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WISCASSET SELECT BOARD,
TAX ASSESSORS AND OVERSEERS OF THE POOR
NOVEMBER 19, 2019

Preliminary Minutes

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

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

1. Pledge of Allegiance

2. Approval of Treasurer’s Warrants

Kathy Martin-Savage moved to approve the payroll warrants of November 8 and 15, 2019. Vote 5-0-0.

Kathy Martin-Savage moved to approve the accounts payable warrants of November 12 and 19, 2019. Vote 5-0-0.

3. Approval of Minutes

Kathy Martin-Savage moved to approve the minutes of November 5, 2019. Vote 4-0-1 (Colby abstained).

4. Special Presentations or Awards

In response to Norma Gordon’s letter of resignation from the Town Appearance Committee, the Town presented her with a certificate honoring her years of service to the town, a bouquet of flowers and a box of candy. She was unable to be present and the gifts were delivered to her.

5. Committee appointments – none

6. Public Hearing

a. Automobile Graveyard/Junkyard Permit Renewals for the following:

- Blagden’s Garage, 842 Gardiner Road
- Grover Auto & Tire Inc., 271 Bath Road
- Norm’s Used Cars, Inc. 744 Bath Road
- Pro Body Works, 323 Bath Road

Ben Rines, Jr., moved to go into the public hearing. Vote 5-0-0. There was no discussion. Ben Rines, Jr., moved to exit the public hearing. Vote 5-0-0. Ben Rines, Jr., moved to grant the above Automobile Graveyard/Junkyard permit renewals. Vote 5-0-0.

7. Business License Applications

a. Al Cohen, Big Al’s Outlet Inc. DBA Big Al’s Fireworks outlet: There was discussion on the proper order of approvals of the business license and the fireworks license, the approval of which was also on the agenda. Chris Nagel, attorney for Al Cohen, said that a business license was required before a fireworks permit could be issued. This was confirmed by the wording in the ordinance. It was suggested that the

business permit could be approved conditional upon the fireworks permit being approved. Ben Rines, Jr., asked that the town's attorney be present at the meeting when the license and fireworks licenses are discussed. Kate Bryant spoke in opposition, stating that a shipping container had been on the property for more than 90 days and was less than the required distance (60 feet) from the building. Bruce Mullins, CEO, said he had measured the distance from the fireworks store to the Big Al's building and it was more than the required 60 feet. Cecilio Juntura said that fireworks store was too close to his building. A motion by Kathy Martin-Savage to approve the license for Big Al's Fireworks Outlet failed.

Later during the meeting, Mullins and Juntura went to the property to measure the distance between the fireworks store and the Chinese restaurant and found it to be 67'8"; however from the fireworks store to the porch of the restaurant the distance was 59'10". It was unclear when the porch had been added. A site plan showing the acceptable distance was entered into the record. The building permit showing the date of the addition of steps to the Chinese restaurant and a certified site plan of Cohen's property will be researched and the matter will be on the agenda in two weeks.

Ben Rines, Jr., moved to approve the business license for Big Al's Super Values-Big Al's Self Storage, Inc. Vote 5-0-0.

Kathy Martin-Savage moved to approve the business license for Datvik Deirkrikorian, DBA Water Lily Flowers and Gifts, LLC. Vote 5-0-0.

8. Public Hearing

a. Annual License for Sale of Consumer Fireworks-Big Al's Outlet, Inc. 300 Bath Road – Postponed

9. Public Comment

Susan Robson spoke on upcoming holiday season events such as Marketfest and the Sno Ball which will be held at the Ledges with the Salty Dogs providing music.

Bob Blagden thanked Ted Snowden for storing for the winter the cannon near the memorial.

10. Department Head or Committee Chair

a. Susan Robson, Waterfront Committee-Pier Policy Updates: Robson presented revised pier policies which included a rental increase, the possible addition of vendors, and the requirement for individual electric meters; she also advocated a pro-active job of marketing the piers. Jim Kochan commented on the inequity in the rate structure which would result in \$5 per square foot for the smaller spaces and 25¢ per square foot for the larger spaces. He also suggested that the pier rentals be more widely advertised. Frank Sprague noted that the port-o-johns on the pier were for the Town, not the vendors and should be a town expense.

b. Department Head Monthly Reports: Rich Gaeth introduced Rob Lalli, who has been hired as the Wastewater Treatment Plant Supervisor. John O'Connell reported that Duane Goud had been appointed Director of the Parks and Recreation Department.

11. Unfinished Business

12. New Business

- a. Resignation-Norma Gordon, Appearance of the Town Committee: **Ben Rines, Jr., moved to accept the resignation with regret and wished her the best. Vote 5-0-0.**
- b. Quit Claim Deed
 - Susan D. Jones, 110 Old Sheepscoot Road (Map R05, Lot 099-A): **Kathy Martin-Savage moved to approve the Quit Claim deed. Vote 5-0-0.**
- c. Monthly Financials
- d. Huntoon Hill Grange blanket approval to operate Beano/Bingo and Games of Chance for the year 2020 (required yearly by Maine State Police): **Kathy Martin-Savage moved to approve the blanket approval request of Huntoon Hill Grange to operate Beano/Bingo and Games of Chance. Vote 5-0-0.**

13. Town Manager’s Report

- a. Update on waterfront grants: Information will be forthcoming from Maryellen Barnes.
- b. Downtown Winter Maintenance/Street lights: O’Connell had met with Ernie Martin regarding winter maintenance and lights. As soon as stop lights are coordinated with the railroad, they will be activated. Paving of the parking lot and bricking of sidewalks have yet to be completed. Five streetlights can be removed as they have been replaced by the new lights O’Connell has not yet researched the CMP LED lights.
- c. YouTube Live Recording: All town committees will meet in the meeting room and will be videotaped.
- d. Personnel Updates: Rob Lalli – Wastewater Treatment Plant Supervisor; Duane Goud- Parks and Recreation Director
- e. Cenergy will be on the November 25th Planning Board agenda. Zak Gray, Ed Polewarczyk, and Bill Maloney will attend.
- f. Airport reselection: Jeff Slack will serve on the committee, which meets every three years, dealing with the RFQ for consultants. The committee will meet on December 11.

O’Connell announced that the Historic Preservation Commission will not meet on November 21.

Ed Polewarczyk distributed Solar Project Comments dated 11/5/19 and 11/19/19 encouraging the board to do due diligence while making the decision on Cenergy’s proposal, specifically to evaluate the company’s financial condition, to review the company’s previous and existing projects and to evaluate the project.

Ben Rines, Jr., asked that the original directional signs be returned to the corner of Federal and Main Streets.

14. Other Board Business

- a. Executive Session to discuss a personnel matter: **At 7:26 p.m. Judy Colby moved to enter Executive Session pursuant to 1 M.R.S.A. § 405 (6)(A). Vote 5-0-0. At 7:58 p.m. Kathy Martin-Savage moved to exit Executive Session. Vote 5-0-0.**

15. Adjournment

The board adjourned at 7:58 p.m.

Memo

To: John O'Connell, Town Manager
From: Linda E. Perry, Town Clerk
CC:
Date: 11/20/2019
Re: 2020 Election Federal/State Schedule

John,

RE: Upcoming Elections

March 3, 2020 – Presidential Primary and Special State Referendum Election

June 9, 2020 – State Primary Election

November 3, 2020 - General (Presidential) and Potential State Referendum Election

The March 3, 2020, Presidential Primary will be an additional Election. I have started receiving pre-election paperwork for the March Primary in order to begin preparations. We were not aware of this election during the past budget process. This will affect the Election and Clerk's budget. These elections do not include local Town Elections. If you have any questions please let me know.

Thank you,

Linda E. Perry, Town Clerk

Town of Wiscasset
51 Bath Road
Wiscasset, ME 04578
207-882-8200

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Re: Outstanding Personal Property Taxes
Update

There are still several accounts that have outstanding personal property taxes. I have started the process of having delinquent tax payers served and if they have not come in to make payments, I have continued with the process of taking them to small claims court. So far only 1 tax payer has gone to small claims court and has not followed through with his judgement. I will need to take further action. MMTCTA has finally created a class for small claims court proceedings that I will be attending 12/17/2019. This will help me proceed with the remaining accounts.

Thank you,

A handwritten signature in blue ink that reads "Molly Bonang". The signature is fluid and cursive, with a long tail on the final letter.

Molly Bonang
Tax Collector

7d

Town of Wiscasset

November 2019

Monthly Reports





Town of Wiscasset

AIRPORT REPORT

To: John O'Connell, Town Manager
From: Rick Tetrev
Re: November Monthly Report
Date: December 10, 2019

Attached:

1. **Airport Committee Meeting Minutes November 20, 2019**
2. **World Fuel Award 2019**

Re: Airport Monthly Report, November 2019

Activity for the month of November 2019, as reported by the G.A.R.D. system (Airport Invisible Intelligence System), totaled 314 operations. In a comparison of 2018 there is a difference of 147 operations, with 2018 having 167 operations.

Sale of 100 LL Aviation Gas was 2,281 gallons for a gross revenue of \$12,070.03 dollars. Sale of Jet-A was 110.58 gallons for a gross revenue of \$497.62 dollars. KIWI had 4,935 gals. of 100LL at the end of the month. As previously reported 100LL supplies in Maine will be curtailed until March due to reconstruction of the holding tanks in Portland. If it is necessary to have a delivery we can get gas from Albany, NY, at a premium due to transportation costs.

In November, KIWI had 10 aircraft that were housed for one night or more, either on the ramp or in a hangar. From those 10 aircraft we collected \$3,120.00 in fees and sold \$2,505.63 dollars of 100 LL or Jet A.

Respectfully submitted,

Rick Tetrev



Town of Wiscasset

Wiscasset Municipal Airport Advisory Committee Meeting Minutes November 20, 2019 - submitted by Steve Williams

Opening

The regular meeting of the *Wiscasset Airport Advisory Committee* was called to order at 5:05 pm on November 20, 2019 by Chair Steve Williams. Members present: Pam Bracket, , Erv Deck, and Stephen Williams

Approval of Minutes

The minutes of the October 16, 2019 meeting were read and accepted.

Manager's Report

No manager's report was presented due to the absence of Rick Tetrev.
Steve Williams reported that the airport office winter hours would be by appointment only. Normal hours would return in the spring.

New Business

Steve Williams brought to the attention of the committee an email forwarded from MEDOT's Tim LeSiege in regards to the FAA's intended cancellation of numerous Instrument Approach Procedures in Maine due to the quadrupling of IAP's with the introduction of GPS to aviation. Wiscasset has seen the effect of this in the cancellation of "Circle to Land Procedures" for GPS RWY 25 and 07.

Old Business

Draft of Airport Minimum Standards was opened and committee worked through 1.0 Introduction through 3.0 General Standards first paragraph.

Steve Williams will meet with Bridget Buck on Tuesday November 26th to accept the gift of an aviation scholarship in Bryan Buck's memory.

Adjournment

The meeting was adjourned at 5:50 pm. **Please note there will be no December meeting.** The next general meeting will be on January 15, 2020.



Town of Wiscasset

This certificate recognizes

Town of Wiscasset

located in

Wiscasset ME

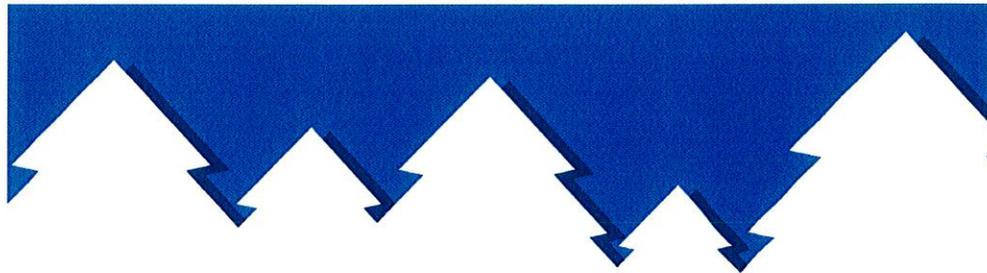
for maintaining operational excellence as a branded fuel provider to the business and general aviation flying public



2019
CERTIFICATE OF
OPERATIONAL
EXCELLENCE



Services and Fuel
for Your World



HAPPY HOLIDAYS

IN CELEBRATION OF THE HOLIDAY SEASON,
A GIFT HAS BEEN MADE IN YOUR HONOR TO

ST. JUDE CHILDREN'S RESEARCH HOSPITAL

THIS GIFT CELEBRATES THE SPIRIT OF HOPE AND
GOOD TIDINGS FOR THE CHILDREN OF ST. JUDE





Town of Wiscasset

TOWN CLERK REPORT

To: John O'Connell, Town Manager
From: Linda Perry, Town Clerk
Re: November Monthly Report
Date: December 10, 2019

Elections

The November 5, 2019, State of Maine Referendum Election was held in the Senior Center at the Wiscasset Community Center. The polls were open from 8:00 a.m. to 8:00 p.m. The Town of Wiscasset had a total of 368 voters.

Voter participation input in the Central Voter Registration System (CVR), all new voter registrations, changes to existing voters and all other mandatory post-election procedures that were required for the November election have been completed. Preparations for the March 3, 2020, Presidential Primary have begun. We will also start preparing for the June Primaries and the Annual Referendum Town Meeting and School Budget Referendum. The dates and deadlines for June Election will be announced as soon as they are confirmed. The June and November elections will be in the Gymnasium due to the expected large voter turnout.

Clerk

Seasonal work that will be taking place in the Town Clerk/Registrar of Voters office include issuing 2020 Dog Licenses, selling Inland Fisheries licenses and permits for the 2020 year, and certifying several Citizen Initiative Petitions. Dog license reminders will be mailed in January to remind dog owners of the January 31st deadline. If dogs are not licensed prior to February 1st there will be a late fee of \$25. Excise Tax bills will be mailed in January to anyone who has an aircraft hangered at the Wiscasset Municipal Airport. The upcoming New Year will be busy in the Clerk's department due to an additional Primary election that will take place in March. This is in addition to the regular scheduled June Primaries and Presidential election.

Financials:

	Auto Excise	Boat Excise	Agent Fees	Vital Fees
Monthly Revenues	\$55,901.80	\$0.00*	\$1,339.25	\$306.20
Year to date	\$329,871.79	\$1,541.40	\$6,324.75	\$2,137.40
Met yearly revenue projection by:	48.87%	25.48%	44.38%	-----

*Boat excise tax will increase during the spring months due to boat re-registrations



Town of Wiscasset

CODE ENFORCEMENT REPORT

To: John O'Connell, Town Manager
From: Bruce Mullins, Code Enforcement Officer
Re: November Monthly Report
Date: December 5, 2019

November activity report:

Building Permits:

Bradford Road:	Shed
Water Street:	Medical Office
Birch Point Road:	Kitchen and bathroom remodel

Plumbing Permits:

Water Street:	Medical Office
Birch Point Road:	Kitchen and Bathroom
Hemlock Road:	INT
Main Street:	INT

Other Projects:

Final inspections: Dollar General, New house on Hickory Drive
Annual Junkyard inspections for Blagdon's Garage, Pro Body Works, Grover Auto and Norms Used Cars

Building checks:

Hickory Drive, Westport Bridge Road, Clarks Point Road, Young's Point Road, Rumerill Road, Waterfront piers, McDonalds, Molyneke



Town of Wiscasset

EMS/EMA REPORT

To: John O'Connell, Town Manager
From: Dennis Simmons, EMS/EMA Director
Re: November Monthly Report
Date: December 5, 2019

Scene Incident City Name	Number of Runs	Percent of Total Runs
Wiscasset	38	58.46%
Dresden	12	18.46%
Westport Island	6	9.23%
	3	4.62%
Boothbay Harbor	2	3.08%
Alna	1	1.54%
Brunswick	1	1.54%
Damariscotta	1	1.54%
Woolwich	1	1.54%
	Total: 65	Total: 100.00%
Disposition Incident Patient Disposition	Number of Runs	Percent of Total Runs
Treated - Transported by this EMS Unit	45	69.23%
Patient Treated - Refused Transport	7	10.77%
No Patient Found/Contact	6	9.23%
Canceled (Prior to Arrival At Scene)	3	4.62%
Patient Refused Evaluation/Care (Without Transport)	3	4.62%
Patient Evaluated, No Treatment/Transport Required	1	1.54%
	Total: 65	Total: 100.00%

Call volume was 18% higher than October.

Emergency Medical Services are evolving more and more into Mobile Medical Services. As this transition takes place we find that we are able to offer more services to our communities. One of the services being offered by other ambulance services is Community Paramedicine. Community paramedicine is a relatively new and evolving healthcare model. It allows paramedics and emergency medical technicians (EMTs) to operate in expanded roles by assisting with public health and primary healthcare and preventive services to underserved populations in the



Town of Wiscasset

community. The goal is to improve access to care and avoid duplicating existing services. Some rural patients lack access to primary care and use 9-1-1 and emergency medical services (EMS) to receive healthcare in non-emergency situations. This can create a burden for EMS personnel and health systems in rural areas. Community paramedics can work in a public health and primary care role to address the needs of rural residents in a more efficient and proactive way. Technology will allow us to converse with the ER or primary care physician through telehealth. CP does not necessarily require the knowledge of a paramedic, AEMT and EMT can also perform CP. CP does require some additional training and education. Erin and I have met with Ellen McFarland from Lincolnhealth. Ellen works with other Lincoln County services to facilitate their CP program. We are currently looking at the feasibility of offering this program in the Wiscasset area.

Every two years, Maine EMS evaluates our treatment protocols. This evaluation uses data obtained from run reports, hospital reports, and changes in technology as well as newly published research in best practices in emergency medicine. Starting December 1st 2019 EMS treatment protocols are being updated by Maine EMS. In order to continue to practice, all of our providers are required to be educated on the changes, some of which are complicated. Maine EMS allows providers to take an online class for this. After reviewing the protocols, Erin and I decided that were too many changes and too much information and decided that we were not comfortable with the online format. Therefore, Erin attended two train-the-trainer classes to teach the protocol updates and we made it a requirement that all Wiscasset Ambulance Service personnel attend a live training session. Erin offered several classes over the month. This proved to be very valuable, as there were many questions raised about the changes and Erin was able to provide immediate feedback that would not have been available in the online format.

Approval of the use of some new technology was also part of the protocol changes. Maine EMS approved the use of mechanical CPR devices as well as the use of video laryngoscopes. While Maine EMS can require services to purchase certain equipment, neither of these are a requirement. (At least for the time being). The mechanical CPR devices can cost upwards of \$25,000 each and the video laryngoscopes can run in the neighborhood of \$2,000. I believe that we may have enough money in our equipment account to purchase one set of video laryngoscopes. We will be on the lookout for grant money for additional equipment.

This month I have received several cards and phone calls from patients thanking the crews of WAS for their excellent care and compassion. We have an excellent crew of dedicated providers. I am proud to work them every day and appreciate their devotion to the communities that we service.

Respectfully

Dennis Simmons



Town of Wiscasset

Wiscasset Police Department

To: John O'Connell, Town Manager
From: Lawrence Hesseltine, Wiscasset Police Chief
RE: November Monthly Report
Date: December 4, 2019
Dated:

The Police Department responded to 366 calls for service during the month of November.
(Jan 304, Feb 634, March 800, April 543, May 846, June 445, July 496, Aug 651, Sept 442, Oct 559, Nov 366)

Officers responded to 17 motor vehicle accidents, one of which was a fatal.

Officers conducted 38 motor vehicle stops.

Arrests were made for the following:

- Operating vehicle while license suspended or revoked
- Violating PFA (x 2)
- Failing to maintain vehicle insurance
- Terrorizing, violating condition of release
- OUI
- Fugitive from justice

Year to Date calls for service is at 5975 which is a 26% increase over last year's 4389 YTD calls.

Officer Barnes graduated from the Maine Criminal Justice Academy on November 27th. Officer Hubert will be attending the academy from Dec. 30th – May 1, 2020.

The department continually struggles with staffing 24/7 coverage with only 3 full-time patrol staff and relying on part-time staff who are not always available.

