



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: March 15, 2023

RE: Change in Ordinance- Chapter 121-27-Sketch Plan Procedures

The Planning Board received an Ordinance Amendment from Town Staff for an amendment to the sketch plan procedures. As the Planning Board sees more applications, it makes sense for a required meeting at the Staff level first to ensure ordinances are being met before the Planning Board hears the application. This will not only help the Planning Board but the applicant as well.

In summary, the changes affect the following chapter of the South Berwick Code:
Chapter 121-27 Sketch Plan Procedures

The Planning Board held a public hearing on March 1, 2023, with no comments from the public. The Planning Board recommends this Ordinance Change.

Sincerely,

Greg Zinser, Chair

- C. Street layout. Wherever existing or planned streets, topographical features and public safety permit, streets shall run in east-west directions and lots on a north-south axis, to maximize access to direct sunlight for solar energy systems. The character, extent, width and grade of all streets shall be considered in their relation to existing or planned streets.

Article IV Sketch Plans

[Amended 2-26-1990; 6-15-2009; 10-11-2011; 10-10-2017, 02/27/2023]

§ 121-26 Purpose.

The purpose of the sketch plan meeting and the on-site inspection/site walk is for the applicant to present general information regarding the proposed subdivision to the Board and receive the Board's comments prior to expenditures on such things as soil analysis and engineering by the applicant.

§ 121-27 Sketch plan procedures.

- ~~A. 1.~~ Prior to formal application submittal- Pre-Submittal Meeting shall be held with the Town Planner and the Code Enforcement Officer before submittal of documents to the planning board to ensure ordinances are being met and any waivers being submitted are properly addressed.

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- ~~B. A.~~ At the time of application, the subdivider shall submit a sketch plan and other data relative to the proposed subdivision which may be of assistance to the Planning Board during informal discussion. See § 121-28 for submission requirements. The Planning Board shall meet to discuss the application within 30 days of application submission.

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- ~~1. Pre-Submittal Meeting shall be held with the Town Planner and the Code Enforcement Officer before submittal of documents to the planning board to ensure ordinances are being met and any waivers being submitted are properly addressed.~~

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- ~~C.~~ The applicant shall present the sketch plan and make a verbal presentation regarding the site and the proposed subdivision to the Planning Board.

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- ~~C.D.~~ Following the applicant's presentation, the Board may ask questions, point out potential problems or issues for future discussions, and make suggestions to be incorporated by the applicant into the subsequent preliminary plan application.

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- ~~D.E.~~ Prior to concluding the discussion, a date for the site inspection walk is selected. Site walks allow the Planning Board to be fully informed about the site and be in a knowledgeable position to discuss the plans.

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§ 121-28 Submissions.

- A. Ten copies of the sketch plan shall be submitted to the Planning Board according to a submission schedule set by the Town. The plan shall be presented on a standard-sized sheet (24 inches by 36 inches) and at a scale of 50 feet to the inch or less.
- B. The sketch plan shall show, in simple sketch form on a topographic map, the proposed layout of streets, lots and other features in relation to existing conditions.
- C. The sketch plan, which may be a freehand penciled sketch, should include the data listed in § 121-32 or such of it as the Planning Board determines is necessary for its consideration of the proposed sketch

plan.

- D. General subdivision information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawing required above. This information shall include data on existing easements or covenants, high-intensity soil survey and soil interpretation log sheets, available community facilities and utilities, and information describing the subdivision proposal, such as number of residential lots, typical lot width and depth, price range, service areas, playgrounds, parks, open space areas and other public areas, proposed protective covenants and proposed utilities and street improvements. All wetlands, water bodies, streams and existing drainage patterns shall be shown. The applicant shall provide a list of all permits required for approval of the subdivision, including, but not limited to, permits from the Maine Department of Environmental Protection, Maine Department of Transportation, and permits for common water supply and septic systems, if applicable. In order to integrate the subdivision into both the built and natural environment, the following information in the form of plans and statements will be required:
- (1) A context plan showing the site and its surrounding scale should be appropriate to show major ecological systems, natural features, rivers, developed areas, trail systems and wetlands as defined in the Town Zoning Ordinance and Shoreland Zoning.
 - (2) Existing site vegetation plan.
 - (3) Schematic plan showing how the proposed subdivision fits into the given site and off-site context.
 - (4) Planting and vegetation plan along with items in § 121-32.
 - (5) The Planning Board may wish to limit or expand on the above, based upon the complexity and size of the project.

§ 121-29 Status of sketch plans.

- A. The acceptance of a sketch plan indicates acceptance of rough overall concepts only. Details of the proposal will be reviewed at the preliminary plan and final stages. All sketch plans shall include the two previous sentences on the plan itself.
- B. Failure to achieve sketch plan acceptance within one year of submission shall require resubmission of the sketch plan to the Planning Board.
- C. The sketch plan meeting, subsequent meetings or discussion of the sketch plan, the submittal or review of the sketch plan or the site inspection walk shall not be considered substantive review as described by 1 M.R.S.A. § 302.

**Article V
Preliminary Plans**

[Amended 2-26-1990; 8-26-1991; 6-15-2009; 10-11-2011; 10-17-2017]

§ 121-30 Purpose.

The purpose of the preliminary subdivision plan process is to allow a detailed review and discussion of the proposed subdivision in order to provide guidance to the applicant prior to submission of a final plan.

§ 121-31 Application procedure.

- A. Within six months after acceptance of the sketch plan by the Planning Board, the subdivider shall submit an application for the consideration of a preliminary plan. See § 121-32 for submission requirements. Failure to do so within six months shall require resubmission of the sketch plan to the Planning Board. The preliminary plan shall conform to the layout shown on the sketch plan accepted by



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: March 15, 2023

RE: Change in Chapter 140 Attachment 2, Table B, Dimensional Requirements I1 and I2 Zone

The Planning Board received an Ordinance Amendment from Town Staff a change in Chapter 140 Attachment 2, Table B, Dimensional Requirements for the I1 and I2 Zone to reduce the setbacks from 75'-40'. This Amendment was accompanied by a letter from Denise Clavette, Director of Economic and Community Development, which the Planning Board has attached to this letter.

In summary, the changes affect the following chapter of the South Berwick Code:
Chapter 140 Attachment 2- Table B- Dimensional Requirements

The Planning Board held a public hearing on March 1, 2023 with no comments from the public. The Planning Board recommends this Ordinance Change.

Sincerely,

Greg Zinser, Chair



Denise M. Clavette, Director
Economic and Community Development
Town of South Berwick
180 Main Street
South Berwick, ME 03908
dclavette@sbmaine.us

TO: Jenifer McCabe, Town Planner/CEO and Planning Board Members
FROM: Denise Clavette, Director, Economic and Community Development
CC: Tim Pellerin, Town Manager
DATE: February 6, 2023
RE: Recommendation to Change I1 and I2 front setbacks from 75 to 40 feet

I am writing in support of changing the I1 and I2 zone front setbacks from the current requirements of 75 feet, down to 40 feet. When businesses are interested in locating in South Berwick (or other communities), setbacks of 75 feet can be quite prohibitive for businesses to appropriately locate within the sites / lots they are exploring.

