

WISCASSET SELECTBOARD,  
TAX ASSESSORS AND OVERSEERS OF THE POOR  
MAY 17, 2022  
WISCASSET COMMUNITY CENTER  
IN PERSON AND VIA ZOOM

Preliminary Minutes

Present: Kim Andersson (arrived during the meeting), Pam Dunning, Terry Heller, Vice Chair  
Dusty Jones, Chair Sarah Whitfield, and Town Manager Dennis Simmons

Chair Sarah Whitfield called the meeting to order at 6:02 p.m.

1. Pledge of Allegiance

2. Approval of Treasurer's Warrants

- a. Pam Dunning moved to approve the payroll warrants of May 6 and May 13, 2022. Vote 4-0-0.
- b. Pam Dunning moved to approve the accounts payable warrants of May 10 and May 17, 2022. Vote 4-0-0.

3. Approval of Minutes

Pam Dunning moved to approve the minutes of May 3, 2022. Vote 4-0-0.

4. Special Presentations or Awards

Dennis Simmons announced that the current week was EMS week and encouraged those present to thank the EMS staff.

5. Committee Appointments

Pam Dunning moved to appoint Suzanne Rankin to the Cemetery Committee and Debra Pooler to the Planning Board. Vote 4-0-0.

6. Public Hearings

- a. Annual Referendum Town Meeting warrant articles: Pam Dunning moved to open the public hearing at 6:05 p.m. Vote 4-0-0. (Kim Andersson arrived during the discussion.) Susan Blagden thanked the Highway Department for clearing the streets during the winter and Terry Heller for the Ukraine support. She expressed criticism for the handling of the repairs to the Wawenock Building. She thanked the six members of the public who were present and voted for the school department \$9,000,000 budget. Judy Flanagan noted that in the past the Waterfront Committee had been directed to raise fees, and when they complied were told that the fees were too high. She encouraged approval of the Harbor Expansion Project. Susan Robson outlined the process in putting together a grant for the engineering and design of the Harbor Expansion Project, the research into fees, and the preparation of the report for the proposal.

**Pam Dunning moved to close the public hearing at 6:14 p.m. Vote 5-0-0.**

7. Public Comment on Non-agenda Items – none

8. Department Head or Committee Chair

In response to a question about opening Scout Hall for public use of the bathrooms, Ted Snowden said it could be opened at any time.

9. Unfinished Business

a. Recommendation for Waterfront Fees: **Terry Heller moved to approve the Waterfront fees as proposed. Vote 5-0-0.**

b. James Weldon Johnson Memorial: Dusty Jones reporting on the weekend honoring James Weldon Johnson (June 17-19) said there had been discussion about planting of trees, a program is planned honoring James Weldon Johnson's birthday on the 18<sup>th</sup> and materials about the celebration will be in the library.

10. New Business

a. New Business License application: Kari McArdle DBA Little Village Design (online) 192 Old Sheepscot Road. **Pam Dunning moved to approve the business license application for Kari McArdle, DBA Little Village Design. Vote 5-0-0.**

b. Department of Resources Shoreline Pollution Survey: No board action required.

c. Monthly Financials:

- H.M.Payson Statement of Accounts: Dennis Simmons commented that it had not been a good month for investments
- Year to date (through April) expense/revenue reports

d. Renewal of Professional Planning Services Contract: **Pam Dunning moved to authorize the Town Manager to execute on behalf of the Town of Wiscasset the Renewal of Professional Planning Services Contract with Lincoln County. Vote 5-0-0.**

e. Surplus 1993 Dump Truck (old sludge truck) -Wastewater Treatment Plant: **Pam Dunning moved to deem the Wastewater Treatment Plant's 1993 GMC Dump Truck as surplus and authorize the Town Manager to solicit bids to sell. Vote 5-0-0.**

10. Town Manager's Report

Dennis Simmons reported that work on the interior of the Wawenock Building had begun, and anticipated completion date is November 1.