Larry Hesseltine
Chief of Police
Wiscasset Police Department
51 Bath Rd.
Wiscasset, ME 04578



Town of Wiscasset

Police Report

Wiscasset Police Department
 Personnel Analysis Reports
 11/01/2019 - 11/30/2019

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 Printed: 12/04/2019

	<u>Incidents</u>	<u>Asst</u>	<u>Inc</u>	<u>Detective</u>	<u>Arrests</u>	<u>Asst</u>	<u>Arrest</u>	<u>Booking</u>	<u>Orders</u>	<u>Citations</u>	<u>Accidents</u>	<u>Asst</u>	<u>Acc.</u>	<u>Part</u>	<u>The</u>	<u>Field</u>	<u>Int</u>	<u>Asst</u>	<u>PT</u>	<u>Warrants</u>
Barnes, Jonathan	2	0	0	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0
Hatch, Berry N	7	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Hesseltine, Lawrence W	8	0	0	0	3	0	0	3	0	11	0	0	0	0	0	0	0	0	0	0
Hubert, Cory	11	0	0	0	2	0	0	2	0	7	0	0	0	0	0	0	0	0	0	0
Speer, Christopher P	1	0	0	0	0	0	0	0	0	6	0	0	0	0	0	0	0	0	0	0
Travis, Levon M	1	0	0	0	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0
TOTALS	30	0	0	0	8	0	0	8	0	28	0	0	0	0	0	0	0	0	0	0



Town of Wiscasset

PUBLIC WORKS DEPARTMENT

To: John O'Connell, Town Manager
From: Theodore Snowdon, Public Works Director
Re: November Monthly Report
Date: December 10, 2019

Operations:

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

- Started the Christmas lights for down town.
- Put winter parking signs in place throughout the town.
- Ferry landing road culvert repair. Ongoing problem is going to need replacement.
- Extensive clean up and tree removal do to wind storms.
- Pulled ferry landing float in and stored for winter.
- Filled in numerus times at Transfer Station with my part time help.
- Repaired the plow truck at airport.
- Replaced lifting ram on Bobcat at transfer station.
- Stored all summer equipment in old dump buildings.
- Closed all cemeteries for winter.
- Continues preparation and repair on equipment for snow removal.

I would also like to mention the hard work and dedication of our Public Works crew and the ongoing support from our Town Manager and staff.

To conclude, all is well within the Department.

Respectfully,
Ted/crew



Town of Wiscasset

PARKS AND RECREATION DEPARTMENT

To: John O'Connell, Town Manager
From: Duane Goud, Parks & Recreation Director
Re: November Monthly Report
Date: December 10, 2019

Program Updates

Youth Basketball started its season off with a skills clinic on Sat. Nov. 23rd. We have 60 area youth (both boys & girls) involved in our Youth Basketball program ranging from PreK - 6th grade. Our 5/6 teams (separate boys & girls) are part of a league put together by Lonnie Steeves (Winthrop) where they play home and away games against many different teams from the midcoast and central Maine regions.

Adult Basketball had its draft last Thursday, Dec. 5th. The league has 42 members (6 teams of 7) represented by 6 different businesses in our community. The league plays 3 games every Sunday evening starting Dec. 15th at 4:30 pm.

Looking forward to another great season from both of these programs.

Paddle Board Yoga was offered as a new pool program - this new program has had great reviews and participation. We will be offering it again after the new year.

Membership Sale - Buy 3 months get 1 FREE!

We held a 2 week Membership Sale (Nov. 25 - Dec. 8th) over the Thanksgiving Holiday and our Local Marketfest. Our results were very good for the time frame; there were 34 New accounts created bringing in 52 New Members. We sold a total of 131 different memberships during the sale, this sale was limited to 1 per account.

Community Events

We were closed for Thanksgiving but open the day after (Nov. 29 - Town Holiday), we had 108 members use the facility, sold an additional 13 individual Day Passes and 5 Family Day Passes bringing in a total of \$ 999.70 for the day.

Holiday Marketfest put on by the Chamber, I am hoping we can be more involved with this event moving forward. This year we had some programs that were supposed to be a part of it but conflicted with area businesses holding similar events, I didn't want to fight with our supporters for the same patrons.

Town Tree Lighting, Sat, Dec. 7th

Special thanks to Bonnie Blagdon and Chelsea Taylor for their part in getting a lot of the cookies & treats donated for this event. Thank you's also need to be given to Vickie Hersom & Chellie Pontau for their time and efforts for this event, as well as Mrs. Morrisette, Mrs. Drury, Jeff Grosser, Josh Fitterling, Rob Bickford, Bob Macdonald, David Sawyer and the Wiscasset School Chorus. This was a great event attended by many people throughout the town and area communities.

Upcoming events include our Gingerbread House Workshop (Fri, Dec 13) , Breakfast with Santa (Sat, Dec 14) & Winterfest (Fri. Jan 31 & Sat. Feb. 1).



Town of Wiscasset

Coordination Meetings & Professional Development

Staff and I met with Staff to discuss roles going forward, putting together information for the new brochure coming out mid December.

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

Bonnie & I also met with the Cooper DiPerri Scholarship Committee about scholarships and Winterfest.

I have signed up for the upcoming Northern New England Recreation & Parks Conference in New Hampshire on Jan. 7, 8 & 9.

Director's Notes

I hope everyone had a great Thanksgiving Holiday. I would like to **'Thank You'** all once again for the opportunity that you have given me. I am spending some time getting caught up on a number of different projects and/or events that I knew about but was not a part of previously. I look forward to working with everyone as we approach the upcoming budget season, looking at things that we might be able to do moving forward. **Happy Holidays** to you all, wishing you all a **Merry Christmas** and **Happy New Year**.

Duane Goud



Town of Wiscasset

TRANSFER STATION

To: John O'Connell, Town Manager
From: Ron Lear, Transfer Station Superintendent
Re: November Monthly Report
Date: December 11, 2019

Below are the materials processed thru our facility during the Month.

Type of Material	Tons	Cost/Ton
Municipal Solid Waste (Trash)	130.28	-\$70
Demo	42.47	-\$70
Recycling	25.49	0
Metal	31.29	+\$100
Computers /TV	0 lbs.	+\$0.15/lbs
Brush/Lumber	48	-\$35
Organics for Compost	1,500 lbs.	0
Mixed Copper/Alum/Lead	0 lbs.	+\$0.96/lbs.
Shingles	24.24	-\$60
	0	-\$0
Cardboard	22.64	+\$18

Below are the details of our revenue collections for the month.

Types	Revenues:
User Fees	\$2,331.20
Computers	\$0
Metal (Light iron, batteries, mixed copper)	\$0
Cardboard	\$563.60
MRC Dividend	\$0

Operations:

On the 5th we emptied 2 cans wood ash. The 6th Bob's Tire picked up 307 tires, we shipped 2 boxes to call 2 Recycle and we moved 6 yds. of inert fill. The 7th Webber picked up 1 load of grey water and the County picked up 30 yds of leaves. The 8th the County picked up 60 yds of leaves. The 12th we shipped 22.64 tons of OCC. The 13th we emptied 3 cans of wood ash. The 14th we moved 3 yds. inert fill. The 21st we emptied 2 cans of wood ash. The 27th we moved 3 yds. inert fill.

Expenses & Revenues:

Expenses are at 44.13% spent and the Revenues are at 35.19% collected.



Town of Wiscasset

TOWN TREASURER REPORT

To: John O'Connell, Town Manager
From: Vernice Boyce, Town Treasurer
Re: November Monthly Report
Date: December 4, 2019

Credit Card Receipts:

Over the counter:	\$13,049.88
Transfer station:	\$454.40
Boat excise:	\$0.00
Vehicle registration excise:	\$5,293.78
Airport:	\$11,008.91
Parks & Recreation:	\$16,457.30
Tax payments:	\$648.74
Total Credit Card Receipts	\$46,913.01

EMS payments: \$19,500.65

Bank Account Balances:	\$3,313,647.61
Town operating:	
<u>INFORME Debit/credit account:</u>	<u>\$2,800.33</u>
General Fund Total	\$3,316,447.94

School Checking: \$161,502.43

Transfers to the school: \$475,000.00

Interest earned on checking: \$5,590.89

00Budget: The Finance Department, at month end, has spent 43.98% of its budget; we are 41.67% through our current fiscal year.

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

Vernice H. Boyce

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



Town of Wiscasset

WASTE WATER TREATMENT PLANT

To: John O'Connell, Town Manager
From: Richard Gaeth, Waste Water Treatment Plant Superintendent
Re: November Monthly Report
Date: December 9, 2019

Operations:

- Average flow per day = 0.219 mg
- Licensed flow per day = 0.62 mg
- Percent of average flow per day to license limit = 35 % - divide average flow by licensed flow
- Total Rainfall per month = 3.67 inches
- BOD Effluent Lab Results for mg/L for monthly average, weekly average & daily max.- all within license limits
- BOD Effluent % Removal was 95% much better than the 85% required in the license
- TSS Effluent Lab Results for mg/L for monthly average, weekly average & daily max.-all within license limits
- TSS Effluent % Removal was 96 % much better than the 85% required in the license
- Settable Solids were within license limit of 0.3 mL/L
- PH was within license limits of 6-9
- Fecal (tracked during disinfection season) was with both daily and monthly license limits
- Total Residual Chlorine (tracked during disinfection season) was within both daily and monthly license limits

Safety:

Completed the Safety Works visit items in regards to hearing by writing a policy and having the employees have their baseline hearing tests. Completed the Safety Works visit items as a result of them completing their visit which started in June. The safety nets for the pits at the plant have been made and the installation is scheduled for December 9th.

Budget: As of November 27th we are 41.67% of the way in the budget year and the percent spent is 35.52 however that does account for anything to be put in the depreciation account so if you were to take half of that (\$50,000) and put it against the budget we would be at 42.56 percent spent. In addition we have a Loan Interest payment in January of \$47,629.

Equipment: The clarifiers are currently scheduled to be swapped on a quarterly basis due to the amount of valving changes that need to be accomplished. I am continuing to work on a list of things to do as well as the cost estimates if the Board can find money and would like me to do some part time work on projects after retiring from full time.



Town of Wiscasset

DEP Related:

Have submitted the renewal of the Plant discharge permit. Did the plant tour for the engineering firms as well as sending all the interview information to them. The interviews are to take place in December. Scheduled for a DEP inspection in December as well as a meeting with Pam Parker (DEP Enforcement) to introduce Robert Lalli as well as review and agree on the status of the consent decree so it is a seamless transition.

Preventative Maintenance:

Pumped the water out of the Air release valve pit on Birch Pt. road by the transmission line and the one by Peter Greens on Rt. 1. Also pumped out the meter pit on Railroad Ave. Have painted a few more pump stations. Working on cutting the grass for the last time at the pump stations as well as blowing leaves and debris.

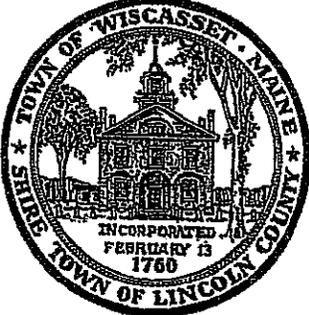
Housekeeping:

This is a continuous project and we have come quite a ways since I first started. I will advise Robert Lalli as to what I see for the future.

Robert Lalli has joined the Wastewater Treatment Plant and is scheduled to be the Supt. when I retire from my full time position at the close of business on 1/2/2020.

Respectfully Submitted,
Rick Gaeth
Superintendent

8a. ✓23j



Office of the Town Clerk

51 Bath Road
Wiscasset, ME 04578

Phone: (207) 882-8200
Fax: (207) 882-8228
E-mail: clerk@wiscasset.org

BUSINESS LICENSE APPLICATION

Every person, firm, corporation, LLC, professional association or partnership doing business within the Town of Wiscasset must complete this Application.

Name/Title of Business: BIL AL'S OUTLET INC DBA BIL AL'S FIREWORKS OUTLET
New Business Existing Business 6 years in operation Ownership/Location Change

Location of business: 300 BATH RD RT 1 Map/Lot R07 008A

Preferred mailing address: PO BOX 720 Boothby HBR 04538

Business phone number: 882-8422

Description of Business: Retail - Consumer Fireworks.

Owner's name: Al Cohen Owner's phone: 462-0750

Owner's home address: 141 Cushman Point Rd Wiscasset

*Emergency contact person: Al Cohen

*Emergency phone numbers: home: 882-9900 cell: 462-0750

*This information will be shared with 911 so you can be contacted in case of after hour emergencies.

NEW BUSINESSES ONLY COMPLETE BELOW INFORMATION

Have you seen the Code Enforcement Officer and Town Planner for approval? _____

Will you need a sign permit? _____

Will this business be a home occupation? _____

This business will be a: Corporation or LLC _____ Partnership _____ Sole proprietor _____

Would you like a link to your business placed on the Town of Wiscasset Website? Yes No

Provide e-mail and/or web address: _____

Please be aware that State licenses and permits may be required. This application must be updated annually with the Town of Wiscasset.

I, Al Cohen, state that I am President of the above name firm or business, and make oath that the information stated above is true and I am aware that all applicable local, state and federal ordinances, laws, rules, and regulations must be complied with before this License can be issued.

Date: 12-29-2018 Signature: [Signature]

TOWN CLERK

DATE RECEIVED: _____ DATE APPROVED: _____ ASSESSING: _____ WEB/LIST: _____
Rec 12/31/18 MAB

Clerk

WISCASSET VOTERS: 2926 – an increase of 172 voters from 2011

Unenrolled: 1142 Democratic: 730 Republican: 962 Green Independents: 92

ELECTIONS:

We had 4 elections in 2012, starting with a Special State Election on February 14th, (Valentine's Day) for an opening created when Senator David Trahan, R-Waldoboro, officially resigned his seat in the Maine Senate after taking a position as Director of the Sportmen's Alliance of Maine. Two candidates, Dana Dow and Christopher Johnson, were vying for this open position. Christopher Johnson was the winning candidate for this seat.

A petition requesting that the Board of Selectmen initiate the process of withdrawal from RSU #12 was received in February, 2012 and was placed on the June Town Meeting ballot. The Withdrawal Committee was formed and began to work on creating a withdrawal plan that will be submitted to the Department of Education for approval. June 12th was our Annual Town Meeting and State Primary Election. 716 voters cast their ballots giving us a 25% voter turnout. All but three budget articles passed on the municipal ballot. The code enforcement and contingency budgets failed along with the Lincoln County Television appropriation. These 3 budget amounts were re-voted with reduced budget amounts on September 11th and passed at that time. In June, we also welcomed back two returning Selectmen, Ed Polewarczyk and Judith Colby, along with first time Selectman, Jefferson Slack.

November 6th was an incredibly busy election with 2076 voters casting their ballots in this Municipal and State General/Referendum Election. It was great to see such a high voter turnout of which 1365 cast ballots in person on Election Day and the remaining 711 cast absentee ballots. We continued to educate the voting public about the law that closed absentee voting for the two business days prior to Election Day. This means that after the close of business on the Thursday preceding a Tuesday Election, absentee ballots can only be issued if one of four special circumstances are met.

NEW BUSINESSES REGISTERED IN 2012:

Asian Accents
Bellefleur Bakery
Big Al's Fireworks
Break of Day Inc.
Garden in a Cube
Griffin Construction
Golden Wok
Hunters Breakfast II
J&J Auto Repair
Karl Marean

Public Safety Solutions of Maine
Rick Scanlan Photography
Sylvan Gallery
Thai Golden Cuisine
The Kidz Closet
The Maine Craft Shack
Truffles
Wiscasset Auto Parts
Wiscasset Speedway LLC
Wolf Pack Publishing

legal
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SW In 15	DBA FILED	Month app. mailed	SPECIAL PERMITS AND LICENSES	verified		YEARS IN BUSINESS	BUSINESS	FIRST NAME	LAST NAME
				2014	2015				
YES		11	not operating out of Wiscasset	X	X		BATH/WISCASSET TAXI	SCOTT	HAINES
				X	X		BENWAY FLOORING	BRET	BENWAY
				X	X		29 BERRY STRUCTURES	LAWRENCE	BERRY
				X	X		3:BIG AL'S FIREWORKS OUTLET	AL	COHEN
				X	X		26 BIG AL'S SUPER VALUES	AL	COHEN
				X	X		6:BIG BARN COFFEE COMPANY	DANIEL	SORTWELL
LLC		12		X	X		BIRCH	BRAD	SEVALDSON
				X	X		7:BIRCH POINT SELF STORAGE	TIMOTHY	SWINBURNE
				X	X		35:BLAGDEN'S GARAGE	ROBERT	BLAGDEN
				X	X		10:BLTHE HOUSE ANTIQUES	JUDY	WANER
				X	X		5:BREAK OF DAY INC. MENTAL HEALTH GRO	KIMBERLY	GREENLEAF
				X	X		32:C & B BATT	DAVID	CRONK
				X	X		5:CARLETON REALTY	NANCY	CARLETON
				X	X		2: CARRIAGE HOUSE GARDENS	LUCIA	DROBY
				X	X		CASCO BAY LIMOUSINE LLC.	KIM	BACHELDER
LLC		11		X	X		29:CASEYS WOOD PRODUCTS	ERIC	JOHNSON
				X	X		105:CASTLE TUCKER	HISTORIC NEW ENGLAND	RUSSELL-FINANCE DIR
				X	X		35:CE/COASTAL ENTERPRISES INC	RUTH	CURTIS
				X	X		15:CENTRAL ELECTRIC INC	CHRIS	
			00b Feb 2015	X	X		2:CENTRAL MAINE PAIN MANAGEMENT	CMMC	
				X	X		54:CHEWONKI CAMPGROUND	PAWELA	BRACKETT

Snippet from 2015 business listings of
Town Clerk

9. BUSINESS LICENSE [6-06, 6-16]

9.1 PURPOSE OF PROVISIONS

The purpose of this chapter shall be to require the annual registration of all business activities and enterprises located within the town and to provide the town with the necessary information concerning the business within the town, including but not limited to the nature of the business operation, number of employees, location of business, and emergency contacts, in order to protect the health, welfare and safety of the town's inhabitants. For the purpose of this section, business activities and enterprises shall include any person or persons carrying on the businesses, trades, professions, or selling of goods, and any establishment that serves or prepares food or drink for public consumption.

9.2 DEFINITIONS

Business: Means and includes all kinds of vocations, occupations, home occupations, professions, enterprises, and nonprofits, any of which are conducted on any premises in the Town of Wiscasset.

Premises: Means and includes all land, structures and places, and the equipment and appurtenances connected or used therewith, in any business, and also any personal property which is either affixed to, or otherwise used in connection with, any such business conducted on such premises.

9.3 LICENSE REQUIRED

A person or organization may not engage in any business activity or enterprise without first obtaining a license from the Town Clerk. In addition, the applicant is responsible for compliance with all pertinent town ordinances and state laws. A separate license shall be required for each business entity and each location. All business licenses shall expire three years after the date of issuance by the Town Clerk. A thirty-day (30) grace period, beginning on the date of permit renewal, is allowed.

9.4 FEE

There shall be no fee for a business license.

9.5 PROCEDURE

Applications for business licenses shall be obtained from the Town Clerk. Applications shall be made in writing and shall state the name of the business, location of business, description of business, name of owner, mailing address of owner, emergency contact information, number of employees; Also, driver's

license number, proof of insurance, and proof of registration for those businesses and enterprises associated with motor vehicle use.

9.5.2 The Town Clerk shall submit the business license application to the Selectmen for their approval.

9.5.3 The Selectmen shall deny a license to an applicant when the application is incomplete, contains misrepresentation, false or misleading statements, is unsigned; or the applicant evades, suppresses or refuses to furnish information material to the proper issuance of the license; or the activity for which the license is sought is unlawful, or constitutes a public nuisance; or the applicant fails to first comply with any provision of this article, or other ordinance regulating the business, the business property, or the business location.

9.6 AUTHORIZATION

9.6.1 Registration does not permit the conduct of any business or enterprise if the premises to be used for the business, or the conduct of such business, does not fully comply with the Wiscasset Ordinances.

9.6.2 Non-resident businesses employed on a temporary basis to improve or repair the landowner's property.

9.7 VIOLATIONS

Any person, firm or corporation, including but not limited to a landowner or his/her agent, who violates any provision of the ordinance after receiving notice of such violation shall be subject to the applicable provisions in Town of Wiscasset Ordinances Article IX, Section 2 (General Provisions). The Wiscasset Board of Selectmen or their designee shall be responsible for the enforcement of this ordinance.

9.8 SEVERABILITY

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

9.9 EFFECTIVE DATE

The effective date of this ordinance shall be the date of its adoption.

8b



MaineDOT Use Only	
TEDOCS #:	1829572
CT#:	DOT0318-38742
CSN#:	38742
Program:	Highway Program

MODIFICATION #1 TO UTILITY AGREEMENT

MaineDOT Program/Division/Office: Highway Program
MaineDOT Contact Person: Mike Barden

<i>(MaineDOT Use Only)</i>	
Project Location: <u>Wiscasset, Rte. 1</u>	Original Agreement Amount: \$ <u>33,175.00</u>
State WIN #: <u>021843.00</u>	Modified Agreement Amount: \$ <u>N/A</u>
Federal Aid Project #: <u>N/A</u>	Vendor Customer #: <u>17A12900</u>

This Modification hereby amends a Utility Agreement that was executed by the Department on 03/02/2018 with the Town of Wiscasset for proposed adjustments to Sewer Manholes for the above referenced project as follows:

1. The Forecasted Agreement End Date has changed from June 30, 2019, to July 15, 2020.

All other terms and conditions of the original Agreement shall remain in effect. The Department and the Town of Wiscasset, by their duly authorized representatives, have executed this modification to said original Agreement on the date last signed below.