Whether small businesses, with building footprints of less than 5000 SF or large businesses with business footprints of over 100,000 SF – both would find these front setbacks challenging. In all likelihood, many would rule out South Berwick on that basis, or if interested – would need to spend significant resources just to request a waiver with no guarantee on approval. For example, a small business would have to spend a disproportionate amount of funds in order to develop a road, its infrastructure and utility expenses just to make it to their building. And a large business may not be able to locate on the site, due to site restrictions and conditions, when eliminating available land that they could develop, along a major route or roadway. In addition, a building's /business' visibility along a major roadway is a great "marketing" tool – for free – both for the business and our South Berwick community.

Please let me know, Jeni or members of the Planning Board, if you have any questions or would like me to provide additional information. Happy to help.

ZONING

140 Attachment 2

Town of South Berwick

Table B
Dimensional Requirements
[Amended 4-13-2009; 5-11-2009]

	R1	R1A	R2	R2A	R3	R4	R5	B1	B2	I and I2	BR
Residential minimum lot size (square feet)											
Without sewer	40,000	80,000	40,000	80,000	80,000	120,000	120,000	NA	40,000	80,000	NA
With sewer	10,000	20,000	30,000	40,000	80,000	120,000	120,000	NA	10,000	80,000	NA
Single-family											10,000
Two-family											5,000
Multifamily											3,500 (19)
Congregate											5,000
Commercial minimum lot size (square feet)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	NA	(2)	80,000	10,000
Minimum street frontage (feet)											
Without sewer	100	200	125	200	200	300	300	NA	100	200	NA
With sewer	100	125	125	150	200	300	300	NA	100	200	70
Maximum street frontage											150
Minimum yard dimensions (feet)											
Front setback	20	50(4)	25	50(5)	50	50	50	NA	20	75-40 20 (18)	
Side setback	15	25*	25	25	25	50	50	NA	15	35	10
Rear setback	15	25	25	25	25	50	50	NA	15	35	15
Lot coverage (%)	30	30	25	25	20	20	15	NA	50	60	60
Height limitation (feet)	35	35	35	35	35	35	35	NA	35	35	35
[See footnote (16) and (17)]											

2/8/2023
↓

**South Berwick Town Council
Public Hearing
Zoning – Medical Marijuana Registered Caregiver
Performance Standards and Licensing Requirements
May 9, 2023**

Chair Mallory Cook opened the hearing at 6:30pm. Councilors present included Jeffrey Minihan, John James, Jessica Cyr, and Melissa Costella. Town Manager Tim Pellerin and Assistant Town Manager Jennifer Janelle were also in attendance.

The purpose of the hearing was to receive public comment on the proposed changes to the Zoning Ordinance regarding Medical Marijuana Registered Caregiver Performance Standards and Local Licensing Requirements. The changes include updated/new definitions in section 140.9 and new section 140.67.3.

No one in the room or on zoom wished to comment.

The hearing was closed at 6:31pm.

Attest:

Barbara Bennett, CCM

**South Berwick
Town Council Meeting
May 9, 2023**

The Chair reported the following to the Clerk:

Chair Mallory Cook called the meeting to order at 6:00pm. Councilors present included John James, Jeff Minihan, Jessica Cyr, and Melissa Costella.

Executive Session

1. On a motion by Mr. James, seconded by Mr. Minihan, it was unanimously voted to enter executive session at 6:01pm pursuant to 1MRSA §405.6A, to conduct interviews with a prospective planning board member and prospective members to the York River Stewardship Committee.

On a motion by Mr. James, seconded by Mr. Minihan, it was unanimously voted to end the executive session at 6:24pm.

The regular meeting commenced at 6:30pm with the Clerk, Town Manager and Assistant Town Manager all present.

Approval of Minutes

1. Public Hearing 04-25-23: On a motion by Mr. Minihan, seconded by Mr. James, it was unanimously voted to adopt the minutes as written.

2. Town Council 12-27-23: On a motion by Mr. James, seconded by Mr. Minihan, it was unanimously voted to adopt the minutes as written.

Treasurer's Warrant

1. On a motion by Mrs. Cook, seconded by Mr. Minihan, it was unanimously voted to sign the warrant dated May 3, 2023, in the amount of \$871,865.14. Note was made that this includes the monthly school payment.

Reports & Presentations

1. The Police Department, represented by Chief Ruger and Lt Upton, received the designation as a Maine Law Enforcement Accredited Police Department from MLEAP. Edward Tolan, retired Chief, and Shawn O'Leary of Dirigo Safety explained that the process to become certified takes about 3 years and is very difficult to achieve. There are 167 standards; and all must be met. There are specific policies, procedures, and training requirements.

Accreditation shows that the Department is well trained and constantly reviewing and updating its practices and policies. The Town will also save 15% on its liability insurance through Maine Municipal Association.

Congratulations to the South Berwick Police Department.

2. The Council awarded plaques to the winners of the Town's writing contest. The winning entries can be read on the Town's website. 1st place: Greg Ouellette, 2nd place: Tamara Milliard, and 3rd place: Rebecca Henry. Thanks, and great job!

Public Comment

1. Pat Robinson, Brattle St, Conservation Chair, made note of three upcoming events: 5/13 is a Migratory Bird Walk with Brett Cropp at the Town Forest, 5/18 is Water Test Kit drop off day at Town Hall 9-11, 5/18 is the Native Plant Webinar at 6:30pm on zoom.

Unfinished Business

1. On a motion by Mrs. Cook, seconded by Mrs. Costella, it was voted 4-1 (Mr. Minihan opposed) to appoint Aaron Rouse to the Planning Board as an alternate with a term to expire June 30, 2025.

2. On a motion by Mrs. Cook, seconded by Mr. Minihan, it was unanimously voted to appoint Karl Honkonen to the York River Stewardship Committee as a full member with a term to expire June 30, 2027 and to appoint Philip Brekke as an alternate member with a term to expire June 30, 2026.

3. Mrs. Cook noted that the Council held a public hearing on April 25th for the required MS4 (Stormwater) ordinance changes. She also noted that the Council did not receive any public comments.

On a motion by Mr. Minihan, seconded by Mrs. Costella, it was unanimously voted to adopt the amendments to Code Chapters 96, 108, 121, & 140 as written.

4. The Manager updated the Council on the ordinance work regarding LD2003. Rep Tiffany Roberts informed the Council that LD 665, which would have granted an extension amongst other changes, was killed in committee. A new bill has been introduced (LD1706) and will need a 2/3 vote to pass.

Discussion ensued regarding the involvement of Leejay from SMPCD with the development of the ordinance language for the required changes. Jeni McCabe, CEO, explained that Leejay has been very involved and will be reviewing the presentation that will be made to the Planning Board and Council.

5. Traffic Study update: The Manager explained that he has met with the MDOT and KACTS to discuss the proposed changes made by Sebago Technics. To be eligible for federal grants Sebago will have to complete the reports for the roundtables. Mr. Pellerin made it clear that the MDOT will only consider the project if the Town is serious and plans on moving forward. We also may want to prepare for participating in the upcoming federal Piscataqua Bridge project.

Cliff Cleary, Spillane's Hill, expressed his concerns with the loss of parking for the downtown businesses. Manager Pellerin stated that he has been in communication with several of the downtown business owners.

New Business

1. On a motion by Mr. James, seconded by Mrs. Costella, it was unanimously voted to cancel the June 13th meeting to accommodate the scheduled school budget election. All business will be conducted at the meeting on June 27th.

2. On a motion by Mr. James, seconded by Mr. Minihan, it was unanimously voted to accept the 2023 ONE Boat vin #OBC38R1H233 and the 2023 Venture boat trailer vin #47GAB1617PB005065 from the Firefighter's Association.