He reported that the new WWTP sludge truck had arrived and had been placed into service. The old truck is of no use to the town, it will be declared surplus property and bids will be sought to sell it to the highest bidder.

Simmons reported that Officer Wilhoite has completed the Basic Law Enforcement Training Program at the Maine Criminal Justice Academy and will be graduating May 20. Chief Hesseltine is graduating with honors from Central Maine Community College with a degree in Criminal Justice.

Referring to Rob Lalli's report given at the last meeting, Simmons said Wiscasset had applied to the County for up to \$200,000 in ARPA funds for the repairs to the wastewater treatment plant. Simmons and Lalli will be meeting with Mike Jenkins from USDA to discuss Rural Development funding.

Work to install the WWTP pump station generators is underway. The generators are expected around the end of June, but switches and other electrical components are in, and Machinery Services is working to prepare the sites for the installation of the generators.

Simmons, Ted Snowden, and Peter Wells reviewed the bids for the Ancient Cemetery fence and chose the aluminum fencing at a cost of \$53,500.

Simmons thanked department heads and employees for working hard to stay within their budgets while the cost of nearly everything has been skyrocketing.

#### 12. Other Board Business

a. Executive Session for consultation with legal counsel. **Pam Dunning moved to enter Executive Session pursuant to 1 M.R.S.A. §405 (6) (E) at 6:25 p.m. Vote 5-0-0. Pam Dunning moved to exit Executive Session at 7:05 p.m. Vote 5-0-0.**

#### 13. Adjournment

**Pam Dunning moved to adjourn the meeting at 7:05 p.m. Vote 5-0-0.**



6a

**NOTICE  
TOWN OF WISCASSET  
PUBLIC HEARING**

The Board of Selectmen will hold a public hearing on Tuesday, June 7, 2022 at 6 p.m. at the Wiscasset Community Center. The purpose of the hearing is to discuss a proposed 46% increase in sewer fees.

Item	Current Rate	Rate with 46% Increase
Quarterly minimum rate (0-900 cu.ft.)	\$93.60	\$136.66
The next 2,700 cu.ft. (per 100 cu.ft.)	\$10.40	\$15.18
2,700 cu.ft. – 9,999 cu.ft. (per 100 cu.ft.)	\$9.10	\$13.29
Monthly minimum rate (0-300 cu.ft.)	\$31.20	\$45.55
The next 300-9,999 cu.ft (per 100 cu.ft.)	\$10.40	\$15.18
Flat charge (1,600 cu.ft.)	\$270.40	\$394.78
Connection fee	\$100.00	\$146.00
Impact Fee (per gallon of Design Flow)	\$6.46	\$9.43



MAINE RURAL WATER ASSOCIATION

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March 28, 2022

Rob Lalli, Superintendent  
Town of Wiscasset  
Wastewater Department  
51 Bath Road  
Wiscasset, Maine 04578  
VIA E-Mail

Dear Rob,

As we discussed, I have done an initial analysis of the wastewater department and its financials and attached the result of my findings for your review. I believe that it is important for the Town to address the need for a full rate increase so that the Wastewater Department can begin to operate within its financial means.

I am also in the process of reviewing the impact fees that are charged for wastewater. While I have not concluded my analysis, it does appear to me at this time that the Town is charging impact fees within the range of similar coastal towns in Maine. I hope to have this completed very soon and will contact you as soon as possible.

Please feel free to contact me if you have any questions about the analysis or about the Impact fees.

Sincerely,

Cathy Robinson  
Financial Analyst

cc: Kirsten Hebert  
Maine Rural Water Association

# WISCASSET SEWER DEPARTMENT RATE ANALYSIS

## Sources Considered:

- Test Year of 2021 - Unaudited Financials (Test Year is the year we are basing the comparison to future needs)
- Pro Forma year of 2023 based on projected needs of the Department (Pro Forma year encompasses future annual needs of the Department)
- Considers a 3-year average of debt service payments
- Bills and number of customers are based on the 2021 (draft) annual report and information from the Town and the Water District
- This analysis reviews current rates, available financials from the 2018, 2019, 2020 audit reports and 2021 unaudited financials, current debt service, billing and consumption reports and the department budget, and provides a recommendation for consideration.

