in the Chair's absence, or by 3 or more members of the Town Council. The Town Manager, in the direction of the person who calls the meeting, shall notify the public of the time and place as outlined by the town code. After the meeting is called, the Town Manager shall notify each Town Councilor of the date, the hour, and the purpose of the meeting.

4. Adjourned Sessions

Any session of the Town Council may be continued or adjourned from day to day, or for more than one day, but no adjournment shall be for a longer period than until the next regular meeting.

5. Workshop

The Town Council may meet in workshop session to discuss any matter. The workshop session is open to the public and news media. At the discretion of the Chair or the Town Council, public input may be allowed. No binding vote shall be taken on any matter under discussion, but a non-binding consensus vote on any matter under discussion may be taken.

6. Public Comment period and guidelines:

- A. A Public Comment period for up to fifteen (15) minutes shall be included in the agenda at the beginning of every regularly scheduled Council meeting to allow citizens an opportunity to comment on non-agenda items or issues relevant to the performance of the duties of the Council.
- B. During the Public Comment period, speakers will not exceed a time limit of three (3) minutes unless authorized by the Councilor Chair.
- C. Citizens speaking during the Public Comment period must follow the same rules of decorum as described in paragraph 12C.
- D. Citizens speaking during the Public Comment period **shall not** make any comments that:
 - i. disparage individual Town Councilors, Town staff or other citizens.
 - ii. address specific situations that are in litigation, including situations where the Town is a party to the litigation.
 - iii. pertain to any personal disputes between themselves and other residents; or
 - iv. Make any comments referencing support or opposition for any candidate for political office or political causes.
 - v. Bring forward any complaints about a municipal elected/appointed official, a town employee, or another citizen. All formal complaints must be submitted to the Town Manager in writing.

The Chair

7. Chair

The Chair of the Town Council, or in the Chair's absence the Vice Chair, shall preside at the hour appointed for the Town Council to meet, and shall immediately call the members to order. The role shall then be called by the Councilor Chair, who shall enter in the minutes of the meeting the names of the members present.

8. Vice Chair

The Vice Chair shall serve as Chair during the absence or disability of the Chair and, in case of vacancy in the office of the Chair, pending the election of a successor.

9. Town Council Privileges

The Chair may move, second, declare by unanimous consent, and debate from the Chair, subject only to such limitations of debate as are by these rules imposed on all

members and shall not be deprived of any of the right and privileges of a Councilor by reason of acting as the Chair.

10. Temporary Chair

In case of the absence of the Chair and Vice Chair, the Clerk shall call the Town Council to order and call the roll of members. If a quorum is found to be present, the Town Council shall proceed to elect, by a majority vote of those present, a Chair of the meeting, to act until the Chair or Vice Chair appears.

11. Decorum and Order

The Chair shall preserve decorum and decide all questions of order and procedure, subject to appeal to the Town Council.

- A. During the Town Council meetings, Councilors shall preserve Order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the order of the Chair or the rules of the Town Council. Town Councilors desiring to speak shall address the Chair, and upon recognition by the Chair, shall confine themselves to the question under debate and shall avoid all personalities and indecorous language. A Councilor, once recognized, shall not be interrupted while speaking unless called to order by the Chair, unless a point of order is raised by another member or unless the speaker chooses to yield to questions from another member. If a Councilor is called to order while speaking, the Town Councilor shall cease speaking immediately until the question of order is determined. If ruled to be in order, the Town Councilor shall be permitted to proceed. If ruled to be not in order, the Town Councilor shall remain silent or shall alter the remarks to comply with rules of the Town Council. All members of the Town Council shall accord the utmost courtesy to each other, to Town employees and to public members appearing before the Town Council and shall always refrain from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities. Town Councilors shall confine their questions to the matters before the assembly and in debate shall confine their remarks to the issues before the Town Council. Members shall be removed from the meeting for failure to comply with decisions of the Chair or for continued violations of the rules of the Town Council. If the Chair fails to act, any member may move to require the Chair to enforce the rules and the affirmative vote of a majority of the Town Council shall require the Chair to act.
- B. Members of the administrative staff and employees of the Town shall observe the same rules of procedure and decorum applicable to members of the Town Council. While the Chair shall have the authority to preserve decorum in meetings as far as staff members and Town employees are concerned, the Town Manager shall also be responsible for the orderly conduct and decorum of all Town employees under the Town Manager's direction and control. The Town Manager shall take such disciplinary action as may be necessary to ensure that such decorum is always preserved by Town employees in Town Council meetings. Staff members desiring to address the Town Council or members of the public shall be recognized by the Chair, shall state their name for the record, and shall limit their remarks