TOWN OF WISCASSET

MAINE DEPARTMENT OF TRANSPORTATION

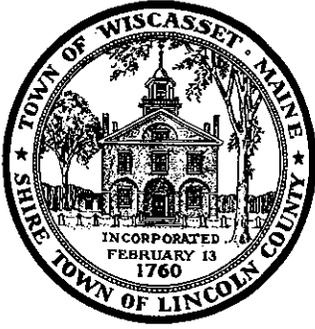
By: J. W. O'Connell
John W. O'Connell, Town Manager

By: [Signature]
~~Ernie Martin~~, Senior Project Manager Terry Blair Jr
Highway Program

October 24, 2019
Date

10/31/19
Date

9a



Town of Wiscasset

TOWN OF WISCASSET PUBLIC HEARING

The Board of Selectmen will hold a public hearing on Tuesday, December 3, 2019 at 6:00 p.m. in the Municipal Building Hearing Room. The purpose of the hearing is as follows:

To act upon a request for an Annual License for the Sale of Consumer Fireworks from the following business:

- Big Al's Outlet, Inc. d.b.a, Big Al's Fireworks Outlet, 300 Bath Road, Wiscasset

POSTED: November 20, 2019

9a



Town of Wiscasset
Sale of Consumer Fireworks
Annual License from the Board of Selectmen

COPY

Please Note: The Board of Selectmen shall issue a license if they find the applicant: has not been convicted of a Class A, B or C crime; has not through the use of fireworks, Consumer Fireworks or in any other way, created a danger to the general public; and has complied with all federal, state and local laws, ordinances, rules and regulations (12.3.2.3).

Date: 8/30/19 Map: 411 Lot: 1D

Company Name: BIGALS Outlet Inc DBA BigALS Fireworks Outlet

Address: 300 Bath Rd Wiscasset ME 04578

Town/City, State & Zip Code: P.O. Box 720 Boothby/HBR ME 04538

Phone Number: 882-6423 Fax Number: 882 5225

Name of Insurer: Scottsdale INVS Co. Policy #: CPS2850156

State License Number: CFS14 (Please include a copy of State License)

Property Owner's Name: Allen + Melina Cohen

Property Owner's Address: P.O. Box 720

Property Owner's Town/City, State & Zip Code: Boothby Harbor ME 04538

Code Enforcement Officer: [Signature] BRUCEA MULLINS 9-3-19
Signature Printed Name Date

To the best of my knowledge and belief, all information on this application, and submitted in support of/with the application, is true and correct and all proposed consumer sales of fireworks activities will conform with this application and the Town of Wiscasset's Ordinance, as applicable.

Company Signature: [Signature] Allen Cohen 8/30/19
Signature Printed Name Date

***The applicant shall be responsible for any costs associated with this application including any advertising requirements.**

Office Use Only		
By vote of the Wiscasset Board of Selectmen:	Date:	_____
Chair Wiscasset Board of Selectmen:	Signature	Printed Name Date
_____ Approved	_____ Not Approved	_____ Needs additional information



STATE OF MAINE - DEPARTMENT OF PUBLIC SAFETY
OFFICE OF STATE FIRE MARSHAL
45 COMMERCE DR STE 1
AUGUSTA, ME 04333-0001

License for Consumer Fireworks Retail Store

License No. CFS14

In accordance with the provisions of M.R.S.A. Title 8, Chapter 223-A, permission is hereby granted to sell consumer fireworks as follows:

Expiration Date: 04/10/2020
Store: BIG AL'S FIREWORKS OUTLET
Location: 300 BATH RD, US ROUTE 1, WISCASSET, ME 04578
Owner: BIG AL'S OUTLET INC.
Owner Address: PO BOX 720, BOOTHBAY HARBOR, ME 04538-0720

A handwritten signature in blue ink, consisting of stylized cursive letters.

SIGNATURE OF LICENSEE

A handwritten signature in black ink, consisting of stylized cursive letters.

COMMISSIONER OF PUBLIC SAFETY

COPY

Excerpt from Town of Wiscasset Ordinances, Article X, Section 12 (Fireworks)

12.1 SALES

12.1.1 The sale of Fireworks is prohibited.

12.1.2 The sale of Consumer Fireworks is permitted in the Rural and Commercial Districts along Route 1 from the Wiscasset/Woolwich town line to the southerly end of Flood Avenue.

12.1.2.1 The sale of Consumer Fireworks shall occur only on a lot that is conforming as to lot size and on which retail sales are allowed under the Wiscasset Zoning Ordinance.

12.1.2.2 The sale of Consumer Fireworks shall comply with all federal state and local laws, ordinances, rules and regulations.

12.1.2.3 The sale of Consumer Fireworks requires a conditional use permit from the Wiscasset Planning Board under Article VIII, Site Plan Review; a business license from the Wiscasset Town Clerk under Article IX, Section 9, of the Ordinances of the Town of Wiscasset; and an annual license from the Board of Selectmen. The application for the annual license shall be on a form provided by the Town and require the payment of an application fee in an amount set by the Selectmen that will offset the Town's processing and inspection costs. A public hearing shall be held for the first annual application and may be held for renewal applications. The Board of Selectmen shall issue a license if they find the applicant:

12.1.2.3.1 has not been convicted of a Class A, B or C crime;

12.1.2.3.2 has not, through the use of Fireworks, Consumer Fireworks or in any other way, created a danger to the general public; and

12.1.2.3.3 has complied with all federal, state and local laws, ordinances, rules and regulations.

Title 8: AMUSEMENTS AND SPORTS
Chapter 9-A: FIREWORKS

§223-A. Sale of consumer fireworks

1. Sale of consumer fireworks. A person may not sell consumer fireworks unless that person is 21 years of age or older and possesses:

A. A federal permit to sell fireworks under 18 United States Code, Section 843; [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

B. A license under subsection 3; and [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

C. A municipal permit if required under subsection 2. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

[2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF) .]

2. Municipalities. The legislative body of a municipality may adopt an ordinance to prohibit or restrict the sale or use of consumer fireworks within the municipality. Municipalities that prohibit or restrict the sale or use of consumer fireworks shall provide to the Office of the State Fire Marshal a copy of the relevant restriction or prohibition within 60 days of adoption. A municipality may require that a person obtain a municipal permit for selling consumer fireworks within the municipality. A municipality that chooses to issue municipal permits under this subsection shall notify the Office of the State Fire Marshal at least 60 days prior to the initiation of its permitting program for the sale of consumer fireworks. A municipal permit may not be issued unless:

A. The applicant is 21 years of age or older; [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

B. The applicant applies for a permit under this subsection on a form prescribed by the commissioner; [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

C. The applicant possesses the federal permit required under subsection 1, paragraph A; [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

D. The applicant complies with the provisions of subsection 4; and [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

E. The application is approved by the municipality's police chief, fire chief and code enforcement officer if those positions exist. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

A municipality may require a reasonable fee for a permit issued under this subsection. A person holding a permit issued by a municipality under this subsection may not sell consumer fireworks unless the person satisfies all the requirements of subsection 1.

[2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF) .]

3. State license. The commissioner may issue a license to sell consumer fireworks to an applicant who:

- A. Is 21 years of age or older; [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]
- B. Possesses the permits required under subsection 1, paragraphs A and C; [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]
- C. Complies with the provisions of subsection 4; and [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]
- D. Has not been convicted of an offense or violated a state, federal or municipal law, rule or regulation involving fireworks or explosives within the 2 years prior to the application. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

The commissioner shall charge a fee of \$5,000 for the initial license issued to an applicant and \$1,500 for each annual license renewal. The term of a license is one year. A separate license is required for each location at which an applicant seeks to sell consumer fireworks. Fees collected under this subsection must be deposited in a nonlapsing account of the Office of the State Fire Marshal to be used for the purpose of enforcing this section.

[2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF) .]

4. Storage and handling. A person authorized to sell consumer fireworks under subsection 1 may store and sell the fireworks only in a permanent, fixed, stand-alone building dedicated solely to the storage and sale of consumer fireworks in accordance with this subsection.

- A. The building must be constructed, maintained and operated, and all consumer fireworks must be stored, in compliance with the requirements of National Fire Protection Association Standard 1124, as adopted by the Office of the State Fire Marshal, relevant building codes, zoning ordinances and other municipal ordinances. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]
- ~~*~~ B. The building may not be less than 60 feet from another permanent building and may not be less than 300 feet from a structure at which gasoline, propane or other flammable material is sold or dispensed. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]
- C. Cigarettes, tobacco products or lighters or other flame-producing devices may not be permitted in the building. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]
- D. A person under 21 years of age may not be admitted to the building unless accompanied by a parent or guardian. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

E. Notwithstanding paragraph D, a person at least 18 years of age may handle and sell consumer fireworks if the person is under the direct supervision of a person 21 years of age or older. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

[2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF) .]

5. Insurance. A person authorized to sell consumer fireworks under subsection 1 shall at all times maintain public liability and product liability insurance with minimum coverage limits of \$2,000,000 to cover the losses, damages or injuries that might ensue to persons or property as a result of the person selling consumer fireworks.

[2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF) .]

6. Advertising. A person may not advertise the sale of consumer fireworks in a way that is misleading about the conditions under which consumer fireworks may be purchased or used or about the requirements of this section. An advertisement for the sale of consumer fireworks must contain the words "Check with your local fire department to see if consumer fireworks are allowed in your community" in a conspicuous location and in a consistent font as approved by the commissioner.

[2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF) .]

7. Civil liability. A person who violates the provisions of this section is liable in a civil action for damages for bodily injury or property damage resulting from violation, and the defenses under Title 14, section 156 or a defense based on assumption of risk may not be used by the person.

[2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF) .]

8. Restrictions on use of consumer fireworks. The use of consumer fireworks is governed by this subsection.

A. Consumer fireworks may be used between the hours of 9:00 a.m. and 10:00 p.m., except that on the following dates they may be used between the hours of 9:00 a.m. and 12:30 a.m. the following day:

(1) July 4th;

(2) December 31st; and

(3) The weekends immediately before and after July 4th and December 31st. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

B. A person may use consumer fireworks only on that person's property or on the property of a person who has consented to the use of consumer fireworks on that property. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

A person who violates this subsection commits a civil violation for which a fine of not less than \$50 and not more than \$500, plus court costs, may be adjudged for any one offense.

[2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF) .]

9. Enforcement against licensees. The commissioner, a state law enforcement officer, a municipal law enforcement officer, a code enforcement officer or a fire safety official may petition the Superior Court or District Court to seize or remove at the expense of a licensee consumer fireworks sold, offered for sale, stored, possessed or used in violation of this section. The commissioner may immediately suspend a license granted under subsection 3 for a violation of this section. A person whose license is suspended under this subsection must receive a hearing within 10 days of the suspension under Title 5, chapter 375, subchapter 4. A person whose license is suspended under this subsection may not receive a license under subsection 3 for a period of at least one year from the date of suspension.

[2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF) .]

10. Disclosures to customers. A person authorized to sell consumer fireworks shall provide to the purchaser at the point of sale written guidelines describing the safe and proper use of consumer fireworks. The guidelines must also include the following statements in a conspicuous location: "MAINE LAW EXPRESSLY PROHIBITS PERSONS UNDER 21 YEARS OF AGE FROM PURCHASING, POSSESSING OR USING CONSUMER FIREWORKS" and "FURNISHING CONSUMER FIREWORKS TO PERSONS UNDER 21 YEARS OF AGE IS A CRIMINAL OFFENSE IN MAINE." Such guidelines must be published or approved by the commissioner prior to distribution.

[2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF) .]

11. Prohibited acts. This subsection governs prohibited acts.

A. A person may not sell consumer fireworks within the State unless that person holds a valid license or is an employee or agent of a person that holds a valid license. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

B. A person licensed to sell consumer fireworks under this chapter may not sell consumer fireworks to a person under 21 years of age or who appears to be under the influence of alcohol or drugs. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

C. Except as specifically allowed under subsection 4, paragraph E, a person may not knowingly:

(1) Procure, or in any way aid or assist in procuring, furnish, give, sell or deliver consumer fireworks for or to a person under 21 years of age; or

(2) Allow a person under 21 years of age under that person's control or in a place under that person's control to possess or use consumer fireworks. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

D. A person under 21 years of age may not purchase, use or possess consumer fireworks within the State or present to a person licensed to sell consumer fireworks any evidence of age that is false, fraudulent or not actually the person's own for the purpose of purchasing consumer fireworks. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

It is an affirmative defense to prosecution for a violation of paragraph B or C that the licensee sold consumer fireworks to a person under 21 years of age in reasonable reliance upon fraudulent proof of age presented by the purchaser.

[2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF) .]

12. Violations. The following penalties apply to violations of subsection 11.

A. A person who violates subsection 11, paragraph A, B or C commits a Class D crime. If the violation involves furnishing consumer fireworks to a minor, a fine of not less than \$500 must be imposed in addition to any term of imprisonment the court may impose. If a person violates subsection 11, paragraph A, B or C after having been convicted of violating the same paragraph one or more times within the previous 6-year period, a fine of not less than \$1,000 must be imposed in addition to any term of imprisonment the court may impose. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF) .]

B. A person who violates subsection 11, paragraph D commits a civil violation for which a fine of not less than \$200 and not more than \$400 must be imposed. If the person has been previously convicted of violating subsection 11, paragraph D one or more times, a fine of not less than \$300 and not more than \$600 must be imposed. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF) .]

Fines collected under this subsection must be deposited in a nonlapsing account of the Office of the State Fire Marshal to be used for the purpose of enforcing this section.

[2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF) .]

13. Annual report to the Legislature. Beginning in 2013, the Office of the State Fire Marshal shall submit to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters a written report regarding the sale and use of consumer fireworks in this State. The report must, at a minimum, include information on the issuance and oversight of licenses to sell consumer fireworks, reported consumer fireworks-related injuries, reported consumer fireworks-related fires or other property damage and municipal restrictions or prohibitions on the sale or use of consumer fireworks. The report must be submitted not later than March 1st each year.

[2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF) .]

SECTION HISTORY

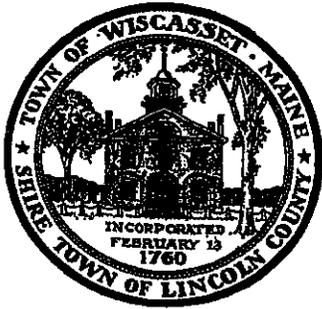
2011, c. 416, §5 (NEW). 2011, c. 416, §9 (AFF) .

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.

If you need legal advice, please consult a qualified attorney.

[Office of the Revisor of Statutes \(mailto:webmaster_ros@legislature.maine.gov\)](mailto:webmaster_ros@legislature.maine.gov) · 7 State House Station · State House Room 108 · Augusta, Maine 04333-0007

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Office of Planning & Codes

IN THE MATTER OF:

- **Site Plan Review Application of Allen S. Cohen titled "New building addition for the sale of consumer fireworks"**
- **Decision of Wiscasset Planning Board**

Pursuant to the provisions of the Town of Wiscasset Site Plan Review Ordinance, the Wiscasset Planning Board has considered the application of Allen S. Cohen, including supportive data, public hearing testimony and related materials contained in the record. The Planning Board makes the following Findings of Fact and Conclusions of Law for the proposal of a new building addition for the sale of consumer fireworks.

Findings of Fact

The applicant proposes to develop a 1,680 square foot building on his property for the sale of consumer fireworks. The applicant is proposing new construction of nonresidential buildings which qualify for Site Plan Review Approval by the Wiscasset Planning Board under Article VIII, Site Plan Review, section 2- Applicability, of the Town of Wiscasset Ordinances.

The above-mentioned Site Plan Review development is located at 298 Bath Road, Municipal Tax Map U-11, Lot 1D. The proposed development is located in the Rural Zoning District as defined in the Town of Wiscasset Ordinances (Article VI Definition of Districts and Zoning Map JJ).

The applicant received approval of a site plan pre-application on March 26, 2012. The Planning Board members Peter McRae, Debra Pooler and Jackie Lowell conducted a site inspection on April 3, 2012. On April 9, 2012, the Board determined the Site Plan Review Application to be complete and set a public hearing date for April 23, 2012. The public hearing was held on April 23, 2012 as scheduled and published in the Lincoln County News as well as the Wiscasset Newspaper. Following the public hearing on April 23, 2012 the Board voted to approve the compliance with performance standards associated with the Wiscasset Site Plan Review Ordinance, Article VIII, Section 6 and approved Allen S. Cohen's proposal to build a new building for the sale of consumer fireworks Site Plan Review Application, contingent on approval of the required state and federal permits for the sale of consumer fireworks.

Conclusions of Law

In view of the above actions and supporting documentation and plans in the record, the Planning Board makes the following conclusions of law.

Town of Wiscasset Site Plan Review Ordinance: Performance Standards

- 6.1 **Preserve and Enhance the Landscape.** The site plan indicates the proposed building will be located in an existing parking area and will not disturb any current vegetation on the site.
- 6.2 **Filling and Excavation.**
- 6.2.1 The proposed development will be conducted on an asphalt area that currently exists.
- 6.2.2 The proposed development activity will not require the use of debris basins, sediment basins, silt traps or other acceptable methods to trap sediment from storm water runoff.
- 6.2.3 No fill materials will be placed within 20 feet of the banks of any stream or water bodies. No topsoil will be removed from any area, except for that removed from areas to be occupied by the proposed building.
- 6.3 **Air Quality.** The proposed development was not found to result in undue air pollution or odors.
- 6.4 **Water Supply.** The Wiscasset Water District will provide the water supply. The Water District has the capacity to serve the proposed development. Water from an existing water main will be used only to supply water to the required sprinkler system.
- 6.5 **Natural Beauty.** The proposed development was not found to have an adverse effect on scenic or natural beauty of the area. Existing vegetation and trees will not be disturbed on the site; the proposed location for development is on a paved parking lot within a commercially developed area.
- 6.6 **Relationship to Environmental and Neighboring Buildings.**
- 6.6.1 The proposed development was found to relate harmoniously with the terrain and to existing buildings in the vicinity which have a visual relationship to the proposed building and shall not interfere with the solar access of existing buildings on adjacent parcels.
The location, architecture and size of the proposed development are intended to enhance and compliment the neighboring commercial development.
- 6.6.2 The proposed development is within an existing commercially developed site. The parcels abutting the property are of similar use; therefore no vegetation shield will be required.
- 6.7 **Vehicular Access.** The proposed development is within an existing commercially developed site. The existing layout was found to provide for safe access to and egress from Bath Road. David Allen from the Maine Department of Transportation was contacted regarding the

proposed development. Because the proposed building will be part of the existing business no additional entrance permit will be required.

6.8 Parking and Circulation.

- 6.8.1 The existing layout and design of all means of vehicular and pedestrian circulation and parking areas will continue to provide for safe general circulation on the project site.
- 6.8.2 The existing parking area will remain unchanged from its existing layout. No alterations are being proposed for the remaining parking. Eight parking spaces will be lost from the building addition. Remaining parking will be sufficient for the business.
- 6.8.3 No hotel, motel or bed and breakfast is proposed as part of this development.
- 6.8.4 The proposed development is not within the village business zone.

6.9 Surface Water Drainage. The proposed development will be located in an existing parking area. Existing provision for surface drainage are adequate for the addition of the proposed building. No new drainage provisions are being required for this development.

6.10 Existing Utilities and Municipal Services.

6.10.1 and 6.10.2. The development is serviced by existing municipal infrastructure minimizing the need for public investment. All on-site construction will be financed and constructed by the applicant. The proposed development will not have an adverse impact on municipal services.

6.11 Water Quality. No activity or use will deposit wastewater on or into the ground or discharge into waters. Existing storm water management provisions on the site will accommodate the addition of the proposed building.

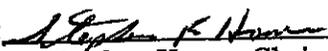
Therefore, the Planning Board hereby approves, with the attached conditions, the application of Allen S. Cohen to construct an additional building for the sale of consumer fireworks as described within the above Findings of Fact and Conclusions of Law and contingent on receipt of required state and federal permits for the sale of consumer fireworks.

Conditions of Approval

- a. The applicant shall secure applicable approvals from the Wiscasset Sewer and Water Departments and install these utilities before the buildings are occupied.
- b. The applicant shall secure the required state and federal permits for sale of consumer fireworks.
- c. The applicant shall obtain required building and sign permits from the Code Enforcement Officer as required by the Town of Wiscasset Ordinances.

Dated at Wiscasset the 14th day of May 2012.