## Factors of Note:

- The Department will be hiring a third full-time employee
- Depreciation and contingency accounts are not currently being collected for or funded (contingency has been budgeted)
- Capital Improvement Reserves are currently being budgeted, but has not all been sustainable or recovered through the revenues of the sewer department
- Seasonal customers are set up to have the same charges as Annual customers, although annual customers are paying every quarter, and seasonal are paying only on the months they are turned on, and/or solely by the amount of usage
- The pro forma analysis includes a 4.84% contingency (which includes \$25,000 for extraordinary maintenance and repair expenses and \$16,000 for other contingencies (as shown in Exhibit A, Sewer Expenses)

## Findings

The Department has not had adequate revenues to cover its current operating, maintenance and debt service costs over the last three or more years. Operating expenses have been increasing over time (substantially within the last year alone). There was a decrease from actual 2020 expenses to the 2021 unaudited expenses, mainly due to holding off on some necessary expenses

Prepared by Maine Rural Water Association

and the inability to hire another full-time employee during 2021. Rates and revenues had been at the same level until a rate increase that took effect on July 1, 2019, but even with the increase, revenues have not been enough to cover costs. Debt service is expected to remain steady for at least the next three years as the department currently pays for one loan through its maturity in 2045. Currently there are no extra funds available for extraordinary events, replacement of assets or capital reserves.

In reviewing the actual expenses and the budget (please refer to Exhibit A, Sewer Expense Accounts), the department is anticipating a 2023 budget with operating expenses of over \$724,000.00, which is an increase over 2021 of \$223,000, or 49% (and a \$162,000 increase over 2020, or 32%). Adding debt service, a capital reserve fund and contingency (average contingency for water and wastewater systems is typically in the 5% range), the department could anticipate an overall increase in rates of up to 46% over 2021 (32% over 2020). This estimate does not include the funding of a depreciation account for the replacement of assets. The net income of the Department has shown as a loss over the last four years (See Exhibit B, Operating Statement).

## Recommendation

We would recommend that the Department consider the following:

- Increase rates to include the maximum amount of the expenses necessary to operate, maintain and cover debt service costs, capital reserves and contingency for the Department through an increase of approximately 46% over current rates, and subsequent to that, annually increase rates to meet Cost of Living Adjustments and begin to fund a depreciation account. Funding a depreciation account at this time would most likely be too much of a hardship on the rate payers.
- Restructure residential, commercial and governmental classes of customers who are only paying for quarters when they are residing or operating (sometimes only paying for usage). Currently, many of these customers are not paying for their ability to be a part of the system, which would include paying their full share of annual debt service and the fixed costs of the system. Standard practice for annual and seasonal customers has been to implement rates in the following manner:
  - i. Debt Service Charge: The Department's debt service divided by the number of residential, commercial and governmental units for the full year
  - ii. Systems Support Charge: The Department's budgeted expenses that do not vary with the volume of sewerage treated (fixed costs) for the full year
  - iii. Variable Expense Charge: The Department's budgeted expenses that vary with the volume of usage by customer