to the matter under discussion. All remarks and questions addressed to the Town Council shall be addressed to the Town Council as a whole and not to any individual member thereof. No staff member, other than the staff member having the floor, shall enter into any discussion either directly or indirectly without the permission of the Chair.

- C. Public members attending Town Council meetings also shall observe the same rules of propriety, decorum, and good conduct applicable to members of the Town Council. Any person making personal, impertinent, and slanderous remarks or who becomes boisterous while addressing the Town Council or while attending the Town Council meeting may be removed from the premises if a police officer is so directed by the Chair, and such person shall be barred from further audience before the Town Council for the duration of the meeting. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the Chair, who may direct a police officer to remove such offenders from the premises. Aggravated cases shall be prosecuted on appropriate complaint signed by the Chair. In case the Chair fails to act, any member of the Town Council may move to require the Chair to act to enforce the rules, and the affirmative vote of the majority of the Town Council shall require the Chair to act.
- D. Public members desiring to address the Town Council shall be recognized by the Chair, shall state their name and address in an audible tone for the record, and shall limit their remarks to the question under discussion. All remarks and questions addressed to the administration of the Town shall be addressed to the Town Manager and not to any individual Town employee. No person shall enter into any discussion either directly or through a member of the Town Council without the permission of the Chair.
- E. No personnel matters shall be discussed in public unless authorized by Maine Statute Executive Sessions §405.6A.

Duties and Privileges of Town Councilors

12. Conflict of Interest

- A. **Financial Interest:** A Town Councilor who has a financial interest in any contract with the Town or in the sale, purchase or lease of any land, material, supplies, or services to or from the Town, shall disclose the interest and abstain from negotiating, voting upon or otherwise participating in decisions involving such contract, sale, purchase or lease, unless the contract, lease or sale is awarded through a competitive bidding process. Similarly, a Counselor who has a financial interest in any matter before the Town Council, shall disclose the interest and abstain from voting on any matter involving the interest. A copy of the disclosure and the abstention shall be recorded with the Town Clerk. A Councilor has a “financial interest” within the meaning of this section if the Councilor owns at least a ten percent interest in the business or economic entity or ten percent or more of the stock

- B. Relationship: A Town Councilor is disqualified in any quasi-judicial matter before the Town Council, if the Councilor is related to any of the parties within the sixth degree (second cousin). The Councilor shall disclose the interest and abstain from voting unless all parties waive the disqualification in writing.
 - C. Appearance of Conflict: A Town Councilor shall avoid the appearance of a conflict of interest, whether there is a technical conflict or not, by disclosure of the facts underlying the potential conflict, and where appropriate, by abstaining from voting on the matter. If, after disclosure, the Councilor believes the interest will affect the Councilor's ability to make a fair and impartial decision faithful to the public interest, the Councilor shall abstain from voting.
 - D. Participation: An abstaining Councilor may but need not remain in the Town Council Chamber during debate or votes on that issue. An abstaining Councilor who wishes to be heard on a matter may join other members of the public and speak as a member of the public during that portion of the meeting when the public is being heard. In no case should an abstaining Councilor participate in Council discussions or deliberations or otherwise act in an official capacity in the matter as to which the Councilor has abstained.
 - E. Judgment of Qualifications: If there is any doubt as to whether a Councilor has a conflict of interest in any matter, the Chair shall determine the qualification of the challenged member. The decision of the Town Council shall be final.
13. Right of Appeal
- Any Town Councilor may appeal to the Town Council from a ruling of the Chair if that appeal is seconded. The Town Councilor making the appeal may briefly state the reason for the appeal, and the Chair may briefly explain the ruling. There shall be no debate on the appeal, and no other Town Councilor shall participate in the discussion. The Chair shall then put the question, "Shall the decision of the Chair be sustained?" If a majority of the Town Councilors present vote "Yes", the ruling of the Chair is sustained; otherwise, it is overruled.
14. Voting
- Every Town Councilor present when a question is put forth shall vote either "Yes" or "No", unless the Town Council shall, for special reason, excuse that Town Councilor from voting. Application to be excused from voting must be made before the votes are called for. The Town Councilor having briefly stated the reason for the request, the decision thereon shall be made without debate.