WISCASSET PLANNING BOARD

By: 
Stephen House, Chairman



Office of the Town Clerk

51 Bath Road
Wiscasset, ME 04578

Phone: (207) 882-8200

Fax: (207) 882-8228

E-mail: clerk@wiscasset.org

BUSINESS LICENSE APPLICATION

Every person, firm, corporation, LLC, professional association or partnership doing business within the Town of Wiscasset must complete this Application.

Name/Title of Business: Coastal Maine Cuts
New Business Existing Business years in operation Ownership/Location Change

Location of business: 106 Main St Wiscasset ME 04578 Map/Lot
Preferred mailing address: 20 Alexander Reed Rd Richmond ME 04357
Business phone number: 207-319-3780
Description of Business: Hair Shop

Owner's name: Chantel Jacobs Owner's phone: 207-319-3780
Owner's home address: 20 Alexander Reed Rd Richmond ME 04357

*Emergency contact person: Tiffany Dauphin
*Emergency phone numbers: home: _____ cell: 207-837-9109

*This information will be shared with 911 so you can be contacted in case of after hour emergencies.
*If you are an existing business and would like to be placed on the Town of Wiscasset Website please complete the section in the "New Business" box below.

NEW BUSINESSES ONLY COMPLETE BELOW INFORMATION	
Have you seen the Code Enforcement Officer and Town Planner for approval?	<u>YES</u>
Will you need a sign permit?	<u>yes</u>
Will this business be a home occupation?	<u>NO</u>
This business will be a:	Corporation or LLC _____ Partnership _____ Sole proprietor <input checked="" type="checkbox"/>
Would you like a link to your business placed on the Town of Wiscasset Website?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Provide e-mail and/or web address:	<u>CoastalMainecuts@gmail.com</u>

Please be aware that State licenses and permits may be required. This application must be updated every three years with the Town of Wiscasset.

I, Chantel Jacobs, state that I am Sole proprietor/owner of the above name firm or business, and make oath that the information stated above is true and I am aware that all applicable local, state and federal ordinances, laws, rules, and regulations must be complied with before this License can be issued.

Date: Nov. 14, 2019 Signature: _____

(TOWN CLERK SECTION BELOW)

11/19/19
DATE RECEIVED: _____ DATE APPROVED: _____ ASSESSING: _____ WEB/LIST: _____

BUSINESS LICENSE APPLICATION-NEW

Business Requesting License: Coastal Maine Cuts

Code Enforcement Officer:

Comments: NO COMMENTS

Signed: [Signature] Dated: 11-21-19

Wiscasset Police:

Comments: NO COMMENTS

Signed: [Signature] Dated: 11-18-19

Planning Department:

Comments: ~~_____~~

Signed: _____ Dated: _____

Fire Department:

Comments: NO Comment

Signed: [Signature] Dated: 11/19/19

License Approved: _____ Dated: _____



Office of the Town Clerk

51 Bath Road
Wiscasset, ME 04578

Phone: (207) 882-8200
Fax: (207) 882-8228
E-mail: clerk@wiscasset.org

BUSINESS LICENSE APPLICATION

Every person, firm, corporation, LLC, professional association or partnership doing business within the Town of Wiscasset must complete this Application.

Name/Title of Business: Wiscasset Veterinary Hospital

New Business Existing Business years in operation Ownership/Location Change

Location of business: 161 Gardiner Rd. Map/Lot R-06/2B

Preferred mailing address: 161 Gardiner Rd.

Business phone number: + to be determined

Description of Business: Veterinarian

Owner's name: Holly B. Noble Owner's phone: 860-748-8595

Owner's home address: 161 Gardiner Rd. (but until about 01/20/19 Island View Dr., Bailey Island)

*Emergency contact person: Holly Noble

*Emergency phone numbers: home: _____ cell: 860-748-8595

*This information will be shared with 911 so you can be contacted in case of after hour emergencies.

NEW BUSINESSES ONLY COMPLETE BELOW INFORMATION

Have you seen the Code Enforcement Officer and Town Planner for approval? Yes

Will you need a sign permit? Yes

Will this business be a home occupation? Yes, initially no

This business will be a: Corporation or LLC Partnership _____ Sole proprietor _____

Would you like a link to your business placed on the Town of Wiscasset Website? Yes No

Provide e-mail and/or web address: + to be determined i. Done

Please be aware that State licenses and permits may be required. This application must be updated annually with the Town of Wiscasset.

3 yrs.

I, Holly B. Noble, state that I am owner / single member of the above name firm or business, and make oath that the information stated above is true and I am aware that all applicable local, state and federal ordinances, laws, rules, and regulations must be complied with before this License can be issued.

Date: 11/26/19

Signature: Holly B. Noble

TOWN CLERK

DATE RECEIVED: _____ DATE APPROVED: _____ ASSESSING: _____ WEB/LIST: _____

BUSINESS LICENSE APPLICATION-NEW

Business Requesting License: Wiscasset Veterinary Hospital

Code Enforcement Officer:

Comments: NO CONCERNS

Signed: [Signature] Dated: 12-3-19

Wiscasset Police:

Comments: NO CONCERNS

Signed: [Signature] Dated: _____

Planning Department:

Comments: [Crossed out]

Signed: _____ Dated: _____

Fire Department:

Comments: NO CONCERNS

Signed: [Signature] Dated: Dec 3, 2019

License Approved: _____ Dated: _____



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



106

JANET T. MILLS
GOVERNOR

GERALD D. REID
COMMISSIONER

November 21, 2019

Town of Wiscasset
John W. O'Connell, Town Manager
51 Bath Road
Wiscasset, Maine 04578

RE: Administrative Consent Agreement, Air Quality Violation, former Huber's Market

Dear Mr. O'Connell:

Enclosed please find a draft Administrative Consent Agreement addressing violation(s) of the Maine Department of Environmental Protection rule *Open Burning*, 06-096 C.M.R. ch. 102, §§ 2(A) and 2(A)(3).

Enclosed with this letter is the Department's Administrative Consent Agreement Fact Sheet. This information sheet was designed to help you understand the Administrative Consent Agreement you have received and answer some commonly asked questions concerning the enclosed document.

The proposed Consent Agreement includes a monetary penalty. The factors considered by the Department in determining the proposed civil penalty include economic benefit, environmental impact, and the significance of the violation within the regulatory scheme.

Please carefully review this draft document and contact me if you have any comments. If you wish to enter into the Agreement as proposed, please respond and I will send you (by postal delivery) the final document. The final Consent Agreement will need to be signed and returned to this office along with a check payable to the *Treasurer, State of Maine*, for the required amount. The Agreement will then be presented to the Board of Environmental Protection and the Attorney General for approval. If approved by the Board of Environmental Protection and Attorney General, a completed copy of the Agreement will be returned to you

Please respond within five (5) working days of receipt of this notification and indicate whether or not you are prepared to enter into the Agreement or discussions to resolve this matter administratively. If you have any questions or desire to request a conference for the purpose of settlement, please contact me at 207-480-0143.

If an Agreement resolving this matter cannot be reached in an expeditious manner, the Department may initiate more formal action.

Sincerely,

Tracy W. Kelly
Bureau of Air Quality Control

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



JANET T. MILLS
GOVERNOR

GERALD D. REID
COMMISSIONER

IN THE MATTER OF:

TOWN OF WISCASSET) ADMINISTRATIVE CONSENT
WISCASSET, MAINE) AGREEMENT
AIR QUALITY VIOLATION) (38 M.R.S. § 347-A)
2019-164-A)

This Agreement, by and among the Town of Wiscasset and the Department of Environmental Protection (“Department” or “DEP”), as approved by the Maine Board of Environmental Protection (“Board”), is entered into pursuant to the laws concerning the Department’s *Organization and Powers*, 38 M.R.S. §§ 347-A(1) and 341-D(6).

THE PARTIES AGREE AS FOLLOWS:

1. The Town of Wiscasset is a municipal corporation, which is organized and exists under the laws of the State of Maine and is located in the County of Lincoln.
2. The Town of Wiscasset operates a volunteer, paid-on-call fire department that serves the citizens and visitors to the Town of Wiscasset and neighboring towns.
3. The violation described herein occurred at property owned by Wiscasset Bath BTS Retail, LLC, formerly known as Huber’s Market, located at 279 Bath Road in Wiscasset and more specifically described in the deed recorded in Book 5388, Page 19 at the Lincoln County Registry of Deeds (hereinafter referred to as the “Huber’s Market property”).
4. Throughout the period of time addressed by this Agreement, the Town of Wiscasset was subject to Department rules *Open Burning*, 06-096 C.M.R. ch. 102, §§ 2(A) and 2(A)(3), which states in pertinent parts:

(A) Permissible Open Burning With Permit. When not prohibited by local ordinances the following types of burning are permissible if a permit has been obtained from the Town Forest Fire Warden, forest ranger, or local fire prevention official having jurisdiction over the location where the fire is to be set, so long as the burning is conducted according to the terms and conditions of such permit and provided no nuisance is created.

.....
(3) Burning of solid or liquid fuels and structures for the purpose of research or bona fide instruction and training of municipal or volunteer firefighters pursuant to Maine Revised Statutes Title 26, section 2102 and industrial fire fighters in

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

IN THE MATTER OF:

TOWN OF WISCASSET) ADMINISTRATIVE CONSENT
WISCASSET, MAINE) AGREEMENT
AIR QUALITY VIOLATION) (38 M.R.S. § 347-A)
2019-164-A

methods of fighting fires when conducted under the direct control and supervision of qualified instructors and with a written objective for the training. For purposes of this section, "qualified instructor" means the fire chief or designee or a fire-fighting instructor. Structures burned for instructional purposes must first be emptied of waste materials that are not part of the training objective.

5. On August 6, 2019, the Department became aware of a structure that had been burned for a purported fire training exercise organized by Wiscasset Fire Chief T. J. Merry that had occurred on August 4, 2019 in the Town of Wiscasset at the Huber's Market property.
6. On August 8, 2019, the Department investigated the reports that a fire training exercise occurred at the Huber's Market property. While on site, staff observed that waste materials appeared to have been burned, including but not limited to: fluorescent lighting tubes, lighting fixtures, small appliances, aerosol and paint cans, and other various waste items.
7. During the investigation, the Department verified that no written training plan for the exercise had been prepared or submitted to the Department. Non-wood waste materials were not removed prior to the intentional burning of the building.
8. During the investigation, the Town of Wiscasset provided staff a copy of a Pre-Demolition Asbestos Survey by ATC, dated November 11, 2018, that had been completed prior to the burn of the Huber's Market building.
9. During the investigation, the Town of Wiscasset informed staff that smoke complaints were received and traffic was disrupted on US Route 1 during the fire training exercise described in Paragraph 5 of this Agreement.
10. Traffic disruption on US Route 1 from smoke due to the burning of the structure created a nuisance that violated 06-096 C.M.R. ch. 102, § 2(A).
11. By burning a structure without a written objective for training or without first removing waste materials from the structure, the Town of Wiscasset violated 06-096 C.M.R. ch. 102, § 2(A)(3).
12. On September 26, 2019, the Department issued a Notice of Violation to the Town of Wiscasset for the activities described in Paragraphs 5-11 of this Agreement in accordance with 38 M.R.S. § 347-A(1)(B). The parties agree that this Agreement constitutes a Notice of Violation pursuant to 38 M.R.S. § 347-A(1)(B) for any violations specifically cited in this Agreement but not previously noticed, and the parties agree that they have been adequately noticed for all respective violations herein.

IN THE MATTER OF:

TOWN OF WISCASSET)	ADMINISTRATIVE CONSENT
WISCASSET, MAINE)	AGREEMENT
AIR QUALITY VIOLATION)	(38 M.R.S. § 347-A)
2019-164-A		

13. The Town of Wiscasset performed the following corrective actions:
 - a. Ash residue was analyzed, and a report documents the material burned contained no RCRA 8 Metals.
 - b. Ash and other debris were removed and transported by Riverside Disposal of Chelsea, Maine, and Grimm Industries of Topsham, Maine. Both companies are licensed to transport Category A wastes in Maine.
 - c. Copies of records of laboratory analysis and facility tipping receipts for the corrective actions listed in subparts b and c of this Paragraph 13 were provided to the Department.
14. This Agreement is not effective until it is approved and signed by the Board and the Office of the Attorney General.
15. To resolve the violation referred to in Paragraphs 5-11 of this Agreement, the Town of Wiscasset agrees to pay to the *Treasurer, State of Maine*, immediately upon signing this Agreement, a civil monetary penalty in the amount of one thousand dollars (\$1,000.00).
16. The Department and Office of the Attorney General grant a release of their causes of action against the Town of Wiscasset for the specific violation listed in Paragraphs 4-11 of this Agreement on the express condition that all actions listed in Paragraph 15 of this Agreement are completed in accordance with the express terms and conditions of this Agreement. This release shall not become effective until all requirements of this Agreement are satisfied, as determined by the Department and the Office of the Attorney General in their sole discretion.
17. Any non-compliance with this Agreement, as determined by the Department and the Office of the Attorney General in their sole discretion, voids the release set forth in Paragraph 16 of this Agreement and may lead to an enforcement action pursuant to 38 M.R.S. §§ 347-A(1)(A), 347-A(5), or 348, as well as pursuit of other remedies.
18. By signing and executing this Agreement, the Town of Wiscasset knowingly, voluntarily, intentionally, permanently, and irrevocably waives any and all defenses it has or might have with respect to the enforcement of this Agreement.

IN THE MATTER OF:

TOWN OF WISCASSET) ADMINISTRATIVE CONSENT
WISCASSET, MAINE) AGREEMENT
AIR QUALITY VIOLATION) (38 M.R.S. § 347-A)
2019-164-A

IN WITNESS WHEREOF the parties hereto have executed this Agreement consisting of four (4) pages:

TOWN OF WISCASSET

BY: _____ DATE: _____
JOHN O'CONNELL, TOWN MANAGER

MAINE BOARD OF ENVIRONMENTAL PROTECTION

BY: _____ DATE: _____
MARK C. DRAPER, CHAIR

MAINE OFFICE OF THE ATTORNEY GENERAL

BY: _____ DATE: _____
LAURA JENSEN, ASSISTANT ATTORNEY GENERAL



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Administrative Consent Agreement Fact Sheet

SUMMARY

Violations of Maine's environmental laws may warrant resolution in a written binding document that requires corrective actions by a violator and payment of monetary penalties. These written resolutions are accomplished through voluntary agreements entered into between a violator, the Maine Department of Environmental Protection (Maine DEP) and Maine Department of Attorney General (Maine AG). This fact sheet reviews the process associated with resolving violations by agreement with Maine DEP, using an *Administrative Consent Agreement*.

WHAT ARE ADMINISTRATIVE CONSENT AGREEMENTS?

The Maine Legislature has provided Maine DEP with three primary enforcement tools for resolving significant environmental violations in writing — Administrative Consent Agreements, Administrative Enforcement Hearings and court actions. Maine DEP's Administrative Consent Agreement authority allows violations to be resolved in a negotiated settlement without the need for going to court.

Administrative Consent Agreements are voluntary, and the terms and conditions of such agreements are the product of a negotiation process between the violator, Maine DEP and Maine AG. If the Administrative Consent Agreement process is initiated, but ultimately fails to result in an agreement, Maine DEP or the Maine AG may initiate judicial proceedings to achieve a resolution.

WHY ARE ADMINISTRATIVE CONSENT AGREEMENTS PROPOSED?

Maine DEP staff is responsible for inspecting records and sites throughout the State to ensure that people and businesses comply with Maine's environmental laws. When a violation is discovered, Maine DEP staff documents what they observed and notify those they believe are responsible for those violations. An Administrative Consent Agreement may be proposed to resolve documented violations after Maine DEP staff and management look at the individual facts and factors in a case and determine whether an Administrative Consent Agreement is appropriate.

WHO WRITES AND APPROVES A PROPOSED ADMINISTRATIVE CONSENT AGREEMENT?

If Maine DEP determines that an Administrative Consent Agreement is appropriate, Maine DEP staff trained in case evaluation and resolution drafts a proposed agreement. Often the person drafting the Administrative Consent Agreement is the same person that investigated and documented the violations. Once a draft of the proposed Administrative Consent Agreement is created, supervisors, the Maine DEP Enforcement Specialist, and the Maine AG review the draft prior to it being sent to the violator.

WHAT HAPPENS ONCE A PROPOSED ADMINISTRATIVE CONSENT AGREEMENT IS SENT TO THE VIOLATOR?

Proposed Administrative Consent Agreements are based on the information known to Maine DEP as a result of its investigations. The settlement terms contained in a proposed Administrative Consent Agreement are what the Maine DEP believes will constitute a full and fair settlement of the matter. The recipient should carefully read the proposed Administrative Consent Agreement and any correspondence accompanying the proposal. If the recipient disagrees with the facts, required corrective actions, or proposed penalty, the recipient has the opportunity to respond to the proposal in writing or request a meeting to discuss the proposal with Maine DEP staff. Maine DEP is required by law to provide a reasonable period of time for the violator to respond to a proposed Administrative Consent Agreement and must offer the violator an opportunity to meet with Maine DEP staff to discuss the terms of the agreement. Any deadline for responding to a proposed Administrative Consent Agreement, or for acknowledging receipt of the proposal, should be respected in order to show negotiation in good-faith.

WHAT ARE THE FACTORS USED TO CALCULATE THE CIVIL MONETARY PENALTY?

Maine DEP staff calculates civil monetary penalties through the evaluation of the environmental aspects of a case, the circumstances in which the violation occurred and the deterrent effect the civil monetary penalty may have.

In evaluating the environmental and public health aspects of the case, Maine DEP staff considers:

- the environmental sensitivity where the violation occurred;
- the size of the area affected by the violation; the damage done to the environment and its potential for remediation;
- the type of activity and the general legality of such activities; the degree of deviation from standards and/or limits;
- the potential effect to human health; and
- the type of pollutant involved in the violation.

In evaluating the circumstances of the violation, Maine DEP staff considers:

- the violator's knowledge of the laws;
- the foreseeability of the violation and environmental effects;
- the cause of the violation;
- whether the violator took steps to mitigate the violations;
- how the violation was discovered by the Maine DEP;
- whether there has been restoration;
- the speed in which the violator responded to correct their violation;
- the quality of the violator's response;
- the potential for recurring violations;
- the level of cooperation with Maine DEP once the violation was discovered; and
- the compliance history of the violator.

Other factors Maine DEP staff considers when calculating a civil monetary penalty include:

- the deterrent effect the penalty may have on the violator and others;
- whether the violator has committed either the same or similar violations in past five years;

- whether the violator received a financial gain that was derived either through avoided costs, economic benefits, or ill-gotten gains; and
- the violator's ability to pay the penalty.

WHAT ARE SUPPLEMENTAL ENVIRONMENTAL PROJECTS?

Maine law authorizes Maine DEP to include environmentally beneficial projects, known as Supplemental Environmental Projects ("SEPs"), as part of an Administrative Consent Agreement. Generally, penalties associated with consent agreements are paid to the State's general fund or one of several funds dedicated to Maine DEP activities. The SEP law allows the penalty, other than that portion of the penalty addressing economic benefit, to be directed to an SEP. SEPs are not a tool for bringing persons charged with a violation into compliance with environmental requirements. Rather, SEPs are environmentally beneficial activities that a person charged with a violation voluntarily agrees to perform as part of an enforcement resolution, but that the violator is not otherwise obligated or likely to perform.

WHAT HAPPENS AFTER THE VIOLATOR SIGNS THE ADMINISTRATIVE CONSENT AGREEMENT?

Pursuant to Maine law, all Administrative Consent Agreements must be approved by the Board of the Maine Department of Environmental Protection (Board) and the Maine AG. After the Maine DEP receives a signed Administrative Consent Agreement from the violator, Maine DEP staff submits the agreement to the Board for its consideration and approval, which occur during a scheduled meeting of the Board. If the agreement is approved by the Board, it is sent to the Maine AG for signature. If the Board rejects the Administrative Consent Agreement, it is sent back to Maine DEP staff to be either renegotiated or resolved in another manner.

For statutory authority, please refer to:

38 M.R.S. § 347-A

38 M.R.S. § 348

38 M.R.S. § 341-D

Last revised: 10/2019

10c

<i>MaineDOT Use Only</i>	
TEDOCS #:	_____
CT#:	_____
CSN#:	_____
Program:	_____

MAINE DEPARTMENT OF TRANSPORTATION UTILITY RECEIVABLE AGREEMENT

<i>(MaineDOT Use Only)</i>	
Project Location: <u>Wiscasset</u>	Estimated Agreement Amount: \$ <u>61,500</u>
State WIN #: <u>023805.00</u>	Vendor Customer #: _____
Federal Aid Project #: <u>N/A</u>	Agreement Begin Date: _____
	Forecasted Agreement End Date: <u>June 30, 2022</u>

THIS AGREEMENT, entered into the last date signed herein at the end of this agreement, between the **Maine Department Of Transportation** (hereafter the "Department") and **Town of Wiscasset**, duly authorized and existing under the Laws of the State of Maine and having an office in the **Town of Wiscasset** County of **Lincoln** (the "Utility") (the Department and the Utility are collectively referred to as the "Parties").