The boat and trailer are excepted with much thanks to the Firefighter's Association. The boat will be a valuable asset to the Department.

3. On a motion by Mr. James, seconded by Mr. Minihan, it was unanimously voted to sign the warrant calling the MSAD Budget Validation Referendum on June 13th.

4. On a motion by Mr. Minihan, seconded by Mr. James, it was unanimously voted to accept the safety grants from Maine Municipal. \$2500 for dump locks (safety mechanism) at the Transfer Station and \$3140 for security cameras at the Town Garage on Front St.

5. The Council and Manager briefly discussed the disposition of the old Red Barn. The building is unsafe and not usable. On a motion by Mr. James, seconded by Mrs. Cook, it was unanimously voted to authorize the Town Manager to have the building removed. The funds to be expended from the CIP Account.

Mr. Pellerin explained that the plan is to level the area and create a gravel parking area. This should help with the overflow from the ballfields. Hussey Excavation is donating its time and our crew will help with the project. The property is restricted to recreational uses and cannot be developed.

6. Recreation was able to secure a new 'warming hut' for the ice rink at Powderhouse Hill. Mr. Pellerin stated that they were able to get 4 buildings for the price of one. \$3000 was granted from the Vaughan Fund and the Town will pitch in \$1905.

7. The Manager presented the Council with a draft for the new Council Rules of Order & Procedure. The Council agreed to review the document and discuss it at the next meeting.

8. Mr. Pellerin informed the Council that the Administration is looking into starting a Town Facebook page. This would provide an additional avenue for disseminating valid information to the public. The page would not be interactive; the public will not be able to comment. It will be made clear who to call for the correct information.

-Deb Ganster, Emery's Bridge Rd, commented that our town meeting was not advertised on our website. [This was corrected the next morning]

-Joseph Dallatore, Emery's Bridge Rd, stated that this may not be the best use of staff time. He also noted that a lot of people do not use Facebook and the public should not be required to set up accounts and log in to get information.

Note was made that this is just an additional form of communication. All information is still available on the Town's website. Also, the Town has found that there are several social media pages that have posted a lot of wrong information. This will help the Town correct those errors.

Town Manager's Report

-On a motion by Mrs. Cook, seconded by Mr. Minihan, it was unanimously voted to dispense with the reading of the Manager's Report. The report can be found on the Manager's Page on our website.

Councilor Comments

None of the Councilors had any comments.

Adjournment

On a motion by Mr. James, seconded by Mrs. Costella, it was unanimously voted to adjourn the meeting at 7:56pm.

Attest:

Barbara Bennett, CCM

South Berwick
7:59 AM

A / P Warrant

Bank: KENNEBUNK - Operating

05/18/2023
Page 1

Type	Check	Amount	Date	Wrnt	Payee
P	46534	32,279.79	05/08/23	69	0132 BUREAU OF MOTOR VEHICLES
P	46535	184.84	05/08/23	69	1176 TREASURER STATE OF MAINE
P	46536	3,893.57	05/10/23	69	0182 CARD MEMBER SERVICE
P	46537	20,838.78	05/12/23	69	0132 BUREAU OF MOTOR VEHICLES
P	46538	184.84	05/15/23	69	1176 TREASURER STATE OF MAINE
R	46539	298.50	05/18/23	69	0891 2-Way Communications Services, Inc.
R	46540	1,408.75	05/18/23	69	0002 ALLIED EQUIPMENT LLC
R	46541	1,000,000.00	05/18/23	69	0813 ANDROSCOGGIN BANK
R	46542	33,416.94	05/18/23	69	0059 ANTHEM BLUE CROSS BLUE SHIELD
R	46543	18.48	05/18/23	69	0103 ASHLINE, KERA
R	46544	539.39	05/18/23	69	0054 BAKER & TAYLOR
R	46545	1,902.18	05/18/23	69	0686 Beauregard Equipment, INC.
R	46546	3,214.00	05/18/23	69	0012 BERNSTEIN, SHUR, SAWYER & NELSON
R	46547	349.00	05/18/23	69	1017 BLAST PARTY RENTALS LLC
R	46548	13,500.00	05/18/23	69	1235 CAMOIN ASSOCIATES, INC
R	46549	392.80	05/18/23	69	0183 CENTRAL MAINE POWER
R	46550	663.90	05/18/23	69	1158 CINTAS CORP
R	46551	1,000.16	05/18/23	69	0958 COMPONENT REPAIR AND SUPPLY LLC
R	46552	973.88	05/18/23	69	0638 Edison Press
R	46553	460.58	05/18/23	69	0109 ELECTION SYSTEMS & SOFTWARE
R	46554	1,063.00	05/18/23	69	0069 ELIMINATOR INC
R	46555	127.61	05/18/23	69	0108 ELIOT SMALL ENGINE REPAIR, INC.
R	46556	124.28	05/18/23	69	0386 F.W. WEBB COMPANY
R	46557	543.80	05/18/23	69	0769 FOSTER'S DAILY DEMOCRAT
R	46558	380.00	05/18/23	69	0337 GENEST PRECAST
R	46559	850.00	05/18/23	69	0030 GINO'S PLUMBING & HEATING
R	46560	2,004.92	05/18/23	69	1169 GREAT WORKS INTERNET-GWI
R	46561	94.50	05/18/23	69	0045 GROUP DYNAMIC, INC.
R	46562	83.39	05/18/23	69	0867 HANNAFORD
R	46563	4,997.11	05/18/23	69	0695 Howard P. Fairfield, LLC
R	46564	216.73	05/18/23	69	0229 JORDAN EQUIPMENT LLC
R	46565	100.00	05/18/23	69	1095 LEXISNEXIS RISK SOLUTIONS
R	46566	185.81	05/18/23	69	1131 LOCALIQ
R	46567	413.25	05/18/23	69	0127 MAINE MUNICIPAL ASSOCIATION
R	46568	5,474.72	05/18/23	69	0141 MAINE MUNICIPAL ASSOCIATION
R	46569	352.69	05/18/23	69	0193 MAINE OXY
R	46570	34.30	05/18/23	69	0081 MAINE TURNPIKE AUTHORITY
R	46571	110.00	05/18/23	69	1080 MAINE WELFARE DIRECTORS ASSOCIATION
R	46572	2,469.38	05/18/23	69	0084 MICK BODYWORKS INC
R	46573	634.81	05/18/23	69	1061 NEGM ELECTRIC, LLC
R	46574	1,108.50	05/18/23	69	0284 NEPTUNE UNIFORMS & EQUIPMENT
R	46575	4,500.00	05/18/23	69	0087 OAKWOODS LUMBER INC
R	46576	446.42	05/18/23	69	0158 OMNI SERVICES INC.
R	46577	52.00	05/18/23	69	0944 O'REILLY FIRST CALL
R	46578	15.00	05/18/23	69	0088 P GAGNON & SONS INC
R	46579	2,775.59	05/18/23	69	0089 PIKE INDUSTRIES INC
R	46580	241.14	05/18/23	69	0915 PINE STATE ELEVATOR COMPANY
R	46581	15,348.82	05/18/23	69	0572 PINE TREE WASTE, INC