15. Limitation of Debate

No Town Councilor shall speak more than twice upon any one subject without leave of the Town Council.

16. Demand for Roll Call

Upon demand of any Town Councilor, made before the Chair has announced the vote, the roll shall be called for yeas and nays upon any question before the Town Council. It shall not be for Town Councilors to explain their vote during the roll call.

17. Personal Privilege

The right of a Town Councilor to address the Town Council on a question of personal privilege shall be limited to cases in which the Town Councilor's integrity, character, or motives are assailed, questioned, or impugned.

18. Excusal from Attendance

A Town Councilor may not miss more than two consecutive regularly scheduled meetings unless excused by a vote of most of the Town Councilors present.

19. Excusal During Meeting

No Town Councilor may leave the Town Council Chamber during a roll call vote while in regular session without permission from the Chair.

Town Council Procedure

20. Order of Business

The business of all regular meetings of the Town Council shall be transacted in the following order, unless the Town Council changes the order:

- (1) Executive Session (if and when necessary, at the beginning or end)
- (2) Pledge of Allegiance
- (3) Roll Call of Members/Acknowledge Notice
- (4) Approval of Minutes
- (5) Signing of Treasurer's Warrant
- (6) Public Comments
- (7) Unfinished Business
- (8) New Business
- (9) Town Manager's Report
- (10) Council Member Comments
- (11) Adjournment

21. Town Council Action on Items

The following procedures are *suggested*:

1. Sponsor or manager introduces and explains the item.
Sponsor, manager, staff, or others (as designated by sponsor or manager) provide additional explanation or information.
Any councilor **may** make a motion (Note 1)
2. Town Council questions (no debate)
3. Public input
4. Additional questions from Town Council (no debate)
5. Chair recites motion, if already made, or looks for motion (Note 1)
6. Town Council debate
7. Amendments to motion (optional) and debate
8. Vote on motion (amended, if applicable)

The Chair, without objection, may modify these procedures as appropriate.

22. Procedure of Motions

When a question is before the Town Council no motion shall be entertained except: (a) to adjourn, (b) to recess, (c) to table, (d) for the previous question, (e) to refer, (f) to amend, and (g) to postpone indefinitely. These motions shall have precedence in the order indicated. Any such motion, except a motion to amend or postpone indefinitely, shall be put to a vote without debate.

23. Motions to be Stated by Chair – Withdrawal

When a motion is made and seconded, it shall be stated by the Chair before debate. Any Town Councilor may demand that it be put in writing by the Clerk. A motion may not be withdrawn by the mover without the consent of the Town Councilor seconding it.

24. Motions Out of Order

The Town Council may at any time permit a Town Councilor to take out of order an ordinance, resolution, or motion on the agenda if approved by a majority vote of the Town Council present.

25. Motion to Table

A motion to table precludes all amendments or debate of the subject under consideration. If the motion prevails, consideration of the subject at the same session may be resumed only upon the affirmative vote of at least 3 members of the Town Council.

Miscellaneous

26. The Previous Question

When the previous question is moved and seconded, there shall be no further amendment or debate; but pending amendments shall be put in their order before the

main question. If a motion for the previous question fails, the main question and any pending amendments remain open for debate. A motion for the previous question is out of order until all Town Councilors have had an opportunity to address the main questions or amendment.

27. Amend an Amendment

A motion to amend an amendment is in order, but one to amend an amendment to an amendment may not be introduced. An amendment modifying the intention of a motion is in order, but an amendment relating to a different matter is not in order.

28. Motion to Postpone

All motions to postpone, except a motion to postpone indefinitely, may be amended as to time. *If a motion to postpone indefinitely is carried out, the principal question shall be declared lost.*

29. Procedure in Absence of Rule

Robert's Rules of Order modified by these rules shall govern Town Council procedures. The Chair shall make the determination subject to the appeal of the Town Council.