1. The Department is implementing a transportation project identified as "STATE WIN: **023805.00** (the "Project") for highway improvements in the **Town of Wiscasset, Lincoln** County;

2. In connection with the Project, the Department has prepared plans and specification for the Project that resulted in the following determination:
 - The Department has identified the locations of existing utility facilities owned and maintained by the Utility and lawfully installed within the limits of the public highway right-of-way and the impact limits of the Project that must be relocated to accommodate the Project (the "Affected Facilities");

3. The Affected Facilities consist of adjusting 17 Sewer Man Holes to finish grade and modifying 12 Sewer Manholes to grade for the Town of Wiscasset;

4. The Utility has prepared and provided to the Department the scope of work necessary for relocating or installing the Affected Utilities (the "Utility Work") and the estimated costs associated therewith, which are outlined in **Appendix A**, attached hereto and made a part hereof. The costs associated with the Utility Work are the sole responsibility of the Utility.

5. The Parties wish to establish a process for including the Utility Work in the Department's construction contract for the Project.

NOW, THEREFORE, the Parties agree as follows:

6. Plans, Specifications and Estimate:

- a. The Utility shall, at its own expense, perform and provide all engineering, design and related services related to the Utility Work necessary to enable the Department and/or its consultant to generate construction plans, specifications and an estimate of material quantities for the Utility Work to be included in the Project contract. The Utility will be responsible for locating and recording the location of all Utility Work, including services and other appurtenances within the Project area. To the extent possible and consistent with laws, practices and policies of the Department and the industry, the Utility Work shall be performed in accordance with the plans and specifications provided by the Utility and, if applicable, the most recent version of the Department's Standard Specifications.
- b. All plans shall be on sheets of the same size used by the Department and be reproducible by black and white printing. Specifications shall be on 8 ½ x 11-inch paper, suitable for binding with the Department's specifications. The estimate of quantities shall be in the form prescribed by the Department. In the event of field changes to the Utility Work, the Utility shall prepare any additional plans and specifications and the Department shall prepare a Project change order and amend this Agreement incorporating any changes therein. All plans and specifications will be marked with the Federal Aid Project Number referenced in this Agreement.
- c. The Utility will provide the Department with the plans, specifications and an updated estimate as described in Appendix A no later than one month prior to the scheduled advertise date for the Project.
- d. The Utility shall be responsible for obtaining a Utility Location Permit from the Department in accordance with Title 35-A M.R.S.A. Chapter 25 and for recording the location of all utilities in a manner and form to be specified by the Department.
- e. **Standard Approach:** The Department will prepare the Project contract documents to include the Utility Work specified in Appendix A. The Utility agrees to have these items included in the Department's Project construction contract. Bidders will be required to bid both the Project work and the Utility Work. The Utility Work will be paid for by the Utility, and any changes that increase the Utility Work estimate or amount will be paid for through a written modification of this agreement approved by both the Utility and the Department.

7. Inspection:

- a. The Utility shall be responsible for providing all engineering and inspection associated with the Utility Work including computing quantities for payment and other incidental and related work unless otherwise stated herein. By the end of each work day, whenever Utility Work is performed, the Utility will provide the Department's on-site representative with an itemized summary of all the Utility Work completed.
- b. The Department shall provide inspection of the quality and compaction of backfill installed in connection with the construction contract, excluding bedding and other special backfills and materials used in the installation of the Utility Work.
- c. If the Utility Work is included in the Project contract pursuant to Section 6.e. above, the Utility agrees to the following:
 - i. Should the Utility find the Project contractor's materials or workmanship to be insufficient in any way, the Utility agrees to inform the Department's on-site representative as soon as possible, but no later than the end of the day in which the problem is identified.
 - ii. As administrator to the construction contract, the Department's on-site representative shall be responsible for authorizing all payments relating to the Utility Work, issuing all directives to the Project's contractor and making the final determination in the event of any disagreements.

8. Ownership of Completed Utilities: Upon completion of the Utility Work the Utility shall assume complete ownership of, and responsibility for, the utility facilities installed in connection with the Utility Work.

9. Claims: The Utility shall be responsible for the prompt review and settlement of any claims arising from or related to the Utility Work or its impact on the Project.

10. Indemnification: The Utility shall indemnify, defend and hold harmless the Department and its officers, employees, agents and assigns, from and against any and all claims, liability or expenses, including but not limited to reasonable attorney's fees and litigation costs (the "Claims"), to the extent such Claims are caused, or alleged to have been caused, by acts or omissions of the Utility or any of its officers, employees, agents, representatives, supervisors, contractors, subcontractors or consultants in connection with the performance of its obligations under this Agreement. Nothing in this Agreement is intended or shall be construed to waive any defense, immunity or limitation of liability that may be available to the Department or the Utility pursuant to the Maine Tort Claims Act (14 M.R.S. § 8101 *et seq.*) or any other privileges or immunities provided by law. The terms outlined in this section shall survive any termination or expiration of this Agreement.

11. **Buy America Requirements:** This agreement is subject to the requirements of Buy America in accordance with Federal Regulation 23 CFR 635.410 Section 1518. Specific requirements are presented in MaineDOT Standard Specification Section 100, Appendix A, Section 3.A., Buy America which are incorporated and made a part hereof by reference.
12. **Subsequent Excavations and/or Installations:** Except in the case of an emergency, the Utility acknowledges and agrees to refrain from applying for a permit for the excavation of the highway within the limits of the Project for a period of at least 3 years following the completion of the Project, and agrees to make all necessary notifications to abutters and occupants of the highway as otherwise required of any municipal government under the provisions of 23 M.R.S.A. § 3351. In all cases, whether an excavation moratorium as described above applies, or as in the case of Light Capital Paving projects where no excavation moratorium applies, the Utility further acknowledges and agrees that all subsequent excavations and/or installations within the right-of-way of the Project limits shall be regulated and controlled in the manner specified by the most recent version of the Department's "*Utility Accommodation Rules*", which are incorporated and made a part hereof by reference. The terms outlined in this section shall survive any termination or expiration of this Agreement.
13. **Non-Appropriation and Termination:** Anything herein to the contrary notwithstanding, the Utility acknowledges and agrees that, although the execution of this Agreement by the Department manifests the Department's intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, by law any such obligations are subject to available budgetary appropriations by the Maine Legislature and, therefore, this Agreement does not create any obligation on behalf of the Department in excess of such appropriations. In the event of unanticipated impacts on the Project, such as, changes in the Project design, or a loss in Project funding, or a delay in advertising or awarding of the contract, the Department may postpone, suspend, abandon or otherwise terminate this Agreement upon thirty (30) days written notice to the Utility and in no event shall any such action be deemed a breach of contract.
14. **Payment:** If the Utility Work is included in the Project contract pursuant to Section 6.e. above, the Utility agrees to reimburse the Department for the full amount of the cost of the utility work. A detailed breakdown of the anticipated cost of the Utility Work is attached hereto and incorporated herein as Appendix A. The Department will issue a final invoice after all the Utility Work is complete, all quantities are verified and any required adjustments have been made. The Department, at its sole discretion, may issue periodic invoices for portions of the Utility Work as it is being completed. The final invoice will include any remaining costs or credits. The Utility shall submit payment to the Department within 30 days from the invoice date.

15. Contact Information:

For the Department:

Name: Mike Barden
Address: Sta. 16 Augusta, Me. 04330
E-mail: mike.bardenc@maine.gov
Telephone: 207-624-3376

For the Utility:

Name: John W. O'Connell
Address: 51 Bath Road Wiscasset, Me. 04578
E-mail: manager@wiscasset.org
Telephone: 207-882-8200

16. No Relief of Responsibilities: Nothing in this agreement is intended, nor shall be interpreted, to relieve the Utility of any responsibilities or duties imposed upon it by law.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement effective on the date last signed below.

Town of Wiscasset

By: _____

Print Name: John W. O'Connell

Town Manager
Duly Authorized

DATE: _____

**STATE OF MAINE
DEPARTMENT OF TRANSPORTATION**

By: _____

Print Name: Doug Coombs

Project Manager
Duly Authorized

DATE: _____

APPENDIX A
PROJECT SCOPE

MAINE DEPARTMENT OF TRANSPORTATION
UTILITY RECEIVABLE AGREEMENT

Town of Wiscasset
Route 1

STATE PROJECT IDENTIFICATION NUMBER (WIN) 023805.00

Project Scope: The Affected Facilities consist of adjusting 17 Sewer Man Holes to finish grade and modifying 12 Sewer Manholes to grade for the Town of Wiscasset

ESTIMATE OF UTILITY WORK:

Item #	Pay Item	Estimated Quantity /Unit	Unit Price	Utility Cost
812.162	ADJUSTING SEWER MANHOLE TO GRADE	17 EA.	\$1,500	\$25,500
812.163	MODIFY SEWER MH, ADJUST FRAME & COVER	12 EA.	\$3,000	\$36,000
Total Cost:				\$61,500

ESTIMATED PAYMENT SCHEDULE:

Utility	Payment Amount	Estimated Invoice Date
Town of Wiscasset Final Bill	\$61,500	June 30, 2022

1 SELECTMEN REPORT

Department(s): 100 - 514
November

10d

Account	Budget Net	Curr Mnth Net	YTD Net	Unexpended Balance	Percent Spent
100 - ADMINISTRATION	172,056.00	15,932.45	67,243.90	104,812.10	39.08
101 - AIRPORT	90,769.00	2,708.98	29,256.14	61,512.86	32.23
102 - ANIMAL CONTROL	17,367.00	0.00	6,112.54	11,254.46	35.20
103 - ASSESSING	6,778.00	0.00	4,157.50	2,620.50	61.34
104 - BOARDS & COMMITTEES	2,843.00	187.59	1,157.53	1,685.47	40.72
105 - CELEBRATION	12,000.00	0.00	8,225.00	3,775.00	68.54
106 - CLERK	90,381.00	7,086.65	39,871.76	50,509.24	44.12
107 - CODE ENFORCEMENT	35,956.00	3,147.45	13,823.57	22,132.43	38.45
108 - COMMUNITY ORGANIZATIONS	62,865.00	34,240.00	34,240.00	28,625.00	54.47
109 - CONTINGENCY	20,000.00	0.00	598.00	19,402.00	2.99
110 - CONTRACTUAL SERVICES	197,500.00	12,033.05	51,460.64	146,039.36	26.06
111 - COUNTY TAX	624,976.00	0.00	624,975.37	0.63	100.00
112 - DEBT SERVICE	243,234.00	0.00	115,917.24	127,316.76	47.66
113 - ELECTIONS	19,185.00	1,053.25	1,087.98	18,097.02	5.67
114 - EMS/AMBULANCE	540,598.00	48,337.72	202,450.88	338,147.12	37.45
115 - FIRE DEPARTMENT	150,938.00	9,923.71	39,067.16	111,870.84	25.88
116 - FINANCE DEPARTMENT	223,261.00	18,654.44	94,838.01	128,422.99	42.48
117 - GENERAL ASSISTANCE	20,000.00	2,492.11	8,450.91	11,549.09	42.25
118 - MUNICIPAL BUILDING	79,141.00	6,479.53	27,841.48	51,299.52	35.18
119 - MUNICIPAL INSURANCE	201,143.00	0.00	91,438.42	109,704.58	45.46
120 - OVERLAY/ABATEMENTS	53,328.88	421.88	1,022.86	52,306.02	1.92
121 - PARKS & RECREATION	790,288.00	60,958.78	318,437.24	471,850.76	40.29
122 - PLANNING & DEVELOPMENT	28,700.00	0.00	169.55	28,530.45	0.59
123 - POLICE DEPARTMENT	435,541.00	34,942.09	172,348.38	263,192.62	39.57
124 - POLICE SCHOOL RESOURCE OFFICER	50,166.00	5,516.21	14,981.30	35,184.70	29.86
125 - PUBLIC UTILITIES	275,314.00	22,532.15	89,829.02	185,484.98	32.63
126 - PUBLIC WORKS	651,600.00	45,653.32	234,764.45	416,835.55	36.03
127 - SELECTMEN	27,162.00	1,335.87	6,868.84	20,293.16	25.29
128 - SCHOOL TOWN APPROPRIATION	5,999,053.14	498,879.43	2,494,397.15	3,504,655.99	41.58
129 - SENIOR CENTER	14,397.00	770.21	5,490.58	8,906.42	38.14
130 - SHELLFISH CONSERVATION	6,003.00	0.00	58.00	5,945.00	0.97
131 - TIF-TAX INCREMENT FINANCE	233,591.20	0.00	233,591.20	0.00	100.00
132 - TRANSFER STATION	593,944.00	48,577.58	262,097.46	331,846.54	44.13
133 - WATERFRONT & HARBORS	54,909.00	3,886.66	14,647.28	40,261.72	26.68
134 - COMPREHENSIVE PLAN	20,000.00	0.00	0.00	20,000.00	0.00
135 - TRANSFER TO CAPITAL	14,000.00	0.00	14,000.00	0.00	100.00
200 - RETIREE HEALTH INSURANCE	47,100.00	3,731.27	20,547.31	26,552.69	43.62
301 - CAPITAL	518,808.00	0.00	518,808.00	0.00	100.00
313 - COMMERCIAL PIER DEBT	40,464.00	3,371.92	16,859.60	23,604.40	41.67
314 - BACKHOE DEBT	22,237.00	1,853.07	11,118.42	11,118.58	50.00
315 - ROAD & SIDEWALK CONSTRUCTION	200,000.00	54,394.29	54,394.29	145,605.71	27.20
333 - REC CENTER CAPITAL	58,000.00	0.00	39,099.46	18,900.54	67.41
334 - FIRE & EMS RADIOS/REPEATERS	35,400.00	0.00	0.00	35,400.00	0.00
335 - MUNICIPAL BUILDING FLOOR REHAB	45,000.00	0.00	8,000.00	37,000.00	17.78
336 - COMBINING CAPITAL ACCOUNTS	157,007.35	0.00	157,007.35	0.00	100.00

@ 41.6% of Fiscal year

1 SELECTMEN REPORT

Department(s): 100 - 514
November

Account	Budget Net	Curr Mnth Net	YTD Net	Unexpended Balance	Percent Spent
400 - WASTEWATER CONT'D					
400 - WASTEWATER	750,636.00	42,839.66	266,628.45	484,007.55	35.52
401 - IMPACT FEES	49,573.24	0.00	42,600.00	6,973.24	85.93
513 - CEMETERY PERPETUAL CARE	0.00	0.00	100,000.00	-100,000.00	----
514 - CEMETERY OPERATIONS	108,013.00	3,935.25	46,838.57	61,174.43	43.36
Final Totals	14,091,226.81	995,876.57	6,606,818.79	7,484,408.02	46.89

HM Payson Monthly Statement of Wiscasset Accounts

<i>Account Name</i>	Market Value as of 09/31/2019	Market Value as of 10/31/2019	Market Value as of 11/30/2019
Montswag Dam Reserve Fund	\$ 161,605.09	\$ 167,043.10	\$ 172,850.10
Cemetery Trust Fund	\$ 1,932,094.37	\$ 1,997,109.29	\$ 2,066,535.77
General John French Scholarship	\$ 60,913.12	\$ 62,962.84	\$ 65,151.65
Jackson Cemetery Fund	\$ 30,011.70	\$ 31,021.59	\$ 32,100.01
Larabee Band Fund	\$ 726,334.84	\$ 750,775.99	\$ 776,875.58
Haggett Scholarship Fund	\$ 13,754.20	\$ 14,217.03	\$ 14,711.26
Mary Bailey Fund	\$ 442,375.62	\$ 457,261.54	\$ 473,157.55
Seth Wingren Fund	\$ 27,797.62	\$ 28,733.00	\$ 29,731.86
Wiscasset Community Center Endowment Fund	\$ 3,149.32	\$ 3,255.29	\$ 3,368.46
Cooper-DiPerri Scholarship Fund	\$ 31,332.81	\$ 32,387.16	\$ 33,513.05
Recreation Scholarship	\$ 813.80	\$ 841.19	\$ 870.43
Town of Wiscasset Edowment Fund Total	\$ 3,430,182.49	\$ 3,545,608.02	\$ 3,668,865.72
Town of Wiscasset Capital Reserve	\$ 391,833.06	\$ 405,205.54	\$ 419,427.01
Town of Wiscasset Construction Reserve	\$ 2,807,487.13	\$ 2,903,301.04	\$ 3,005,197.97
Town of Wiscasset Equipment Reserve	\$ 4,347,552.57	\$ 4,495,925.82	\$ 4,653,718.98
Town of Wiscasset Furnace Replacement Reserve	\$ 361,273.72	\$ 373,603.26	\$ 386,715.59
Town of Wiscasset Major Repairs Reserve	\$ 486,664.60	\$ 503,273.49	\$ 520,936.84
Town of Wiscasset Recreation Building Reserve	\$ 1,903,642.05	\$ 1,968,609.53	\$ 2,037,701.67
Town of Wiscasset Retirement Health Insurance Reserve	\$ 275,580.43	\$ 284,985.44	\$ 294,987.55
Town of Wiscasset Roof Repair Reserve	\$ 331,753.17	\$ 343,075.24	\$ 355,116.13
Town of Wiscasset Sale of Cemetery Lots Reserve	\$ 99,579.59	\$ 102,978.04	\$ 106,592.25
Town of Wiscasset Highway Department Capital Reserve	\$ 2,335.38	\$ 2,415.09	\$ 2,499.85
Town of Wiscasset Fire Department Vehicle Capital Reserve	\$ 3,113.86	\$ 3,220.13	\$ 3,333.15
Town of Wiscasset Reserve Funds Total	\$ 11,010,815.56	\$ 11,386,592.62	\$ 11,786,226.99

**COMMUNITY RELATIONS PLAN
FORMER MASON STATION POWER PLANT
WASTEWATER TREATMENT (ASH) PONDS
WISCASSET, MAINE**

REV. 0

Prepared for:

Town of Wiscasset, Maine
51 Bath Road
Wiscasset, Maine 04578

Prepared by:

Ransom Consulting, Inc.
400 Commercial Street, Suite 404
Portland, Maine 04101
(207) 772-2891

Project 191.06036
December 4, 2019

Grant Number BF00A00462

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FIGURES

- Figure 1: Site Location Map
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1.0 OVERVIEW OF THE COMMUNITY RELATIONS PLAN

The Town of Wiscasset (Town) has been awarded a \$400,000 Brownfields Cleanup Grant (Grant Number BF00A00462) from the United States Environmental Protection Agency (U.S. EPA) for cleanup and remediation of the former Mason Station Power Plant wastewater (ash) ponds on Birch Point Road in the Town of Wiscasset, Lincoln County, Maine. The purpose of this Community Relations Plan is to describe the Town's strategy to address the needs and concerns of the community and residents who will potentially be affected by the proposed remediation and redevelopment at the Site. This Community Relations Plan outlines how the Town has involved, and will continue to involve, affected residents, Town officials, and local organizations in the decision-making process regarding the cleanup and redevelopment at the Site.

Community organizations (COs) and active residents involved in neighborhood issues are important resources for the success of the Community Relations Plan because they have an understanding of the Site area and they hold positions of responsibility within the community. The owners and developers of the Site regard these citizens as key points of contact and communication. The long-term success of the redevelopment of the Site will be enhanced by informed citizen involvement in each step of the cleanup and redevelopment process.