EXHIBIT A

Wiscasset Sewer Department  
Sewer Expense Accounts

Account Name	Actual 2018	Actual 2019	Actual 2020	Adjustment 2020 to Pro Forma	Unaudited 2021	Adjustment 2021 unaudited to Pro Forma	Pro Forma 2023	% Increase from 2020	% Increase from 2021
Salaries and Wages - Employees	\$145,591	\$175,787	\$170,985	\$34,086	\$143,879	\$61,192	\$205,071		
Employee Pensions and Benefits	\$42,446	\$85,019	\$7,737	\$3,074	\$7,054	\$3,757	\$10,811		
Maintenance and Repairs	\$21,492	\$6,730	\$4,253	\$28,747	\$12,399	\$20,601	\$33,000		
Materials & Supplies	\$15,514	\$32,826	\$44,317	\$14,448	\$36,130	\$22,635	\$58,765		
Contractual Services - Accounting/Other	\$61,737	\$77,957	\$75,294	\$31,711	\$60,983	\$46,022	\$107,005		
Insurance - Gen Liab, W/C, Other	\$28,771	\$31,259	\$97,799	\$49,374	\$95,166	\$52,007	\$147,173		
Sludge Disposal	\$19,984	\$17,065	\$18,621	\$2,159	\$15,032	\$5,748	\$20,780		
Bad Debt Expense	-	-	-	\$0	-	\$0	-		
Utilities	\$85,866	\$101,134	\$92,515	\$18,945	\$79,551	\$31,909	\$111,460		
Miscellaneous Expenses	\$4,132	\$2,693	\$3,498	\$4,798	\$4,163	\$4,134	\$8,297		
<b>TOTAL OPERATING EXPENSES</b>	<b>\$425,533</b>	<b>\$510,469</b>	<b>\$515,019</b>	<b>\$187,343</b>	<b>\$454,357</b>	<b>\$248,005</b>	<b>\$702,362</b>	<b>36%</b>	<b>55%</b>
Debt Service - Principal and Interest	\$ 47,629	\$ 47,629	\$ 47,629	\$0	\$ 47,629	\$0	\$ 47,629		
<b>TOTAL OPERATING EXPENSES PLUS DEBT</b>	<b>\$473,162</b>	<b>\$558,098</b>	<b>\$562,648</b>	<b>\$187,343</b>	<b>\$501,986</b>	<b>\$248,005</b>	<b>\$749,991</b>	<b>33%</b>	<b>49%</b>
<b>CONTINGENCY ALLOWANCE</b>									
Operating Expense	\$425,533	\$510,469	\$515,019	\$187,343	\$454,357	\$248,005	\$702,362		
Taxes Other than Income	\$10,983	\$12,613	\$13,465	\$1,553	\$10,693	\$4,325	\$15,018		
Depreciation	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Abatements	\$0	\$128	\$2,664	\$2,336	\$568	\$4,432	\$5,000		
Capital Reserve	\$61,600	\$20,972	\$61,600	\$0	\$45,417	\$16,183	\$61,600		
Income Items	\$0	\$2,033	\$0	\$0	\$0	\$0	\$0		
Debt Service:									
Principal and Interest	\$47,629	\$47,629	\$47,629	\$0	\$47,629	\$0	\$47,629		
Debt Reserves	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Total Expenses Plus Debt	\$545,744	\$593,843	\$640,377	\$191,232	\$558,663	\$272,945	\$831,609		
Contingency Allowance	\$0	\$0	\$0	\$16,000	\$21,126	-\$5,126	\$16,000		
<b>TOTAL REVENUE REQUIREMENT</b>	<b>\$545,744</b>	<b>\$593,843</b>	<b>\$640,377</b>	<b>\$207,232</b>	<b>\$579,789</b>	<b>\$267,819</b>	<b>\$847,609</b>	<b>32%</b>	<b>46%</b>