South Berwick
7:59 AM

A / P Warrant

Bank: KENNEBUNK - Operating

05/18/2023
Page 2

Type	Check	Amount	Date	Wrnt	Payee
R	46582	8,743.14	05/18/23	69	1234 PORT CITY ARCHITECTURE
R	46583	293.31	05/18/23	69	0232 QUILL CORPORATION
R	46584	140.15	05/18/23	69	0167 REDIMARKER, JAY
R	46585	2,967.26	05/18/23	69	1229 ROBERT HALF
R	46586	800.00	05/18/23	69	0090 SHOEM CORP
R	46587	10.11	05/18/23	69	0598 SITE ONE LANDSCAPE SUPPLY
R	46588	1,065.00	05/18/23	69	0184 SOUTH BERWICK SEWER DISTRICT
R	46589	285.00	05/18/23	69	0203 SOUTH BERWICK WATER DISTRICT
R	46590	300.00	05/18/23	69	0652 SOUTHERN MAINE AGENCY ON AGING
R	46591	6,386.69	05/18/23	69	0195 SOUTHERN MAINE PLANNING & DEVELOPMENT, INC
R	46592	241.21	05/18/23	69	0226 SOUTHWORTH MILTON INC
R	46593	5,426.62	05/18/23	69	0095 STELLAR NETWORKS
R	46594	64,390.00	05/18/23	69	1241 STONEHAM MOTOR CO
R	46595	380.00	05/18/23	69	0461 SUPERIOR FIRE PROTECTION, INC.
R	46596	100.00	05/18/23	69	0788 Treasurer, State of Maine
R	46597	20,530.09	05/18/23	69	1240 TUCKER LIBRARY INTERIORS, LLC
R	46598	80.00	05/18/23	69	0573 TUSKEGEE NEWS
R	46599	716.10	05/18/23	69	0097 VERIZON WIRELESS
R	46600	266.09	05/18/23	69	0152 WB MASON
R	46601	1,102.06	05/18/23	69	1175 WELCH OIL, LLC
R	46602	540.70	05/18/23	69	0100 WEX BANK
Total		1,275,031.68			

Count

Checks	69
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 _____



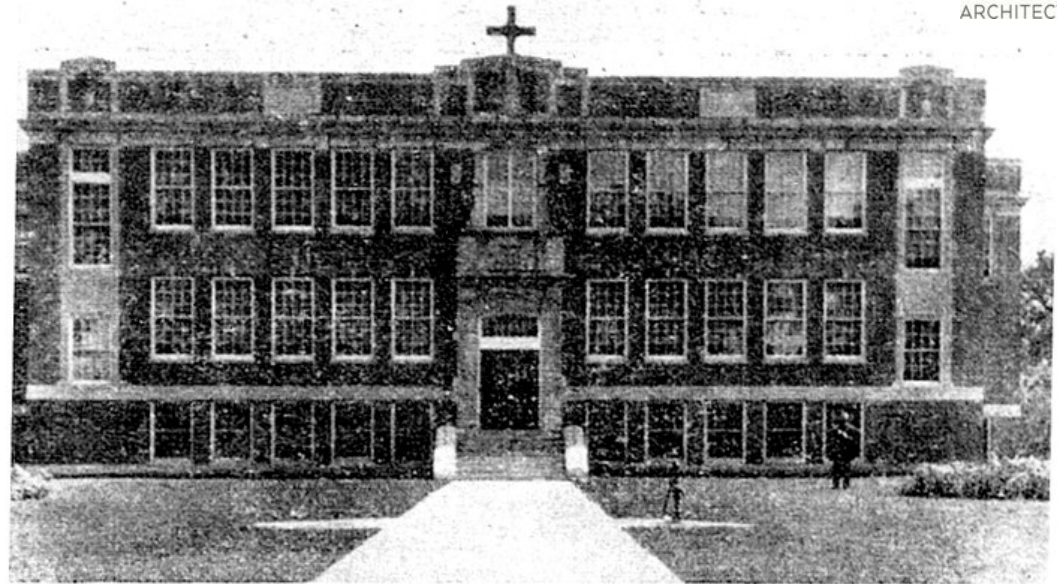
South Berwick Town Hall

History of the Existing Building



History:

- Originally a school built in 1926
- Renovated 1975 into Town Hall
- Previous report by Alpha Home & Commercial Building Inspections in February 2021
- Winter 2023, Port City Architecture was hired to evaluate renovate existing building vs new building



ST. MICHAEL'S PAROCHIAL SCHOOL AND AUDITORIUM

South Berwick Town Hall

Existing Building

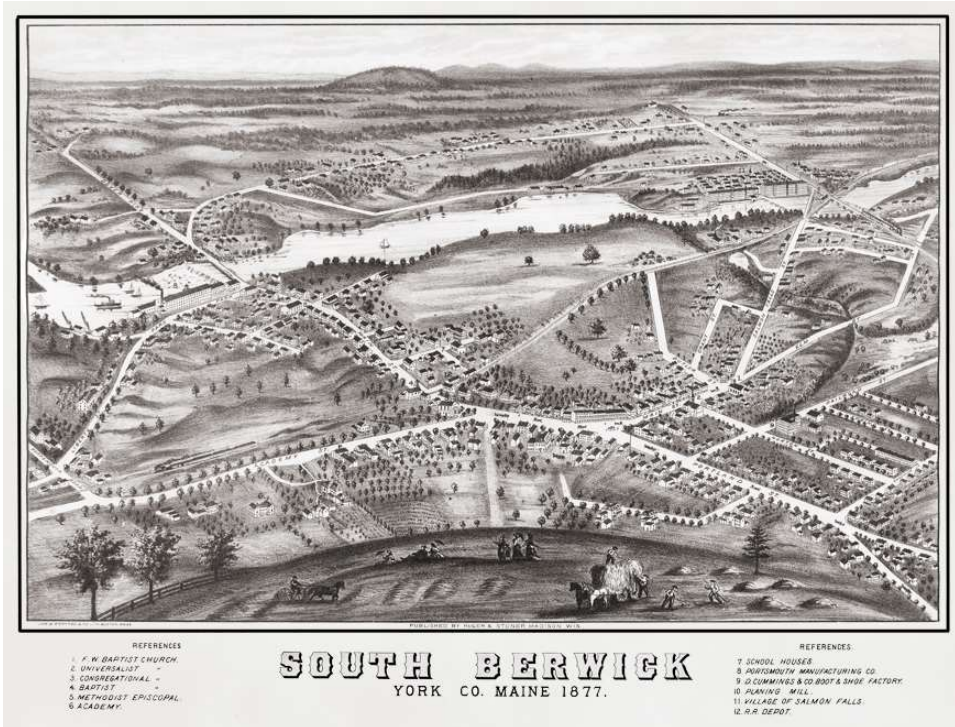


Characteristics of Existing Building

- Three Stories
- 20,070 SF
- Brick exterior with Flat EPDM Roof
- Has two stair towers and elevator
- Renovated School so Large Rooms & Hallways
- Load Bearing Interior Walls (many will need to remain)

South Berwick Town Hall

Existing Building – Evaluation Criteria



- Exterior Façade & Shell
- Exterior Doors & Windows
- Sidewalks & Parking Layout
- Layout & Security
- Wayfinding
- Fire, Health, & ADA Code Issues
- Mechanical & Electrical
- Appearance & Finishes
- Furniture & Shelving

South Berwick Town Hall

Existing Building – Exterior Façade & Shell



Item: Insulation

There is little to none insulation at the exterior walls



Item: EPDM Roof

EPDM has a 30-year life expectancy, however yours is showing significant wear & tear