2.0 SPOKESPERSON AND INFORMATION REPOSITORY

The Grantee Spokesperson for this project is Town Manager John O'Connell, representative of the Town, who may be contacted at:

John O'Connell, Town Manager
Town of Wiscasset
51 Bath Road, Wiscasset, Maine 04294
Phone: 207-882-8200 x 108
Email: manager@Wiscasset.org

The information repository for this project, including the environmental assessments, remediation plans, and other environmental information is located at the following locations:

Town of Wiscasset
c/o John O'Connell, Town Manager
51 Bath Road, Wiscasset, Maine 04578
Phone: 207-882-8200

Town Office Hours: 7:00 AM to 5:00 PM, Monday through Thursday. Closed on Friday.

and

Ransom Consulting, Inc.
c/o Jaime Madore, P.E.
400 Commercial Street, Suite 404
Portland, Maine 04101
Phone: (207) 772-2891

Office Hours: 8:00 AM to 5:00 PM, Monday through Friday

This information is available for viewing during business hours. Under Maine's Freedom of Access law and MEDEP and U.S. EPA policies, the same information is available at the MEDEP and U.S. EPA offices:

Maine Department of Environmental Protection
David Chapman, Brownfields Project Manager
Bureau of Remediation and Waste Management
State House Station 17
28 Tyson Drive
Augusta, Maine 04333-0017
Phone: (207) 446-9897
Email: David.Chapman@maine.gov

United States Environmental Protection Agency
Frank Gardner Brownfields Project Officer
U.S. EPA - Region I
5 Post Office Sq. Suite 100
Mail Code OSRR07-2
Boston, MA 02109-3912
Phone: (617)918-1278
Email: gardner.frank@epa.gov

Most public meetings will be held at the Wiscasset Town Office, at the following address:

Wiscasset Town Office
51 Bath Road
Wiscasset, Maine 04578
Phone: 207-882-8200

In addition, some public meetings may be held directly at the Site in order to facilitate first-hand observations and discussions about a particular cleanup and/or redevelopment activity or scenario:

Former Mason Station Site
Birch Point Road
Wiscasset, ME 04578

3.0 SITE DESCRIPTION

3.1 Site Location and History

The ash ponds are located on a peninsula of land known locally as the Mason Station Peninsula, or Birch Point, which extends into the confluence of the Sheepscot River and Back River. The overall 30.4-acre Mason Station Site consists of seventy-eight parcels, primarily owned by the Town of Wiscasset, with the exception of the Powerhouse Building lot (Lot 81) which is owned by Mason Station LLC, and the switchyard, which is owned by CMP. The Mason Station Site currently contains the former Mason Station Powerhouse Building, four wastewater ash ponds, a railroad spur, various outbuildings, and unimproved land in the northern portion of the peninsula. The "Site," as discussed in this ABCA is the ash pond and surrounding areas, located on two parcels of land, identified by the Town of Wiscasset Assessor's Office as Lot 82 and Lot 83 on Tax Map R 7A.

The Mason Station power plant was constructed by Central Maine Power Company (CMP) in approximately 1940. Power generation ceased at the facility in 2003. As part of the plant's cooling and emissions control processes, wastewater was generated and discharged under license to a series of four lagoons or "Ash Ponds" which were constructed for wastewater collection and settling of solids prior to overboard discharge to the Sheepscot River. The asphalt lined Ash Ponds consist of four separate holding ponds known as East Primary, East Secondary, West Primary, and West Secondary. Wastewater was initially discharged from the plant into East Primary and ultimately released out of East Secondary and discharged through Outfall #19 into the Sheepscot River.

Historic sources contributing flow to the Ash Ponds included waters associated with demineralization, the blow-down and metal cleaning neutralization tank, regeneration and backwash waters from water softeners and filters, ash transport, and miscellaneous storm water runoff.

3.2 Proposed Cleanup Plan

An Analysis of Brownfields Cleanup Alternatives (ABCA) and Remedial Action Plan (RAP) was developed for the Site to evaluate various remedial alternatives for the environmental conditions identified at the Site (included in the information repository for the Site).

The final cleanup goal for the Site is to mitigate the potential for human exposure to impacted sediment through excavation and off-Site disposal of the sediments contained within the ash ponds. Once the impacted water was removed, the sediments in the ash ponds would be amended with clean fill as necessary to facilitate transportation/disposal. After removal of the soil/sediment mixture, the ash pond liners would also be excavated and removed from Site.

Additional remedial measures would include abatement of hazardous building materials/asbestos in the Maintenance Building and Ash Pond Pump House; preparation of an Environmental Media Management Plan (EMMP) to provide guidance to future excavation/construction workers on the management and handling of contaminated and potentially-contaminated sediments, soil, and groundwater at the Site; and the implementation of deed restrictions and/or institutional controls in the form of a Declaration of Environmental Covenant (DEC) which prohibits the extraction of groundwater without MEDEP notification and consent.

3.3 Future Site Use

The Site represent one of the primary access points to deep water moorings, and as such, it is critical for any future redevelopment of the Birch Point Peninsula. As such, another objective of the cleanup activities is to make the Site ready for redevelopment and attractive to potential Site purchasers.

The proposed reuse and redevelopment plan has not been fully defined at this time; however, the Town would like to see redevelopment of the Site for manufacturing, commercial or industrial uses.

3.4 Surrounding Land Use

The Mason Station Peninsula is surrounded on three sides by the Sheepscot River and associated tributaries. Surrounding land use is primarily residential.

3.5 Summary of Environmental Conditions and Historic Environmental Assessments

Many investigations and assessments have been completed throughout the entire Mason Station property. The following investigations and assessments pertain to the Ash Ponds (Lots 82 and 83).

“Phase II Environmental Site Assessment Report, Mason Station, Wiscasset, Maine, Volume I,” prepared by Jacques Whitford Company, Inc., dated November 10, 2004.

Four Geoprobe soil borings were advanced in the areas surrounding the Ash Ponds, and soil samples were analyzed for polynuclear aromatic hydrocarbons (PAHs), Resource Conservation Recovery Act (RCRA) metals, and diesel range organics (DRO). One groundwater sample was collected and analyzed for PAHs, RCRA metals, and DRO. Four sediment samples, one from each of the four Ash Ponds, were collected and analyzed for PAHs and RCRA metals.

Soil Results: Benzo(a)pyrene was detected near the East Primary Ash Pond at concentrations which exceeded the U.S. Environmental Protection Agency (EPA) Region III Risk-Based Concentrations (RBC); however, were below the Maine Department of Environmental Protection (Maine DEP) Remedial Action Guidelines (RAGs) for the “Residential” exposure scenario. Arsenic was detected at concentrations which exceeded the Maine DEP RAGs for the “Residential” exposure scenario; however, were below the Maine DEP-defined background concentrations for the State of Maine. DRO was detected at concentrations which were below the Maine DEP Decision Tree Baseline 2 Standard (50–100 mg/kg).

Groundwater Results: Concentrations of PAHs were not detected above laboratory detection limits in the groundwater sample tested. Metals (arsenic, chromium, lead, selenium, and silver) were detected above their respective Maine Department of Health Services (DHS) Maximum Exposure Guidelines (MEGs) for drinking water. DRO was not detected above the laboratory reporting limit.

Sediment Results: PAH compounds were not detected at concentrations which exceeded laboratory detection limits; however, the reporting limits for some PAH compounds exceeded the EPA Region III RBC. Arsenic, chromium, and lead were detected at concentrations which exceeded the Maine DEP RAGs and/or the EPA Region III RBCs. Additionally, several metal concentrations exceeded the National Oceanic & Atmospheric Administration (NOAA) Effects Range-Low Guidance for contaminated sediment impacts to the natural marine environment.

Boiler Blow-Down Testing and Discharge, 2004

After Mason Station, LLC's acquisition of the Site in 2003, wastewater received by the Ash Ponds included approximately 75,000 gallons of boiler blow-down water (as well as rainwater/storm water runoff from roof drains, trenches/troughs in the building floor, and drains in an adjacent former bulk oil tank area). The purpose of this boiler blow-down water testing was to verify that the water left in the boilers did not contain contamination that would mask or decrease the quality of the water that existed in the ponds at that time. During the time of the discharge, Mason held a license to discharge boiler water from the boilers into the Ash Ponds.

Approximately 25,000 gallons of boiler blow-down water from each of three onsite boilers was discharged to the Ash Ponds. Prior to discharge, individual samples of water were collected from each boiler for analytical testing. Test results from the three boilers were generally consistent with the facility's Waste Discharge License, and therefore, the water was discharged to the East Primary ash pond in December of 2004.

"Closure Plan for Decommissioning of Wastewater Treatment (Ash) Ponds, Former Mason Station Power Plant, Wiscasset, Maine," prepared by Ransom, dated August 14, 2006.

Ransom prepared a report outlining proposed closure and decommissioning activities of the Ash Ponds pursuant to Maine DEP Chapter 550, Discontinuance of Wastewater Treatment Lagoons. The decommissioning plan generally consisted of the following components: 1) dilution of the lagoon water until effluent parameters are equal to or less than the final discharge parameters; 2) discharge of water to the Sheepscot River in accordance with the 2006 discharge license; 3) removal and off-site disposal of sediment/sludge at the bottom of the lagoons; and 4) final grading and seeding to prevent erosion and leaching of contaminants into surface and ground waters. This work was not completed, and at present, the Ash Ponds have not been decommissioned.

"ASTM Phase I Environmental Site Assessment, Point East Maritime Village, Birch Point Road, Wiscasset, Maine, Rev. 1" prepared by Ransom, dated February 5, 2016.

This ESA was completed for the entire Mason Station property for the Lincoln County Regional Planning Commission (LCRPC) on behalf of the Town of Wiscasset as part of the LCRPC's U.S. EPA Brownfields Assessment Grant No. BF96181901. Ransom identified several Recognized Environmental Conditions (RECs) in connection with the property. The following paragraphs present those RECs and ASTM non-scope considerations which pertain directly to Lot 82 and 83 (the Site).

- The license permitting the operation of the Ash Ponds has expired, and the Ash Ponds are no longer in operation. A plan titled Closure Plan for Decommissioning of Wastewater Treatment (Ash) Ponds (August 14, 2006) prepared by Ransom was approved with conditions by the Maine DEP on September 7, 2006; however, decommissioning activities were not completed by the owner at that time. Decommissioning and closure activities proposed by Ransom include pumping out the remaining water in the Ash Ponds, dewatering and removal of the remaining sediment, offsite disposal of sediment/water waste (disposal characterization testing would likely be required by the accepting disposal facility), excavation and removal of asphalt liners, confirmatory soil sampling beneath the liners for laboratory analysis various parameters. This plan should be updated, approved, and completed in order to properly decommission the Ash Ponds.

- Several PAHs and metals were detected in the marine sediment along the shore adjacent to the Ash Ponds at concentrations above NOAA screening values for marine sediment.
- Based on the age of the Ash Pond Pump House (circa 1980), it is possible that asbestos-containing building materials (ACBM), lead-based paint (LBP), and other potential universal wastes exist at the Site.

Ransom concluded that additional investigation was warranted to address the above-stated RECs, document current Site conditions in relation to current regulatory clean up guidelines, and identify whether remediation or mitigation measures were necessary. Ransom recommended that a Phase II ESA be implemented and that a Hazardous Materials Inventory (HMI) be conducted.

“Hazardous Materials Inventory, Point East Maritime Village, Birch Point Road, Wiscasset, Maine,” prepared by Ransom, dated June 21, 2016.

Ransom completed an HMI for all Site buildings present on the entire Mason Station property; however, only results for the Ash Pond Pump House, located on Lot 82, are described herein.

- The Tar and Gravel roof of the pump house (approximately 200 square-feet) was identified as an asbestos-containing building material. This requires abatement prior to building demolition.
- Fluorescent light ballasts and tubes were observed, which may contain PCBs, mercury, ozone-depleting substances, and/or heavy metals. Disposal of each of these items is subject to hazardous and/or universal waste disposal requirements.

“Phase II Environmental Site Assessment, Point East Maritime Village, Birch Point Road, Wiscasset, Maine, Rev. 1” prepared by Ransom, dated June 21, 2016.

To address the RECs identified in Ransom’s Phase I ESA, a Phase II ESA was conducted on the entire Mason Station property. Assessment activities completed at the Site (Lot 82 and Lot 83) included collection of one soil vapor sample to the north of the Ash Ponds, one soil boring/soil sample to the south of the Ash Ponds, and one pore water sample along the bank of the Sheepscot River. Conclusions and observations pertaining to Lot 82 and 83 (the Site) are as follows:

- The soil sample (4-8 feet bgs) contained no VOCs, VPH, PAHs, EPH, metals or PCBs at concentrations which exceeded their respective Maine DEP RAGs for the “Excavation/Construction Worker” exposure scenario. It should be noted that several of the contaminants concentrations would exceed the “Residential” exposure scenario; however, because these soils are at depth, no residential exposure was anticipated. No surficial soils were collected as part of this ESA.
- The pore water sample contained no VOCs, VPH, PAHs, EPH, or RCRA metals at concentrations which exceeded the applicable regulatory limits.
- The soil vapor sample contained no VOCs or APH fractions at concentrations which exceeded their respective calculated Soil Gas Targets for Residential or Commercial exposure scenarios..

4.0 COMMUNITY BACKGROUND

The Town of Wiscasset is a rural Maine community of approximately 3,700 persons located in Lincoln County, Maine. From 1972 until 1996, Wiscasset was home to Maine Yankee, a pressurized water reactor on Bailey Point, and the only nuclear power plant in the state. The Maine Yankee nuclear power plant was decommissioned in 1996 and is inoperative. Since the closing of Maine Yankee, Wiscasset faced a severe loss in jobs, residents, and public school enrollment.

The Site is one of the primary access points on the Birch Point Peninsula to deep-water moorings on the Sheepscot River; therefore, its' cleanup and redevelopment is paramount to reuse and redevelopment of the Target Area. During the mid-2000's, the Town was contacted by a developer who saw redevelopment potential on the Birch Point Peninsula and was enticed by the deep-water harbor located at the Site. This developer proposed a complete redesign of the peninsula and worked with the Town to rezone all parcels on the peninsula for mixed-use residential development. The \$44 million Point East Maritime Village Development was meant to create a blend of housing and commercial opportunities; however, the work at Point East Maritime Village was never completed. The Brownfields program presents an opportunity for Wiscasset to reverse the fortune of Birch Point Peninsula and to bring development, jobs and tax revenue back to the Town.

4.1 Community Involvement

4.1.1 Public Meeting to Support Brownfield Grant Application

As part of the Town's application to the U.S. EPA to obtain a Brownfields Cleanup Grant for remediation activities at the Site, a Public Meeting was held on November 9, 2017. The purpose of this public meeting was to inform the public of the proposed cleanup activities and solicit input from project stakeholders.

The public meeting announcement was advertised in the Portland Press Herald on November 2, 2017, and in the online version of the Wiscasset Newspaper November 2, 2017. At that time, the public was also notified that draft versions of the ABCA and the Town's Brownfields Grant application were available for public review and comment. The public comment period ended on November 13, 2017.

4.1.2 Public Meeting and 30-Day Public Comment Period

A second public meeting will be held on **January 22, 2020**. The purpose of the public meeting was to discuss the general Brownfields process, the results of site assessment work completed to date, the results of the ABCA, the proposed cleanup action under the MEDEP Voluntary Response Action Program (VRAP), and the potential benefits of Brownfield site redevelopment, and to solicit input from the public on their concerns and desires for the Site.

The public meeting announcement and availability of the Site documents for review will be advertised in the two local newspapers (the Lincoln County News and the Wiscasset Newspaper) on **January 9, 2020**. The legal advertisement, as well as this Community Relations Plan, announced the start of a 30-day comment period on the remedial alternatives presented in the ABCA for the Site. The public comment period will end on **February 10, 2020** at 5:00 p.m. EST.

4.1.3 Periodic Project Status Meetings

The Town has proposed holding two public project status meetings for this Brownfield site. The first public meeting will be held following selection of the prime construction contractor prior to initiating the cleanup actions. The purpose of this meeting will be to discuss the final design, proposed cleanup actions, and sequencing of work. A second public meeting will be held at the completion of the construction. The project completion meeting will recap the remediation efforts, highlight the redevelopment potential for the Site, and allow a forum for public discussion of future development ideas for the property. We anticipate the first public construction meeting to be held in sometime in April 2020 and the final public construction meeting to be held sometime in June 2020. The meeting dates and times will be advertised in the local press as described in Section 5.0, below.

4.2 Key Community Concerns

To date, the public has voiced encouragement and support for the proposed remediation and redevelopment plans. However, concerns expressed include:

- Protecting the health of adjacent property owners during cleanup activities; and
- Minimizing impacts to the adjacent Sheepscot River and providing protection of natural resources at the Site, as best as possible, during the proposed cleanup actions.

5.0 CONTINUED COMMUNITY INVOLVEMENT

The Town will utilize its existing partnership with the U.S. EPA, the MEDEP, and its selected environmental consultant, Ransom Consulting, Inc., to provide continued community involvement for the project. The U.S. EPA and MEDEP have provided regulatory oversight of the Brownfields assessment process and will oversee cleanup through the MEDEP VRAP.

The Town has partnerships with the Lincoln County Regional Planning Commission (LCRPC), and Midcoast Economic Development District (MEDC). These Community Organizations will provide increased marketing and promotion potential; and will assist in outreach efforts through postings on their websites/social media sites, and via distribution lists.

Public notices will be placed in local newspapers announcing the intended remediation activities at the Site and to notify residents of the public meetings regarding the remediation efforts. In conformance with the U.S. EPA Brownfields Cleanup Grant requirements, the public notice will also announce that the information repository on this project, including the environmental assessments and other project information, is located at the Town's offices and is available for viewing during Town Office business hours.

In addition, meeting announcements will be placed in the local newspaper notifying residents of the public meetings to be held at the Town Office. The information repository will be updated with the inclusion of meeting minutes, status reports, and other communications. Ransom and the Town will establish an email list that includes project stakeholders and interested parties. This list can be expanded upon and also utilized to keep interested parties current on the project status.

Public comments regarding the project can be submitted at the public meetings, by email to Town Manager John O'Connell, (manager@Wiscasset.org), or in writing to the following address:

John O'Connell, Town Manager
Town of Wiscasset
51 Bath Road
Wiscasset, ME 04578

6.0 SCHEDULE

The following schedule presents the tentative or proposed timeline related to the public outreach and involvement for the proposed cleanup at the Site:

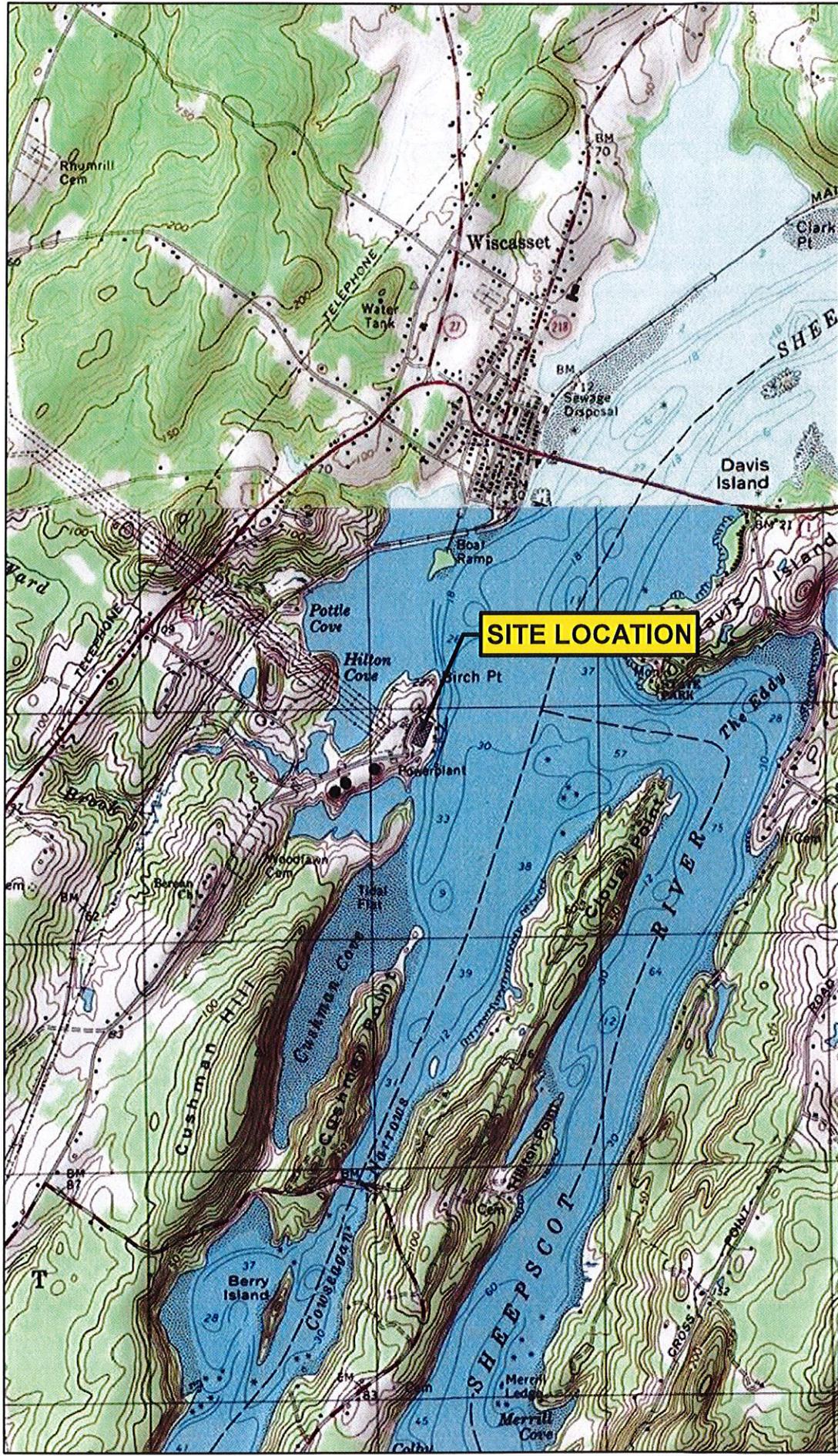
- December 2020 – The Town and Ransom submit the Community Relations Plan to the MEDEP and U.S. EPA for review and approval.
- **January 9, 2020** – The Town announces notice of availability of the ABCA and other environmental reports/project documents for public review to be maintained within the information repository for the Site. A legal/public notice announcing the availability of plans/environmental documents for the Site and the scheduled public meeting will be published in the local paper, thus marking the beginning of a 30-day public comment period on the proposed cleanup plans.
- **February 10, 2020** – The 30-day public comment period ends.
- March 2020 - The proposed cleanup plans will be reviewed by the U.S. EPA and the MEDEP and finalized.
- April 2020 – Completion of final permitting, work plans, construction design, and bid specification package, and solicitation of competitive cleanup construction bids.
- May 2020 – The Town selects a cleanup contractor(s) and the cleanup begins.
- July 2020 – Project completion.