EXHIBIT B

**Wiscasset Sewer Department  
Sewer Operating Statement**

	2018	2019	2020	2021 Draft Audit	Adjustment from 2021	Pro Forma 2023
Utility Operating Income						
Operating Revenues	472,418	491,087	570,000	587,229	260,380	847,609
Operating Expenses	425,533	510,469	515,019	454,357	223,005	677,362
Depreciation Expenses	167,110	167,326	-	169,515	(169,515)	-
Capital Reserve	12,615	20,972	40,982	45,417	16,183	61,600
Taxes Other Than Income	10,983	12,613	13,465	10,693	4,325	15,018
Utility Operating Expenses	616,240	711,379	569,465	679,981	73,998	753,980
Utility Operating Income	(143,822)	(220,292)	534	(92,752)	186,381	93,629
Income from Utility Plant Leased to Others	-	-	-	-	-	-
Gains (Losses) From Disposition of Utility Property	-	-	-	-	-	-
Total Utility Operating Income	(143,822)	(220,292)	534	(92,752)	186,381	93,629
Other Income and Deductions						
Other Income:						
Revenues from Merchandising, Jobbing (net of costs)	-	-	-	-	-	-
Interest Income	-	-	-	-	-	-
Non Utility Income	-	(2,033)	1,228		-	-
Deductions:						
Debt Retirement Provision	12,942	24,684	25,069	25,695	1,975	27,670
Debt Service Reserves	-	-	-	-	-	-
Total Other Income and Deductions	(12,942)	(26,717)	(23,841)	(25,695)	(1,975)	(27,670)
Miscellaneous Nonutility Expense	-	-	-	-	-	-
Interest Expense	34,687	22,945	22,560	21,934	(1,975)	19,959
Abatements	-	128	2,664	5,000		5,000
Amortization of Debt Discount & (Pension) Expense	-	-	-	-	-	-
Total Interest Expense	34,687	23,073	25,224	26,934	(1,975)	24,959
Net Income (for rates)	(191,451)	(270,082)	(48,531)	(145,381)	186,381	41,000

EXHIBIT C

**Wiscasset Sewer Department  
Sewer Operating Revenues**

	2018	2019	2020	2021	Adjustment	Pro Forma 2022/23
<b>OPERATING REVENUES</b>				<b>Draft Audit</b>		
Unmetered Sales to Customers				8,923		6,581
Metered Sales to Customers	468,968	479,456	564,127	557,249	262,525	819,774
Assessment				-	-	
Total	468,968	479,456	564,127	557,249	269,105	826,355
Connection Fees	324	400	-	200	100	300
Impact Fees	2,326	11,082	97	17,116	97	17,213
Total Sales of Water	471,617	490,938	564,224	583,488	260,379	843,868
<b>OTHER OPERATING REVENUES</b>						
Miscellaneous Service Revenue	801	150	5,776	3,741	-	3,741
Other Sewer Revenues			-	-	-	-
<b>TOTAL OPERATING REVENUES</b>	<b>472,418</b>	<b>491,087</b>	<b>570,000</b>	<b>587,229</b>	<b>260,379</b>	<b>847,609</b>

## EXECUTIVE SUMMARY

The Town of Wiscasset, Maine operates a wastewater collection and treatment system that serves about 810 connected sewer users in the village area of the community. The system consists of fifteen miles of sewer pipe, eighteen pumping stations, and a central wastewater treatment plant that was first constructed fifty-eight years ago in 1964. While the plant was subsequently upgraded in 1982, and again in 1992, all equipment at the facility is now at least thirty years old with some original equipment still in use as it approaches six decades of service. This is a concern given the fact that most wastewater treatment plant equipment has an expected useful life of twenty years before replacement may be required.

The Town faces several challenges to upgrade its present wastewater infrastructure such that it can continue to serve the community reliably over the next twenty-to-thirty years. Deterioration of some of the Town's sewerage manholes, and defects in several areas of sewer pipe, leak profusely during wet weather events. This allows excess flows to enter the sewer system and overload its hydraulic capacity. A recent evaluation of peak flow sources identified manholes and sewer sections that require repair at an estimated cost of \$3,645,000.

The local topography of Wiscasset requires eighteen pump stations to convey wastewater from throughout the community to the central treatment plant site on Water Street. Some of these stations have been in service for almost sixty years and are in need of an upgrade. Other pump stations have been upgraded over the years, but decades have passed since that occurred. Some of the stations are undersized for current flow levels. An evaluation of the Town's pump stations conditions has indicated about \$9,580,000 in required pump station upgrades that will be needed in order for the facilities to serve the Town reliably for the next twenty-to-thirty years. Of these upgrade needs, about \$7,425,000 in capital improvements were identified as being high priority at nine of the eighteen pump stations.