30. Anonymous Communications

Unsigned communications may not be introduced by the Town Council.

31. Tie Vote

In case of a tie in votes on any proposal, the proposal shall be declared lost.

32. Motion to Table

Motion to table is debatable, but debate will be limited to determining the necessity of the motion and will not go into the merits of the main question. A motion to table may specify a time certain for consideration of the main question.

33. Permission Required to Address Town Council

Persons other than members of the Town Council and Town Officers are not permitted to address the Town Council except with the permission of the Chair.

34. Suspension of Rules

Any provision of these rules not governed by the Charter or code may be suspended at any meeting of the Town Council by a vote of majority by Town Councilors. The vote on the suspension shall be taken by yeas and nays and entered upon the records.

35. To Amend Rules

These rules may be amended, or new rules adopted by majority vote of the Town Council. An amendment must be submitted in writing at a preceding meeting and shall be placed on the agenda under the order of new business.

36. Public Notice

Town Council public meetings will comply with the laws of the State of Maine as set forth in 1 MRSA §406.

****The Rules of Order and Procedures will be reviewed and voted on 1-year from the date of acceptance.****

Appendix B – State Law section - 1 §405. Executive Session

Maine Revised Statutes

Title 1: GENERAL PROVISIONS

Chapter 13: PUBLIC RECORDS AND PROCEEDINGS

§405. EXECUTIVE SESSIONS

Those bodies or agencies falling within this subchapter may hold executive sessions subject to the following conditions. [1975, c. 758, (NEW).]

1. Not to defeat purposes of subchapter. An executive session may not be used to defeat the purposes of this subchapter as stated in section 401.

[2009, c. 240, §2 (AMD) .]

2. Final approval of certain items prohibited. An ordinance, order, rule, resolution, regulation, contract, appointment or other official action may not be finally approved at an executive session.

[2009, c. 240, §2 (AMD) .]

3. Procedure for calling of executive session. An executive session may be called only by a public, recorded vote of 3/5 of the members, present and voting, of such bodies or agencies.

[2009, c. 240, §2 (AMD) .]

4. Motion contents. A motion to go into executive session must indicate the precise nature of the business of the executive session and include a citation of one or more sources of statutory or other authority that permits an executive session for that business. Failure to state all authorities justifying the executive session does not constitute a violation of this subchapter if one or more of the authorities are accurately cited in the motion. An inaccurate citation of authority for an executive session does not violate this subchapter if valid authority that permits the executive session exists and the failure to cite the valid authority was inadvertent.

[2003, c. 709, §1 (AMD) .]

5. Matters not contained in motion prohibited. Matters other than those identified in the motion to go into executive session may not be considered in that particular executive session.

[2009, c. 240, §2 (AMD) .]

6. Permitted deliberation. Deliberations on only the following matters may be conducted during an executive session:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;

(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;

(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and

(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present.

This paragraph does not apply to discussion of a budget or budget proposal; [2009, c. 240, §2 (AMD).]

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire; [2009, c. 240, §2 (AMD).]

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency; [1987, c. 477, §3 (AMD).]

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions; [1999, c. 144, §1 (RPR).]

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage; [2009, c. 240, §2 (AMD).]

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute; [1999, c. 180, §1 (AMD).]

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and [1999, c. 180, §2 (AMD).]

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter. [1999, c. 180, §3 (NEW).]

[2009, c. 240, §2 (AMD).]

SECTION HISTORY

1975, c. 758, (RPR). 1979, c. 541, §A3 (AMD). 1987, c. 477, §§2,3 (AMD). 1987, c. 769, §A1 (AMD). 1999, c. 40, §§1,2 (AMD). 1999, c. 144, §1 (AMD). 1999, c. 180, §§1-3 (AMD). 2003, c. 709, §1 (AMD). 2009, c. 240, §2 (AMD).

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DRAFT

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: 5/9/2023	NB #8
Agenda Item: Town Facebook Page	
Staff Recommendation:	
Town Manager's Recommendation:	
For the town to be more transparent we would like to start a Town Facebook page to push out more information.	
Requested Action:	
Council Wishes	
Vote	