Item: Brick

Needs to be repointed in multiple places

South Berwick Town Hall



Existing Building – Exterior Façade & Shell



Item: Precast Concrete

The precast concrete is crumbling and needs to be repaired ASAP

South Berwick Town Hall

Existing Building – Exterior Doors & Windows



Item: Existing Exterior Doors & Windows

The exterior doors & windows are in bad shape and need to be replaced and trimmed out properly

South Berwick Town Hall

Existing Building – Sidewalks & Parking Lot



Item: Parking Lot

Action: The parking lot is showing sign of wear and needs to be restriped – the walk to the ADA spaces needs to be tilted down to meet ADA code

South Berwick Town Hall

Existing Building – Layout & Security



Item: Land Use

There is no counter and the public can wander through out the space

South Berwick Town Hall

Existing Building – Layout & Security



Item: Rooms

Rooms are large & not properly sized & do not have proper walls

South Berwick Town Hall

Existing Building – Layout & Security



Item: Record Security

Due to lack of secure space, things are stored in the unsecured areas



Item: Entry

Lack of monitoring at entry doors by human or monitored cameras

South Berwick Town Hall

Existing Building – Layout & Security



Item: Clerks Desk

Service desks is not ergonomic



Item: Clerk Queuing

There is no queuing space



South Berwick Town Hall

Existing Building – Layout & Security



Item: Town Manager Suite

The copier is in the waiting room

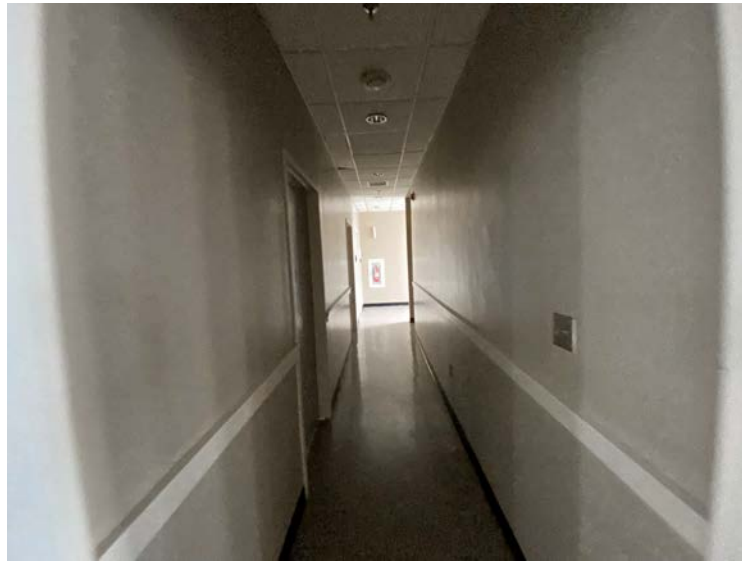


Item: Clerks Desk

The built in Clerk's desk is not adequate

South Berwick Town Hall

Existing Building – Way Finding



Item: Wayfinding

There are multiple entry doors and it is hard to find your way in building – there are multiple isolated rooms – this can cause confusion and be dangerous

South Berwick Town Hall

Existing Building – Fire, Health, & ADA Code Issues



Item: ADA Counters / Sinks
There are no ADA counters / sinks throughout the entire facility – these need to be replaced with ADA appropriate fixtures



South Berwick Town Hall

Existing Building – Fire, Health, & ADA Code Issues



Item: Elevator

At the last Elevator inspection, it was noted that the elevator will require major repair / replacement in the next few years due to age

South Berwick Town Hall

Existing Building – Fire & ADA Code Issues



Item: ADA Bathrooms

None of the existing bathrooms meet current ADA codes and need major renovations

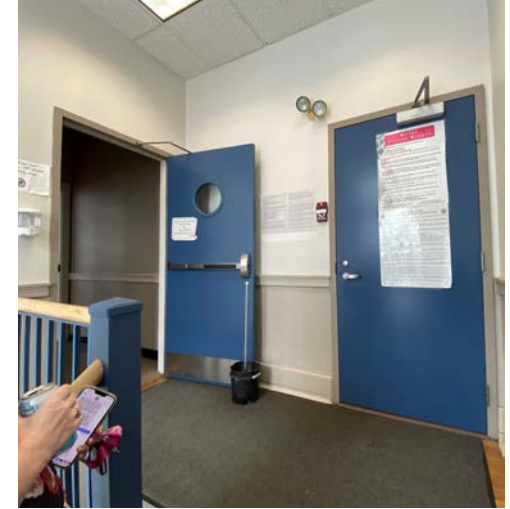
Item: ADA Signage

There is no ADA signage in the building & this should be provided

South Berwick Town Hall



Existing Building – Fire & ADA Code Issues



Item: Stairwell Code Issues

Current stairwells do not meet current codes including: improper handrails; an electrical panels in the stairwell; the stair treads are too narrow; fire doors do not have magnetic hold openers; and guardrails that are too low with wide balusters

South Berwick Town Hall



Existing Building – Mechanical & Electric



Item: Heating System

The existing boilers are being replaced this summer – the heating system is steam which is inefficient and should be replaced



Item: Ventilation

Expected life of an air handler is 25 years and yours are over 20 years old – they **do not provide heating or cooling**



South Berwick Town Hall

Existing Building – Mechanical & Electric



Item: Existing Lighting

The existing light is florescent and many of the fixtures are cracked or yellow – the lighting systems should be updated through out the entire building with LED

South Berwick Town Hall

Existing Building – Mechanical & Electric



Item: Electrical System

The generator is old; some breakers that are permanently off; signs of electrical shortages; and oddly placed electrical boxes

South Berwick Town Hall



Existing Building – Appearances & Finishes



Item: Finishes

The existing finishes are dated, absent, and/or worn and need to be updated throughout the building – this is included in the renovation estimate

South Berwick Town Hall

Existing Building – Furniture & Shelving



Item: Furniture

While the desks are great, the shelving systems and meeting furniture needs to be updated