Please note that periodic public notices will be published in local newspapers regarding the overall project status and/or changes to the proposed project schedule, as necessary.

Regional Locator Map



Wiscasset

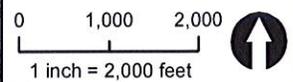


SITE LOCATION

Notes

1. Data Source: USGS National Map Seamless Server, 24K DRG, 1/3" NED
2. USGS Quad Name(s): Wiscasset and Westport, Maine
3. Latitude: 43° 40' 17"N
 Longitude: 69° 40' 17"W
 UTM Northing: 4871095 mN
 UTM Easting: 446153 mE

Scale and Orientation



Prepared For

Town of Wiscasset
 51 Bath Road
 Wiscasset, Maine

Site Address

Mason Station
 Birch Point Road
 Wiscasset, Maine

191.06036 | Nov 2019

Figure 1
 Site Location



Legend & Notes

- Site Boundary
- Lot Boundary

- Notes**
1. Maine GeoLibrary, 2018.
 2. Some features are approximate in location and scale.
 3. This plan has been prepared for the Town of Wiscasset. All other written permission is obtained from Ransom Consulting, Inc.

Scale & Orientation

0 40 80
 1 inch = 80 feet

Prepared For

Town of Wiscasset
 51 Bath Road
 Wiscasset, Maine

Site Address

Mason Station
 Birch Point Road
 Wiscasset, Maine

191.06036 Nov 2019

Figure 1
 Site Plan

DAMARISCOTTA MEDICAL MARIJUANA LICENSING ORDINANCE

§902.1 - Authority.

This ordinance is enacted pursuant to authority granted under 30-A M.R.S. § 3001, 22 M.R.S. § 2423-A(14) and 22 M.R.S. § 2429-D.

§902.2 - Purpose.

The purpose of this ordinance is to provide procedures and standards relating to the operation of medical marijuana establishments and to require their annual licensing.

§902.3 - Definitions.

As used in this ordinance, unless the context otherwise indicates, the following terms have the following meanings:

Disqualifying Drug Offense: a 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.

Medical Marijuana Establishment: a registered caregiver retail store, registered dispensary, medical marijuana testing facility, or medical marijuana manufacturing facility.

Medical Marijuana Testing Facility: a public or private laboratory authorized under State law to test medical marijuana for contamination, potency or cannabinoid profile.

Medical Marijuana Manufacturing Facility: a manufacturing facility authorized under State law to manufacture marijuana products for medical use or to engage in marijuana extraction for medical use.

Registered Caregiver: A person who is registered by the Maine Department of Administrative and Financial Services, or other Department designated by Statute, per 22 M.R.S. § 2425-A.

Registered Caregiver Retail Store: A store licensed under State and local laws 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 marijuana plants or harvested marijuana for sale to qualifying patients.

State Registration Authority: the authority created or designated by the State for the purpose of regulating and controlling registration for medical marijuana establishments. Unless otherwise

defined in this Ordinance, the terms referred to in this Ordinance shall mean the same as they are defined in the definitions section in 22 M.R.S. § 2422 and when not defined in Statutes as they are referenced in Title 22.

§902.4 - Establishments allowed; License required.

- (1) Pursuant to 22 M.R.S. §2429-D, the operation of medical marijuana establishments is allowed, subject to the restrictions of this ordinance and applicable State and local law.
- (2) No person shall operate a medical marijuana establishment, nor shall any property owner permit the use of his or her premises to be operated as a medical marijuana establishment, without a valid license issued by the Town. A separate type of license must be obtained for each establishment located on the same premises. Each license shall be for a period of one year from the date of its issuance. A license must be obtained prior to the opening of a medical marijuana establishment. Applications for renewal licenses shall be submitted at least ninety (90) days prior to expiration of the existing term. Any licensee that fails to submit a renewal application by the applicable deadline shall not have authority to operate until a license is granted.
- (3) The licensing requirements of this ordinance shall not be construed or applied to prohibit the operation of any medical marijuana establishment continuously operating with municipal approval since before December 13, 2018. However, as of January 6, 2020, all such medical marijuana establishments must comply with all licensing ordinance requirements.

§902.5 – New Applications.

Each applicant for a medical marijuana establishment license shall complete and file an application on the form provided by the Town Clerk, together with the applicable nonrefundable license fee, as well as the following supporting materials:

- (1) A copy of the applicant's State registration application and supporting documentation, as submitted to the State registration authority.
- (2) Evidence of all State approvals or conditional approvals required to operate a medical marijuana establishment, including, but not limited to, a State registry identification card or registration certificate.
- (3) If not included in the applicant's State registration application, a description of the form of ownership of the business enterprise together with attested copies of any articles of incorporation, bylaws, operating agreement, partnership agreement or articles of association that govern the entity that will own and/or operate the medical marijuana establishment.
- (4) If not included in the applicant's State registration application, an affidavit that identifies all owners, officers, members, managers or partners of the applicant, their ownership interests, and their places of residence at the time of the application and for the immediately preceding three (3) years. Supporting documents, including but not limited to motor vehicle operator's license, motor vehicle registration, voter registration or utility bills shall be provided.

- (5) A release for each applicant and for each officer, owner, member, manager or partner of the applicant seeking a license allowing the Town of Damariscotta to obtain criminal records and other background information related to the individual.
- (6) A Statement as to the precise nature of the business with a description of the nature of all products and services offered to its customers.
- (7) A description of the premises for which the license is sought, including a plan of the premises and a list of all equipment, parts and inventory used in the operation of the medical marijuana establishment.
- (8) Evidence of an interest in the premises in which the medical marijuana establishment will be located, together with the form of interest, along with the written consent of the owner of the premises for such use if the applicant is not the owner.
- (9) Evidence of all land use approvals or conditional land use approvals required to operate the medical marijuana establishment, or applications that have been filed and are pending for the required approvals, including but not limited to building permit, conditional or special use approval, change of use permit and/or certificate of occupancy.
- (10) Evidence of all other approvals or conditional approvals required to operate the medical marijuana establishment, including any applicable food or victualer's license.
- (11) Evidence of compliance with the requirements of this ordinance and Planning Board approval.

If the Town Clerk determines that a submitted application is not complete, the clerk shall notify the applicant within ten (10) business days of the additional information required to process the application. If such additional information is not submitted within thirty (30) days of the clerk's request, the application may be denied.

§902.6 - Investigation of applicant, officers, etc.

Upon receipt of an application or of a notice of a change of any of the individuals listed in Section 5 above, the Town shall provide copies of the completed application to the following staff members for purposes of conducting the investigations and issuing reports as listed below:

- (1) The Code Enforcement Officer shall inspect the location or the proposed location to determine whether the applicable ordinances relating to land use issues and building and safety codes issues have been satisfied and shall report findings in writing to the Town Clerk.
- (2) The Fire Chief or his/her agent shall inspect the location or proposed location to determine if all Town ordinances and any other applicable regulations concerning fire, health, and safety have been satisfied and shall report findings in writing to the Town Clerk; and
- (3) The Police Chief or his/her agent shall investigate the application, including the criminal history record information and shall report findings in writing to the Town Clerk.

§902.7 - Action on application.

- (1) *Public hearing.* The Town Clerk, upon receipt of a completed application and upon receipt of the reports required under Section 6 above, shall schedule a public hearing at a

regular or special meeting of the Board of Selectmen and shall arrange for public notice of the public hearing to appear in the newspaper of general circulation within the Town of Damariscotta at least six (6) days prior to the date of the scheduled public hearing. The scheduling of the hearing may be delayed if there are more applications than the total number of licenses allocated per Section 902.13. Costs of the hearing notice shall be paid out of the license and processing fee. This public hearing before the Board of Selectmen is in addition to any public hearing that may be required before the Planning Board in accordance with the Town's Land Use and Site Plan Review Ordinances.

(2) *Board of Selectmen action.* The Board after notice and public hearing, shall determine whether the applicant complies with the requirements of this ordinance. In issuing or renewing licenses, the Board shall give consideration to:

- A. The character of the applicant
- B. the location of the place of business
- C. The manner in which the business has been operated; and
- D. Whether the operation has endangered the safety of persons in or on areas surrounding the place of business.”

Upon determination by the Board that the applicant has met the requirements of this ordinance, the Town Clerk shall be authorized to issue the license.

§902.8 - Status of license—Display.

No license issued under this ordinance may be assigned or transferred to another entity. Any change in ownership or change in the officers of an owner shall require a new license. Licenses are limited to the premises for which they are issued and are not transferable to another location. The license shall be displayed in a conspicuous place in the medical marijuana establishment for which the license is issued.

§902.9 - Duty to update information.

Any licensee issued a license under this ordinance shall have the duty to maintain updated and accurate information regarding all of the information provided pursuant to the application process within ten days of any change of status. Failure to provide and maintain current and accurate information may result in revocation of the applicant's license.

§902.10 - Standards for approval, denial, revocation.

A license application for a medical marijuana establishment shall be denied by the Board of Selectmen, and an existing license may be suspended or revoked by the Board of Selectmen after notice and hearing, if the applicant, or any owner of the applicant or licensee:

- (1) Fails to meet the requirements of this ordinance.
- (2) Is not at least twenty-one (21) years of age.
- (3) Is not a resident of the State of Maine.
- (4) Has had a license for a marijuana establishment revoked by a municipality or by the State.

- (5) Has not acquired all necessary State and local approvals prior to issuance of the license including any approvals required by the Planning Board or Code Enforcement Officer.
- (6) Has been convicted of a disqualifying drug offense.
- (7) Has provided false or misleading information in connection with the license application.

§902.11 - Operating Requirements.

In order to obtain a license pursuant to this ordinance, the applicant shall demonstrate to the Board of Selectmen that the following requirements will be met. A licensee shall comply with all of these requirements during the term of the license.

(1) *Fixed location.*

All licensed premises shall be fixed, permanent locations. Licensees shall not be permitted to operate medical marijuana establishments in other than the licensed premises, such as at farmer's markets, farm stands or kiosks.

(2) *Security.*

(a) The licensed premises shall have lockable doors and windows and shall be served by an alarm system that includes automatic notification to a private alarm service. Upon notification of an alarm, the licensee or an authorized representative must respond to the premises.

(b) The licensed premises shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day, seven days per week and video shall be retained for a minimum duration of fourteen (14) calendar days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.

(c) The licensed premises shall have exterior lights with motion sensors covering the full perimeter of the building(s) in accordance with applicable zoning requirements.

(3) *Ventilation.*

(a) The licensed premises shall comply with all odor and air pollution standards established by ordinance.

(b) All medical marijuana establishments shall have an odor mitigation system installed that has been approved by a Maine licensed engineer, indicating that the system will provide odor control sufficient to ensure that no odors are perceptible off the premises.

(4) *Compliance with requirements of State and local law.*

A medical marijuana establishment shall meet all operating and other requirements of State and local law. To the extent the State has adopted or adopts in the future any law or regulation governing medical marijuana establishments that conflicts in any way with the provisions of this ordinance, the more restrictive shall control.

§902.12 - Violations; penalties.

In addition to revocation or suspension of a medical marijuana establishment license as provided in this ordinance, the violation of any provision of this ordinance shall be punished by a fine of not less than \$500.00 nor more than \$2,500.00 for each offense. Each act of violation and every

day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the Town may enjoin or abate any violation of this ordinance. All fines and penalties, together with costs of prosecution of violations, which shall include the Town's cost and attorney's fees, shall inure to the benefit of the Town. This section shall be enforced by the Damariscotta Police Chief, the Damariscotta Code Enforcement Officer, and/or their designees. Notice of violations by medical marijuana establishment licensees of other provisions of this Code shall be provided to the Police Chief, Town officers, and Town Attorney.

§902.13 – Limitations in licenses. Lottery.

No more than the specified quantities of licenses shall be issued.

Registered caregiver retail store:	2 (including store(s) in operation prior to December 13, 2018)
Medical Marijuana Manufacturing facility:	3
Medical Marijuana testing facility:	no limit

Existing licenses shall be renewed annually, unless revoked under the provisions of this ordinance, upon timely submittal of a renewal application and any required annual fees. In the event that a greater number of valid license applications (including the applicable fees) are submitted than can be issued within these limitations within a 30 calendar day timeframe after the first conditionally approved license application is submitted, a lottery shall be conducted to randomly determine which qualified applicants shall have the first opportunity to receive the public hearings required to complete the licensing process pursuant to this Ordinance.

§902.14 - License fees.

The initial annual license fees shall be set by the Board of Selectmen as part of the Town's licensing and permit fee schedule.

§902.15 - Severability.

If any section, phrase, sentence or portion of this ordinance is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

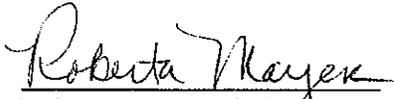
§902.16 - Appeals.

An appeal from any final decision of the Board of Selectmen under this ordinance may be taken by any party to Board of Appeals within 30 days of the decision, pursuant to Board of Appeals Ordinance Section 5(A)(3).

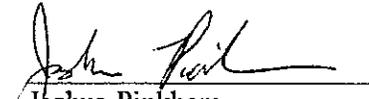
Legislative History

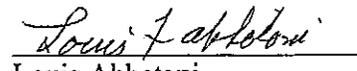
Enacted: November 5, 2019; effective date: January 6, 2020.

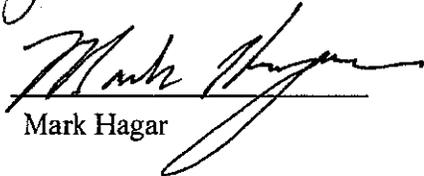
BOARD OF SELECTMEN:


Roberta Mayer, Chairman

Amy Leshure, Vice-Chairman


Joshua Pinkham


Louis Abbotoni


Mark Hagar

Board of Selectmen
Town of Damariscotta

Attest: A true copy of an ordinance entitled "Medical Marijuana Licensing Ordinance
Damariscotta, Maine", as certified to me by the municipal officers of Damariscotta,
Maine on November 20, 2019.



Rebecca J. Bartolotta, Town Clerk,
Damariscotta, Maine

11d.

DAMARISCOTTA ADULT USE MARIJUANA LICENSING ORDINANCE

§903.1 - Authority.

This ordinance is enacted pursuant to authority granted under 30-A M.R.S. § 3001, and 28-B M.R.S. § 401.

§903.2 - Purpose.

The purpose of this ordinance is to provide procedures and standards relating to the operation of adult use marijuana establishments and to require their annual licensing.

§903.3 - Definitions.

As used in this ordinance, unless the context otherwise indicates, the following terms have the following meanings.

Adult Use Marijuana: marijuana cultivated, manufactured, distributed or sold by a marijuana establishment for other than medical use.

Adult Use Marijuana Cultivation: the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale. "Cultivation" or "cultivate" does not include manufacturing, testing or marijuana extraction.

Adult Use Marijuana Cultivation Facility: a facility licensed under state and local laws to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to products manufacturing facilities, to marijuana stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature marijuana plants and seedlings to marijuana stores. Cultivation facilities are categorized into tiers based on the number of adult plants and usable square footage for cultivation.

Adult Use Marijuana Product: a marijuana product that is manufactured, distributed or sold by a marijuana establishment for other than medical use.

Adult Use Marijuana Store: a facility licensed under state and local laws to purchase adult use marijuana, immature marijuana plants and seedlings from a cultivation facility, to purchase adult use marijuana and adult use marijuana products from a products manufacturing facility and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.

Adult Use Marijuana Establishment: a cultivation facility, a products manufacturing facility, a testing facility or a marijuana store licensed under state and local laws.

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

Adult Use Marijuana Products Manufacturing Facility: a facility licensed under state and local laws to purchase adult use marijuana from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use marijuana and adult use

marijuana products; and to sell adult use marijuana and adult use marijuana products to marijuana stores and to other products manufacturing facilities.

Adult Use Marijuana Testing Facility: a facility licensed under state and local laws to develop, research and test marijuana, marijuana products and other substances.

Disqualifying Drug Offense: a 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 Adult Use Marijuana Act.

Edible Marijuana Product: a marijuana product intended to be consumed orally, including, but not limited to any type of food, drink or pill containing marijuana or marijuana concentrate.

Marijuana Product: a product composed of marijuana or marijuana concentrate and other ingredients that is intended for use or consumption. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. "Marijuana product" does not include marijuana concentrate. Unless otherwise defined in this Ordinance, the terms referred to in this Ordinance shall mean the same as they are defined in the definitions section in 28-B M.R.S. § 102 and when not defined in Statutes as they are referenced in Title 28-B.

§903.4 – Adult Use Establishments allowed; License required.

- (1) Pursuant to 28-B M.R.S. §403, the operation of adult use marijuana establishments is allowed, subject to the restrictions of this ordinance and applicable state and local law.
- (2) No person shall operate an adult use marijuana establishment, nor shall any property owner permit the use of his or her premises to be operated as an adult use marijuana establishment, without a valid license issued by the Town. A separate type of license must be obtained for each establishment located on the same premises. Each license shall be for a period of one year from the date of its issuance. A license must be obtained prior to the opening of an adult use marijuana establishment. Applications for renewal licenses shall be submitted at least ninety (90) days prior to expiration of the existing term. Any licensee that fails to submit a renewal application by the applicable deadline shall not have authority to operate until a license is granted.
- (3) The following adult-use establishments shall be allowed in the Town subject to the limitations in this and other Town Ordinances: testing, manufacturing, cultivation and retail sale of marijuana products not including any edible marijuana products. The sale of edible marijuana products shall not be permitted.

§903.5 – New Applications.

Each applicant for an adult use marijuana establishment license shall complete and file an application on the form provided by the Town Clerk, together with the applicable nonrefundable license fee, as well as the following supporting materials:

- (1) A copy of the applicant's state registration application and supporting documentation, as submitted to the state registration authority.

- (2) Evidence of all state approvals or conditional approvals required to operate an adult use marijuana establishment, including, but not limited to, a state registry identification card or registration certificate.
- (3) If not included in the applicant's state registration application, a description of the form of ownership of the business enterprise together with attested copies of any articles of incorporation, bylaws, operating agreement, partnership agreement or articles of association that govern the entity that will own and/or operate the adult use marijuana establishment.
- (4) If not included in the applicant's state registration application, an affidavit that identifies all owners, officers, members, managers or partners of the applicant, their ownership interests, and their places of residence at the time of the application and for the immediately preceding three (3) years. Supporting documents, including but not limited to motor vehicle operator's license, motor vehicle registration, voter registration or utility bills shall be provided.
- (5) A release for each applicant and for each officer, owner, member, manager or partner of the applicant seeking a license allowing the Town of Damariscotta to obtain criminal records and other background information related to the individual.
- (6) A statement as to the type of establishment, the precise nature of the business, and a description of the nature of all products and services offered to its customers.
- (7) A description of the premises for which the license is sought, including a plan of the premises and a list of all equipment, parts and inventory used in the operation of the adult use marijuana establishment.
- (8) Evidence of an interest in the premises in which the adult use marijuana establishment will be located, together with the form of interest, along with the written consent of the owner of the premises for such use if the applicant is not the owner.
- (9) Evidence of all land use approvals or conditional land use approvals required to operate the adult use marijuana establishment, or applications that have been filed and are pending for the required approvals, including but not limited to building permit, Planning Board conditional or site plan approval, change of use permit and/or certificate of occupancy.
- (10) Evidence of all other approvals or conditional approvals required to operate the adult use marijuana establishment, including any applicable food or victualer's license.
- (11) Evidence of compliance with the requirements of this ordinance approval.

If the Town Clerk determines that a submitted application is not complete, the clerk shall notify the applicant within ten (10) business days of the additional information required to process the application. If such additional information is not submitted within thirty (30) days of the clerk's request, the application may be denied.

§903.6 - Investigation of applicant, officers, etc.