South Berwick Town Hall

Space Program – Analysis of Required Square Footage



South Berwick Preliminary Programming Sheet

Department: Town Offices

SPACE PROGRAM

May 10, 2023



Room Desc	Room Area (SF)	Admin # of Rooms	Admin Area (SF)	Pub # of Rooms	Pub Area (SF)	Storage # of Rooms	Storage Area (SF)	Supp # of Rooms	Support Area (SF)	Total # of Rooms	Total Area (SF)	
Storage - Code & Planning	200	0		0	0	1	200		0	1	200	(17) Five drawer filing cabinets, rolled plan storage, and (4) flat files - would like to look at medical storage because more compact & a shelf for rolled up plan storage.
Remote Storage - Code & Planning	120	0		0	0	1	120		0	1	120	Space for rolled plans, banker boxes, (2) flat files that can be stacked on each other.
Remote Storage - Accessor	120	0		0	0	1	120		0	1	120	Currently have records that are required to be stored for numerous years before they can be destroyed. These are not accessed often but need to be kept.
Vault - Remote	20	0		0	0	1	20		0	1	20	Storage for old zoning ordinances.
Town Clerk												
Town Clerk Office	120	1	120		0		0		0	1	120	An office for the Town Clerk with good view & easy access to the
Deputy Town Clerk Office	80	1	80		0		0		0	1	80	A desk for the Deputy Town Clerk behind the counter area.
Clerk Counter	70	4	280		0		0		0	4	280	Need (4) counter with windows (2 for staff, (1) Deputy Clerk, and (1) Clerk - (1) is future). There also needs to be counter space behind the desks for various things everybody uses when helping the public at the counter. SF includes space for waiting & space for forms.
Admin Hoteling desk	60	2	120		0		0		0	2	120	A remote small desk for the Clerk Admin to be able to conduct work that is not at the counter.
Storage	100				0	1	100			1	100	Storage within the department or close by.
Remote Storage										0	0	None needed.
Remote Storage - Election Equipment	140					1				1	140	Storage space for election equipment when not in use.
Vault - Within Depart	300		0		0	1	300			1	300	Records need to be close so staff can access them when a member of the public requests them. There should also be space for storing money, state stickers, and similar at night. This assumes movable shelving units in the space.
Economic Development												
Economic Development Director Office	160	1	160		0		0		0	1	160	An office for the Economic Developer with a room to meet with people on the other side of the desk and some storage.
Economic Development Staff & Intern Office	140	1	140		0		0		0	1	140	A desk for the Staff including a desk for an intern. FUTURE
Storage	40		0		0	1	40			1	40	Storage within the department or close by.
Council Chamber												

South Berwick Preliminary Programming Sheet

Department: Town Offices

SPACE PROGRAM

May 10, 2023



Room Desc	Room Area (SF)	Admin # of Rooms	Admin Area (SF)	Pub # of Rooms	Pub Area (SF)	Storage # of Rooms	Storage Area (SF)	Supp # of Rooms	Support Area (SF)	Total # of Rooms	Total Area (SF)	
Town Manager Administration												
Town Manager Office	225	1	225		0		0		0	1	225	An office for the town manager with room for (2) files, (1) desk w/ meeting space on one side
Assistant Town Man. / HR Office	160	1	160		0		0		0	1	160	An office for the Assistant Town Manager with (3) lateral files & (1) desk w/ meeting space on one side
Finance Director	140	1	140		0		0		0	1	140	An office for the Finance Director. FUTURE
Future Office	140	1	140		0		0		0	1	140	A future office to be determined. FUTURE
Admin Desks	100	3	300		0		0		0	3	300	A desk for the Town Manager Assistant & Finance Assistant & HR Assistant. The Finance & HR Assistants offices can be combined and need room for a small copier / printer and (5) filing cabinets.
GIS / IT Manager Office	120	1	120		0		0		0	1	120	An office for the GIS / IT Manager. FUTURE
Storage - Town Manager	40	1	40		0		0		0	1	40	Any storage needed in the department is stored within offices.
Vault - Town Manager			0		0		0		0	0	0	None is needed.
Remote Vault			0		0		0		0	0	0	Secure storage within a fire rated vault.
Remote Storage	140	1	140		0	0	0		0	1	140	Remote storage for the department would not be needed except for space in the vault listed below.
Land Use												
Code Enforcement Officer Office	120	1	120		0		0		0	1	120	
Code Enforcement Admin with Counter	100	1	100		0		0		0	1	100	A desk / counter for the Admin for Code Enforcement. Should be combined with other admin & counter and next to the record storage.
Planner Office	120	1	120		0		0		0	1	120	An office for the Planning Director. Needs to have a table for plans and a desk.
Planning Admin Desk	100	1	100		0		0		0	1	100	A desk close to the counter. Should be combined with other admin & counter and next to the record storage.
Assessor Office	120	1	120		0		0		0	1	120	An office for the Assessor. Needs to have a table for plans and a desk.
Assessor Admin Desk	100	1	100		0		0		0	1	100	A desk close to the counter. Could be combined with the Code Enforcement admin / counter area.
Counter	100	1	100		0		0		0	1	100	A counter for staff to serve the public. Should have storage underneath including room for code books.
Waiting	120			1	120		0		0	1	120	Waiting area with a computer for public use in front of the counter.

South Berwick Town Hall

Space Program – Analysis of Required Square Footage



South Berwick Preliminary Programming Sheet

Department: Town Offices

SPACE PROGRAM

May 10, 2023



Room Desc	Room Area (SF)	Admin # of Rooms	Admin Area (SF)	Pub # of Rooms	Pub Area (SF)	Storage # of Rooms	Storage Area (SF)	Supp # of Rooms	Support Area (SF)	Total # of Rooms	Total Area (SF)	
Council Chamber	1,700			1	1,700						1,700	Chamber Council room with a dais for (8) people and 70 viewing. The dais should be movable so that it could be stored and the room used for elections or similar.
Chamber IT Closet	36			1	36						36	A dedicated IT closet that would have limited access for the IT infrastructure and storage of any electronic equipment used in the Chamber.
Chamber Storage	170			1	170						170	Room for storage for chairs, tables, and dais to make the Chamber more flexible.
Conference Room												
Large Conference Room (20 People)	400		0		0		0	1	400	1	400	The conference rooms should be available for all and located throughout the building and accessible to all.
Medium Conference Room (8 People)	200		0		0		0	1	200	1	200	
Small Conference Room (4 People)	140		0		0		0	1	140	1	140	
Break Room	200		0		0		0	1	200	1	200	A dedicated space for staff to store their lunches and to eat. The current breakroom is also a conference room so typically, people are unable to access their lunches. Include: dishwasher, sink, microwave, coffee maker, fridge.
General Support												
Lobby	200		0	1	200		0		0	1	200	A lobby should be strategically placed to accommodate overflow for both the Clerk's Office and Land Use Office.
Work Room	140		0		0		0	1	140	1	140	A copy room with copier, counter for assembling packets, storage, etc.
Copy / Plotter Room	100		0		0		0	1	100	1	100	A room to house the plotter, large format scanner, and supplies. Should be near Code Enforcement.
Public Bathrooms	50		0	4	200		0		0	4	200	A quick code review indicates that a total of 6 toilets, 1 urinal, & (4) sinks will be required.
Staff Bathroom with Shower	75		0		0		0	2	150	2	150	Staff bathrooms with shower so staff can bike or walk to work.
Staff Gym	300		0		0		0	1	300	1	300	A space within the building for exercising near the staff bathrooms.
Supply Closet	40		0		0		0	1	40	1	40	A closet for office supplies which is within Copy / Supply.
Paper Good Storage	60		0		0		0	1	60	1	60	A closet for paper supplies which is within Copy / Supply.
Server Room	60		0		0		0	1	60	1	60	A room to house the server and phone system.
Janitor Room	140		0		0		0	1	140	1	140	A janitor space with a desk to order and maintain items, a work bench, and a janitor sink.

South Berwick Preliminary Programming Sheet

Department: Town Offices

SPACE PROGRAM

May 10, 2023



Room Desc	Room Area (SF)	Admin # of Rooms	Admin Area (SF)	Pub # of Rooms	Pub Area (SF)	Storage # of Rooms	Storage Area (SF)	Supp # of Rooms	Support Area (SF)	Total # of Rooms	Total Area (SF)	
Mechanical / Electrical / Sprinkler Room(s)	600		0		0		0	1	600	1	600	There will need to be mechanical, electrical, and sprinkler space within the building. This could be located within one room or in several.
Air Locks	60		0		0		0	2	120	2	120	It is assumed that there will be two entries (one facing the street and one facing the parking lot. Each of these entrances will need an airlock.
Elevator	90		0		0		0	0	0	0	0	If this is a two story building, it will need an elevator & stairs.
Elevator Machine Room	40		0		0		0	0	0	0	0	If this is a two story building, it will need an elevator & stairs.
Stairs per floor	120		0		0		0	0	0	0	0	If this is a two story building, it will need an elevator & stairs.
Totals		27	2,925	9	2,426	8	900	16	2,650	60	8,901	
Circulation Factor of 30%											2,670	
Grand Total											Program: 11,571	

Existing Building is 6,690 sf per Floor for a total of 20,070 sf

Notes:

Currently, there is no separation of public and office space. A separation should be established with Clerks and Land Use if possible.

Need town charging station for ERV in the parking. Discuss whether or not to have public charging station.

South Berwick Town Hall



Options – Renovate Existing Building Cost Estimate

Programmed square footage for Town Hall	11,600 sf
Renovate Existing Building in One Phase	
Existing Building 6,690 sf per floor with 20,070 sf total	
Renovations estimate \$450 / sf	\$ 9,000,000
Construction Contingency 15% because Renovation	\$ 1,350,000
<u>Cost to house Town Hall during Construction</u>	<u>\$ 150,000</u>
Total Estimated Renovation Cost	\$10,500,000
Phasing Implications / Costs	
• The shell, egress, & required infrastructure before any floor fitout can begin	\$3,450,000
• Renovation of each floor Town Hall would require minimum of two floors	\$2,300,000
• Mobilization for each Additional Phase	\$ 500,000
• Potential for additional Housing Cost	TBD
• Inflation Plan on 10% per Year	



Options - Renovate vs. New

The minimal required renovation:

Shell, Egress, & Required Infrastructure	\$3,450,000
One floor	\$2,300,000
<u>Cost to House Town Hall During Construction</u>	<u>\$ 150,000</u>
Total	\$5,900,000

This renovation would not include the following spaces:

- Council Chamber
- Public meeting space
- 1,800 sf of Office Programmed

South Berwick Town Hall



Options – New Building Cost Estimate

New Turnkey Building

- Programmed ~11,600 sf
- New building estimate \$550 / sf

Estimated Cost	\$6,400,000
<u>Estimated Sale Price of Existing Building</u>	<u>(\$1,500,000)</u>
Total Cost of New Building	\$4,900,000

- A new town hall puts the existing building back on the taxes roll for and estimated \$30,000 revenue annually for ~\$900,000 over thirty years of the new bond payment.
- The new building will be more insulated and thus require less heating.