Upon receipt of an application or of a notice of a change of any of the individuals listed in Section 5 above, the Town shall provide copies of the completed application to the following staff members for purposes of conducting the investigations and issuing reports as listed below:

- (1) The Code Enforcement Officer shall inspect the location or the proposed location to determine whether the applicable ordinances relating to land use issues and building and safety codes issues have been satisfied and shall report findings in writing to the Town Clerk.
- (2) The Fire Chief or his/her agent shall inspect the location or proposed location to determine if all Town ordinances and any other applicable regulations concerning fire, health, and safety have been satisfied and shall report findings in writing to the Town Clerk; and
- (3) The Police Chief or his/her agent shall investigate the application, including the criminal history record information and shall report findings in writing to the Town Clerk.

§903.7 - Action on application.

- (1) *Public hearing.* The Town Clerk upon receipt of a completed application and upon receipt of the reports required under Section 6 above, shall schedule a public hearing at a regular or special meeting of the Board of Selectmen and shall arrange for public notice of the public hearing to appear in the newspaper of general circulation within the Town of Damariscotta at least six days prior to the date of the scheduled public hearing. The scheduling of the hearing may be delayed if there are more applications than the total number of licenses allocated per Section 903.13. Costs of the hearing notice shall be paid out of the license and processing fee. . This public hearing before the Board of Selectmen is in addition to any public hearing that may be required before the Planning Board in accordance with the Town's Land Use and Site Plan Review Ordinances.
- (2) *Board of Selectmen action.* The Board, after notice and public hearing, shall determine whether the applicant complies with the requirements of this ordinance.

In issuing or renewing licenses, the Board shall give consideration to:

- A. The character of the applicant
- B. the location of the place of business
- C. The manner in which the business has been operated; and
- D. Whether the operation has endangered the safety of persons in or on areas surrounding the place of business.”

Upon determination by the Board that the applicant has met the requirements of this ordinance, the Town Clerk shall be authorized to issue the license.

§903.8 - Status of license—Display.

No license issued under this ordinance may be assigned or transferred to another entity. Any change in ownership or change in the officers of an owner shall require a new license. Licenses are limited to the premises for which they are issued and are not transferable to another location. The license shall be displayed in a conspicuous place in the marijuana establishment for which the license is issued.

§903.9 - Duty to update information.

Any licensee issued a license under this ordinance shall have the duty to maintain updated and accurate information regarding all of the information provided pursuant to the application process within ten days of any change of status. Failure to provide and maintain current and accurate information may result in revocation of the applicant's license.

§903.10 - Standards for approval, denial, revocation.

A license application for an adult use marijuana establishment shall be denied by the Board of Selectmen, and an existing license may be suspended or revoked by the Board of Selectmen after notice and hearing, if the applicant, or any owner of the applicant or licensee:

- (1) Fails to meet the requirements of this ordinance.
- (2) Is not at least twenty-one (21) years of age.
- (3) Is not a resident of the state of Maine.
- (4) Has had a license for a marijuana establishment revoked by a municipality or by the state.
- (5) Has not acquired all necessary state and local approvals prior to issuance of the license including any approvals required by the Planning Board or Code Enforcement Officer.
- (6) Has been convicted of a disqualifying drug offense.
- (7) Has provided false or misleading information in connection with the license application.

§903.11 - Operating Requirements.

In order to obtain a license pursuant to this ordinance, the applicant shall demonstrate to the Board of Selectmen that the following requirements will be met. A licensee shall comply with all of these requirements during the term of the license.

(1) **Fixed location.**

All licensed premises shall be fixed, permanent locations. Licensees shall not be permitted to operate adult use marijuana establishments in other than the licensed premises, such as at farmer's markets, farm stands or kiosks.

(2) **Security.**

(a) The licensed premises shall have lockable doors and windows and shall be served by an alarm system that includes automatic notification to private alarm service. Upon notification of an alarm, the licensee or an authorized representative must respond to the premises.

(b) The licensed premises shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with

continuous recording twenty-four hours per day, seven days per week and video shall be retained for a minimum duration fourteen (14) calendar days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.

(c) The licensed premises shall have exterior lights with motion sensors covering the full perimeter of the building(s) in accordance with applicable zoning requirements.

(3) Ventilation.

(a) The licensed premises shall comply with all odor and air pollution standards established by ordinance.

(b) All adult use marijuana establishments shall have an odor mitigation system installed that has been approved by a Maine licensed engineer, indicating that the system will provide odor control sufficient to ensure that no odors are perceptible off the premises.

(4) Compliance with requirements of state and local law.

An adult use marijuana establishment shall meet all operating and other requirements of state and local law. To the extent the state has adopted or adopts in the future any law or regulation governing marijuana establishments that conflicts in any way with the provisions of this ordinance, the more restrictive shall control.

§903.12 - Violations; penalties.

In addition to revocation or suspension of an adult use marijuana establishment license as provided in this ordinance, the violation of any provision of this ordinance shall be punished by a fine of not less than \$500.00 nor more than \$2,500.00 for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the Town may enjoin or abate any violation of this ordinance. All fines and penalties, together with costs of prosecution of violations, which shall include the Town's cost and attorney's fees, shall inure to the benefit of the Town. This section shall be enforced by the Damariscotta Police Chief, the Damariscotta Code Enforcement Officer, and/or their designees. Notice of violations by marijuana establishment licensees of other provisions of this Code shall be provided to the Police Chief, Town officers, and Town Attorney.

§903.13 – Limitations in licenses. Lottery.

No more than the specified quantities of licenses shall be issued.

Adult use Marijuana store:	2
Adult use Cultivation Facilities:	
Tier 1 (≤ 30 adult plants, ≤ 500 sq. ft. plant canopy)	4
Tier 2 (≤ 2000 sq. ft. plant canopy)	3
Tier 3 (≤ 7000 sq. ft. plant canopy)	2
Tier 4 (≤ 20,000 sq. ft. plant canopy)	0
Nursery (≤ 1000 sq. ft. plant canopy)	3

Adult use Marijuana manufacturing facility:

3

Adult use Marijuana testing facility:

no limit

Existing licenses shall be renewed annually, unless revoked under the provisions of this ordinance, upon timely submittal of a renewal application and any required annual fees.

In the event that a greater number of valid license applications (including the applicable fees) are submitted than can be issued within these limitations within a 30 calendar day timeframe after the first conditionally approved license application is submitted, a lottery shall be conducted to randomly determine which qualified applicants shall have the first opportunity to receive the public hearings required to complete the licensing process pursuant to this Ordinance.

§903.14 - License fees; licensing process.

The annual license fees shall be set by the Board of Selectmen as part of the Town's licensing and permit fee schedule. The forms to be used and the administrative procedures required for the implementation of this Ordinance that are not specifically provided for in this Ordinance shall be developed by the Town Manager and approved by the Board of Selectmen.

§903.15 - Severability.

If any section, phrase, sentence or portion of this ordinance is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

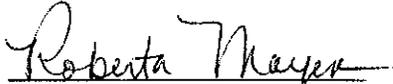
§903.16 - Appeals.

An appeal from any final decision of the Board of Selectmen under this ordinance may be taken by any party to Board of Appeals within 30 days of the decision, pursuant to Board of Appeals Ordinance Section 5(A)(3).

Legislative History

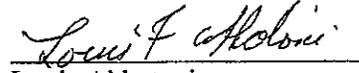
Enacted: November 5, 2019 – with edible amendment; Effective Date: January 6, 2020.

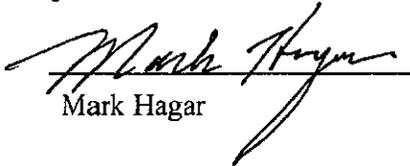
BOARD OF SELECTMEN:


Roberta Mayer, Chairman

Amy Leshure, Vice-Chairman


Joshua Pinkham


Louis Abbotoni


Mark Hagar

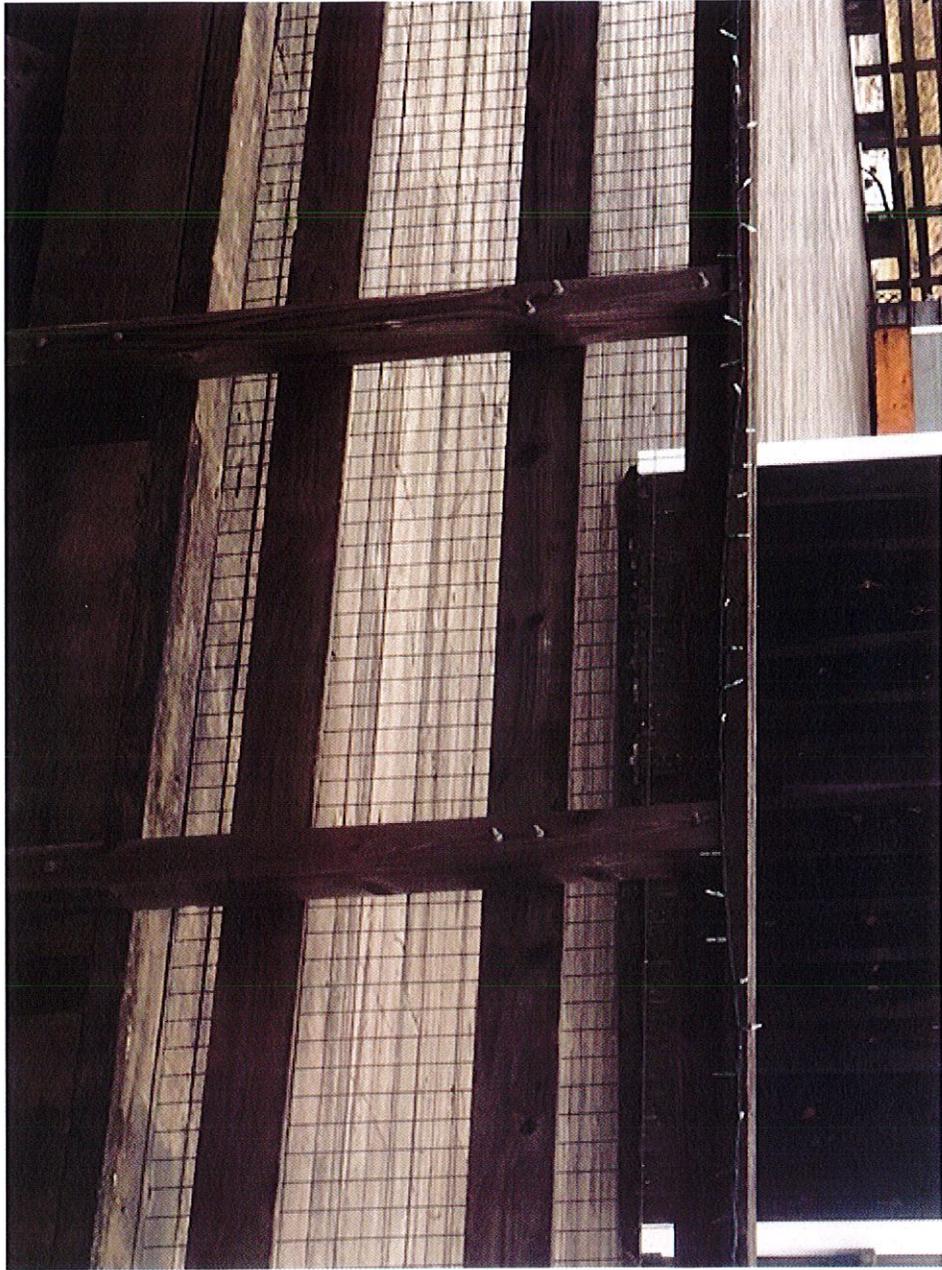
Board of Selectmen
Town of Damariscotta

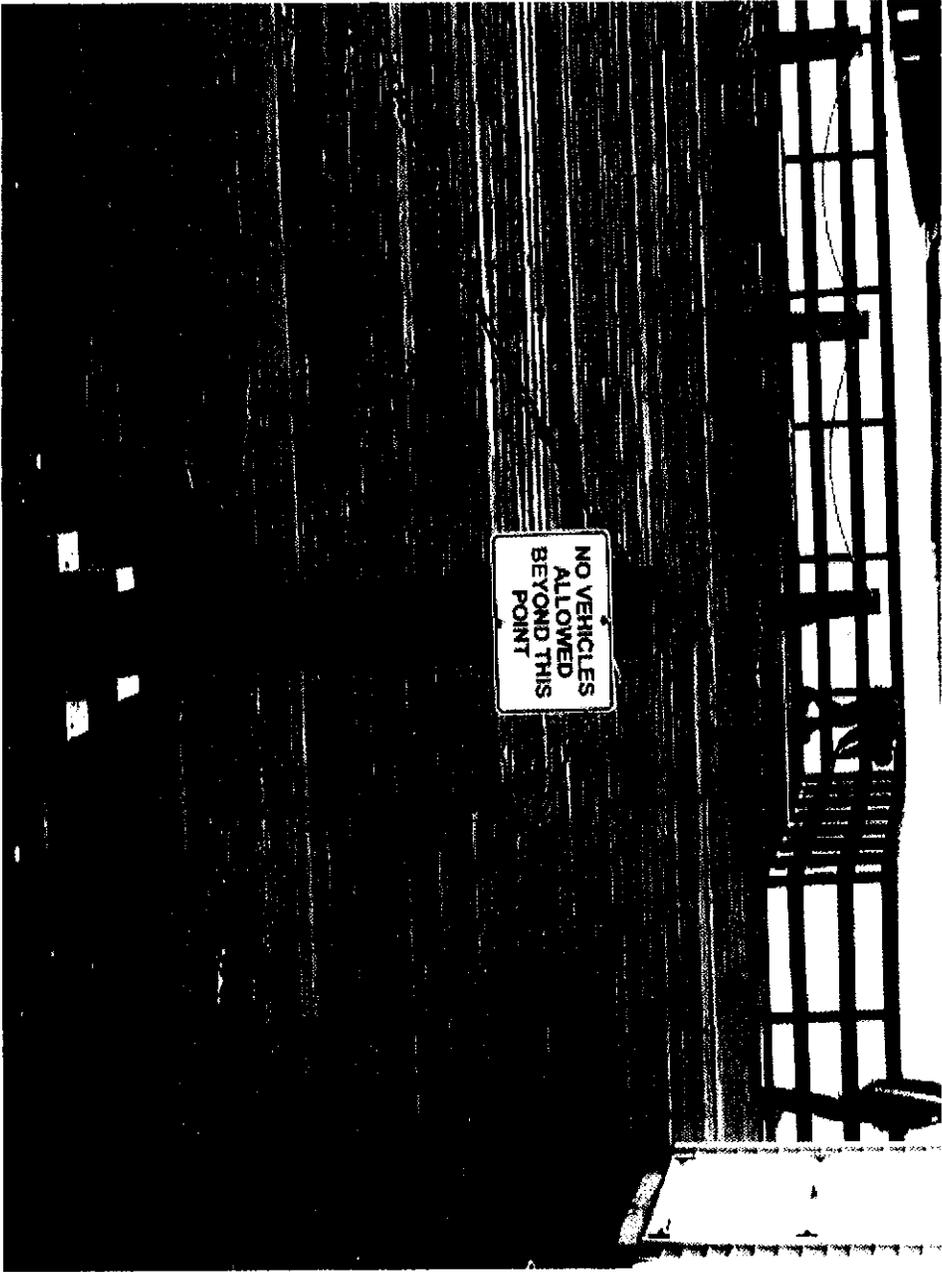
Attest: A true copy of an ordinance entitled "Adult-Use Marijuana Licensing Ordinance", as certified to me by the municipal officers of Damariscotta, Maine on November 20, 2019.



Rebecca J. Bartolotta, Town Clerk,
Damariscotta, Maine







Town of Wiscasset
51 Bath Road
Wiscasset, ME 04578
207-882-8200

12a

NOTICE OF PROPERTY TAX ASSESSMENT REVIEW

11/04/2019

Juan F. Dermody
Sarah J. Mosher
10468 Cedarlane Ave.
Baton Rouge, LA 70816

PROPERTY REVIEWED
Map R06 Lot 15 RE Acct # 837

COPY

CURRENT ASSESSED VALUE

Homestead Exemption Value: \$ 0
FINDINGS

After careful review of the assessments of your property, the following determination/
findings have been made:

_____ The assessment is fair and correct. No adjustment will be made.

_____ The assessment is fair and correct. No abatement will be made.

X An adjustment will be made. The following assessments now apply.

Homestead Exemption Value : \$ 20,000

X Abatement will be recommended for : \$ **398.00**

Remarks: Upon further review, homestead exemption was omitted in error. Abatement is recommended. If you have any further questions, please feel free to contact the Wiscasset Assessing office.

Sincerely;



Ellery G. Bane C.M.A.
Assessors Agent
Town of Wiscasset

Town of Wiscasset
51 Bath Road
Wiscasset, ME 04578
207-882-8200

NOTICE OF PROPERTY TAX ASSESSMENT REVIEW

11/18/2019

Richard A. Lutes
Nancy G. Lutes
95 Lowelltown Road
Wiscasset, ME 04578

PROPERTY REVIEWED
Map R01 Lot 020-001 RE Acct # 87

COPY

CURRENT ASSESSED VALUE

Land Value: \$ 0 Building Value \$ 152,600

FINDINGS

After careful review of the assessments of your property, the following determination/ findings have been made:

_____ The assessment is fair and correct. No adjustment will be made.

_____ The assessment is fair and correct. No abatement will be made.

X An adjustment will be made. The following assessments now apply.

Land Value : \$ 0 Building Value \$ 133,800

X Abatement will be recommended for : **\$ 374.12**

Remarks: Upon further review, adjust quality of construction and delete garage. Abatement is recommended. If you have any further questions, please feel free to contact the Wiscasset Assessing office.

Sincerely;


Ellery G. Bane C.M.A
Assessors Agent
Town of Wiscasset

Town of Wiscasset
51 Bath Road
Wiscasset, ME 04578
207-882-8200

NOTICE OF PROPERTY TAX ASSESSMENT REVIEW

11/18/19

Norman Sherman
47 Fox Run Road
Westport Island, ME 04578

PROPERTY REVIEWED

Personal Property Acct # 133

CURRENT ASSESSED VALUE

Personal Property Value: \$ 3,200

FINDINGS

After careful review of the assessments of your property, the following determination/ findings have been made:

_____ The assessment is fair and correct. No adjustment will be made.

_____ The assessment is fair and correct. No abatement will be made.

X An adjustment will be made. The following assessments now apply.

Personal Property Value: \$ 0

X Abatement will be recommended for : **\$ 63.68**

Remarks: Per further review and information provided this company owned no personal property in Wiscasset as of April 1st 2019. I hereby recommend abatement. If you have any further questions, please feel free to contact the Wiscasset Assessing office.

Sincerely;



Ellery G. Bane C.M.A
Assessors Agent
Town of Wiscasset

COPY

Town of Wiscasset
51 Bath Road
Wiscasset, ME 04578
207-882-8200

TAX ABATEMENT

To: Molly Bonang /Tax Collector / Vernice Boyce/Treasurer:

We hereby abate the Personal Property tax amount \$16.20, plus all interest and costs for the tax year 2013 for property assessed to David Laemmle, Personal Property acct #79. This tax is considered uncollectable due to statute of limitations.

Given unto our hands this _____ day of _____, 2019.

Wiscasset Board of Selectmen

Judith R. Colby

Benjamin L. Rines, Jr.

Kimberly Andersson

Jefferson A. Slack

Katharine Martin-Savage

COPY

Town of Wiscasset
51 Bath Road
Wiscasset, ME 04578
207-882-8200

TAX ABATEMENT

To: Molly Bonang /Tax Collector / Vernice Boyce/Treasurer:

We hereby abate the Personal Property tax amount \$19.44, plus all interest and costs for the tax year 2013 for property assessed to Peter West, Personal Property acct #47. This tax is considered uncollectable due to statute of limitations.

Given unto our hands this _____ day of _____, 2019.

Wiscasset Board of Selectmen

Judith R. Colby

Benjamin L. Rines, Jr.

Kimberly Andersson

Jefferson A. Slack

Katharine Martin-Savage

COPY

Town of Wiscasset
51 Bath Road
Wiscasset, ME 04578
207-882-8200

12b

TAX ABATEMENT

To: Molly Bonang /Tax Collector / Vernice Boyce/Treasurer:

We hereby abate the Personal Property tax amount \$34.25, plus all interest and costs for the tax year 2018 for property assessed to Edward and Scott Simpson, Personal Property acct #133. Business closed and personal property was dismantled. Real Property has since sold without personal property intact.

Given unto our hands this _____ day of _____, 2019.

Wiscasset Board of Selectmen

Judith R. Colby

Benjamin L. Rines, Jr.

Kimberly Andersson

Jefferson A. Slack

Katharine Martin-Savage

COPY