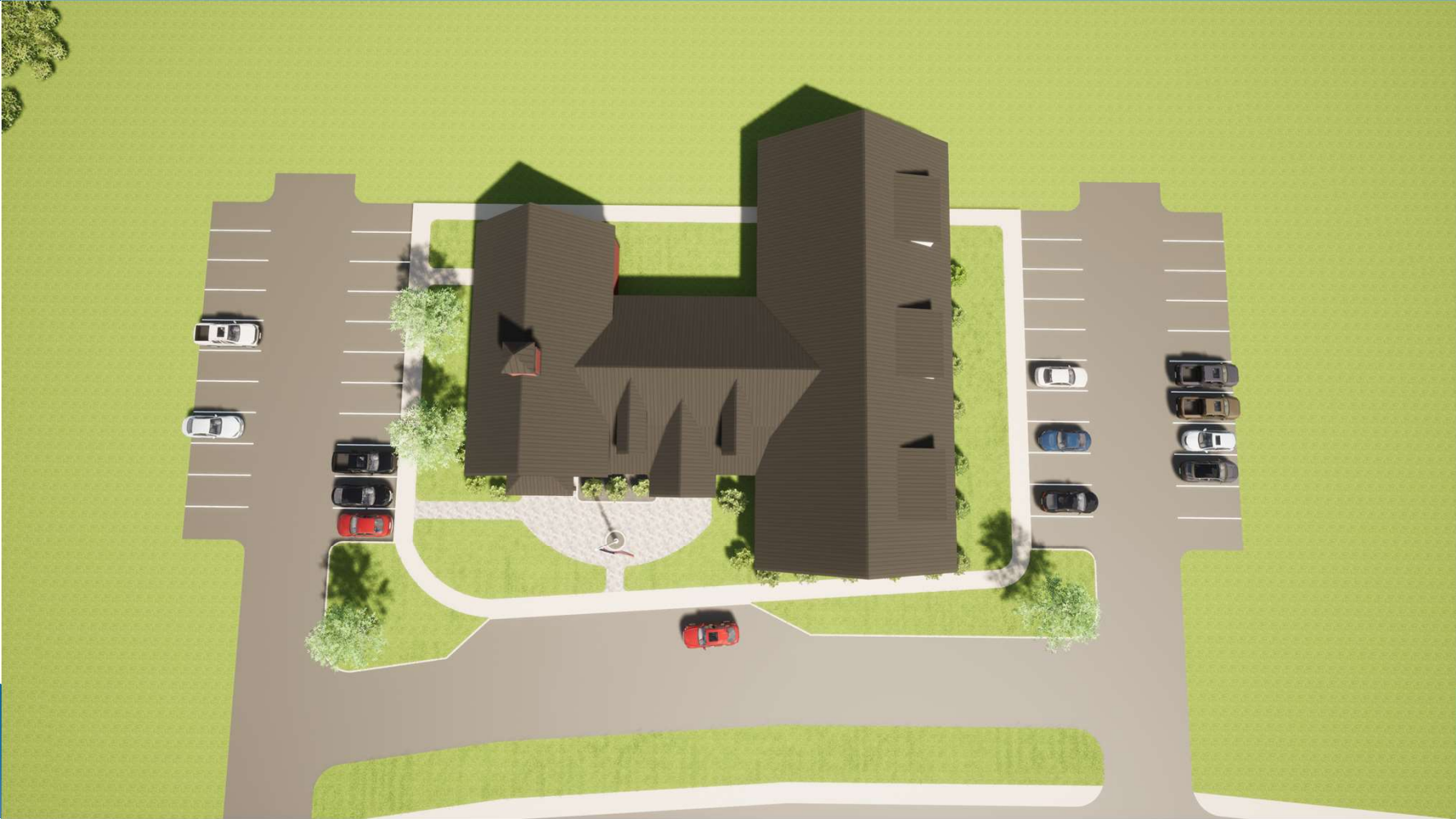
Options - Renovate vs. New



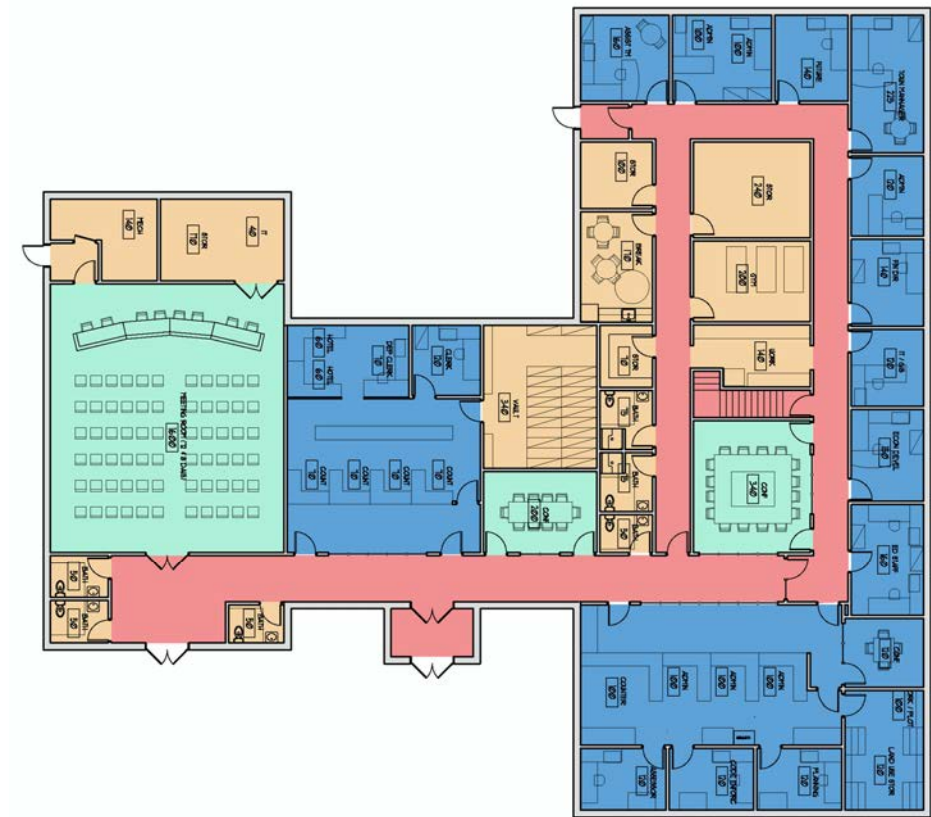
Renovate Entire Existing Building	\$10,500,000
Renovate Portion of Existing Building Shell, Egress, & Required Infrastructure and One Floor Fitout	\$5,900,000
New Facility	\$4,900,000

South Berwick Town Hall

Options – New Building



Options – New Building



South Berwick Town Hall



South Berwick Town Hall



South Berwick Town Hall



South Berwick Town Hall



South Berwick Town Hall



South Berwick Town Hall



South Berwick Town Hall

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
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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
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- 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
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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.

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: May 23, 2023	UB #2
Agenda Item: Town Council Rules of Order and Procedure	
Department Head Recommendation:	
Town Manager's Recommendation	
Requested Action	
Discussion/action - Council wishes	
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: 5/23/2023	NB #3
Agenda Item: F550 Lease	
Staff Recommendation:	
Town Manager's Recommendation:	
<p>To approve the lease for the new Ford F550 as approved in the Highway CIP budget for FY24. -The vote below was written by the Town's Attorney.</p>	
Requested Action:	
<p>VOTED by the Town Council for the Town of South Berwick, Maine as follows:</p> <p>(1) That a Capital Acquisition Project (the "Project") consisting of a lease of One F550 Truck with plow and sander and associated equipment is hereby approved; and</p> <p>(2) That the financing for the Project in the principal amount of up to \$154,000.00 is awarded to Androscoggin Bank with terms consistent with the proposal submitted hereto dated May 8, 2023 and titled "Municipal Lease Purchase Proposal" at an interest rate of 5.49%, subject to annual appropriation; and</p> <p>(3) That the Town Manager/Treasurer and Chair of the Town Council are hereby authorized to, each individually in the event the other is</p>	

unavailable, execute the Municipal Lease Purchase Agreement (the “Lease”) and all other documents reasonably necessary to accomplish the purpose of this vote, as the documents may require; and

(4) That the Town Council hereby confirms its determination that the term of the Lease does not exceed 120% of the economic life of the Project; and

(5) That said Lease is hereby designated a “bank qualified tax-exempt obligation” of the Town for the 2023 calendar year under the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

Vote

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: 5/23/2023	NB #4
Agenda Item: Quitclaim Deed	
Staff Recommendation:	
Town Manager's Recommendation:	
Allow the Town Manager to sign the Quitclaim deed for Map 013 Lot 050.	
Requested Action:	
Make a motion to allow the Town Manager to Sign the Quitclaim deed for Map 013 Lot 050	
Vote	

MUNICIPAL QUITCLAIM DEED WITHOUT COVENANTS

Know all persons by these presents that the Inhabitants of the Municipality of South Berwick, a body corporate and politic located in York County, State of Maine, for consideration paid, release to Rhonda Robbins of 2 Day Street, Apt. B, Kennebunk, Maine 04043 and Robert Robbins of 111 Rodier Road, South Berwick, Maine 03908 a certain parcel of land with buildings thereon, if any, located in the Municipality of South Berwick, York County, State of Maine, identified as follows:

111 Rodier Road
Map 013 Lot 050

on the Tax Maps of the Town of South Berwick dated April, 2022 on file in the Assessor's Office at the South Berwick Town Hall, 180 Main Street, South Berwick, Maine.

This deed is given for the purpose of releasing and conveying any and all rights which this grantor may have acquired by virtue of the following tax liens which were imposed against the above-named grantee and recorded in the York County Registry of Deeds as follows:

2018 Tax Lien Certificate Recorded June 12, 2018 Book 17731 Page 395
2019 Tax Lien Certificate Recorded June 7, 2019 Book 17966 Page 451

The Municipal Officers of the Town of South Berwick has caused this instrument to be signed in its corporate name by Timothy Pellerin, its Town Manager, thereunto duly authorized.

Witness our hands and seals this ____ day of May, 2023.

Timothy Pellerin, Town Manager

ACKNOWLEDGEMENT

State of Maine
Cumberland County, ss.

Date: _____

Then personally appeared before me the above-named Timothy Pellerin, Town Manager of the Municipality of South Berwick, and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

Before me, _____
Notary Public

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: 5/23/2023	NB #5
Agenda Item: Maine Municipal Workers' Compensation safety incentive program resolve form.	
Staff Recommendation:	
Town Manager's Recommendation:	
To sign the resolve, as we are committed to safety for the employees, citizens and visiting public.	
Requested Action:	
Make a Motion to sign the resolve with Maine Municipal Workers' Compensation safety incentive program.	
Vote	

**MMA WORKERS' COMPENSATION SAFETY INCENTIVE PROGRAM
RESOLVE FORM**

- WHEREAS,** the Town of South Berwick is a member of the Maine Municipal Association Workers' Compensation Fund (hereinafter "WC Fund"); and
- WHEREAS,** Maine Municipal Association (hereinafter "MMA") provides risk management services and workers' compensation coverage; and
- WHEREAS,** MMA developed the Workers' Compensation Safety Incentive Program (hereinafter "the Program") to help reduce the incidents and impact of workplace injuries by implementing WC claim best practices; and
- WHEREAS,** MMA will provide necessary written program information, and offer assistance to participants; and
- WHEREAS,** WC Fund members that participate in the Program and complete the required activities, will have the opportunity to earn a credit to their annual contribution; and
- WHEREAS,** the Town of South Berwick is committed to providing a safe environment for its employees, citizens, and visiting public; and
- WHEREAS,** the Program will help enhance such an environment and promote a self-sustaining culture of safety with participating members,

NOW THEREFORE BE IT RESOLVED BY THE SOUTH BERWICK TOWN COUNCIL to elect to participate in the MMA Workers' Compensation Safety Incentive Program.

DATED THIS _____ **DAY OF** _____, 20__

ATTEST by Governing Board:

Mallory Cook, Chair

John James

Jeffrey Minihan

Jessica Cyr

Melissa Costella