It has been thirty years since the Town's wastewater treatment plant was last upgraded. Some of the present equipment is in poor condition, obsolete, or inoperable. The facility is at the age where wastewater treatment plants typically are in need of an upgrade to sustain their reliability. About \$13,870,000 dollars in treatment plant upgrade needs were identified to allow the facility to continue serving Wiscasset for the next twenty-to-thirty years.

In addition to the normal upgrade needs of the present wastewater treatment plant, the Wiscasset facility faces a unique challenge given its location on a peninsula of land that extends out into the Sheepscot River. The elevation of the plant site, as well as the elevation of many of the plant's critical treatment tanks and reactors, are below the current elevation of the mapped 100-year floodplain. In addition, climate change models that predict higher river elevations from flooding and storm surges suggests that these elevations may rise several feet over the next fifty years. In order to raise critical tank walls

and to protect the entire site with a flood wall, an additional \$7,075,000 in capital improvements may be needed.

While the accuracy of current climate change model predictions is uncertain, the fact that the plant is already at a lower elevation relative to the mapped 100-year floodplain has raised concerns with regulatory and emergency management agencies. DEP has suggested that the Town evaluate the option of abandoning the present wastewater treatment plant and building a new facility at a higher elevation. A comprehensive site selection evaluation for a new facility has not been conducted, but two possible new plant sites were evaluated as part of this study. The plant could potentially be relocated to higher ground on Federal Street. The plant could also be located on land that the Town already owns at Mason Station. This would require the construction of new pump stations and force mains to convey raw sewage from a central collection point near the existing treatment plant to a new plant site. The estimated cost to build this new infrastructure and to build a new treatment plant varies from \$35,000,000 at the Federal Street site to \$44,000,000 at the Mason Station site.

When all of these wastewater infrastructure capital needs are considered collectively, the total costs represent a significant burden for the 810 sewer users of the community. The total cost of the above infrastructure needs varies from \$32,070,000 to upgrade the present treatment plant site, to \$46,070,000 to build a new plant on Federal Street, to \$55,070,000 to build a new plant at Mason Station. All of these options are beyond the financial capacity of the Town's sewer users.

The published median household income (MHI) of Wiscasset is about \$55,131/year. Funding and regulatory agencies have historically used 2% MHI as a maximum sewer user fee that could be reached before financial hardship can be declared. A 2% MHI user fee of \$1,103/year for an average sewer user would generate about \$894,000/year in revenue. The annual costs of operating a new, upgraded wastewater treatment system is estimated at about \$747,000/year which would leave about \$147,000/year available to acquire new debt service. This payment would amortize only \$3,450,000 in new debt service at 1.5% interest over a twenty-nine year term.

The Town is in the process of raising its sewer user fees because past revenue has not covered operating costs. As a result, the Town has had an annual deficit of almost \$200,000 each year at its Sewer Department. Some of the deficit has been covered by the Town when emergency repairs arise, but for the most part, this deficit has resulted in expenditures being delayed. Once sewer rates are raised, if the Town was willing to contribute \$200,000/year to help offset debt service, the funds available for new debt service would be about \$350,000/year. This would amortize about \$8,200,000 in new principal at 1.5% over a twenty-nine year term. This would be a good start to seed potential grant funding.

There are new funding services being proposed for climate change and resiliency projects. The estimated cost impact of providing resiliency for Wiscasset is \$7,000,000 at the present treatment plant site, \$21,000,000 at the Federal Street site, and \$30,000,000 at the Mason Station site. The Town should work with its Congressional representatives and all funding agencies to determine its eligibility for these climate change funds as they become available.

Even if climate change funds are acquired, the Town will still have about \$17,000,000 in unmet needs to address all identified issues in its sewer system, pumping stations and wastewater treatment plant. The Town must work closely with all traditional funding agencies, such as DEP, EPA, RD and CDBG, to determine its eligibility for all available funds. It may be necessary to phase capital improvements over multiple years to address all identified infrastructure needs.

Rural Development (RD) is a major funding agency for wastewater infrastructure improvement projects. RD offers a grant/loan program with the grant portion being income based. At the present time, RD uses a different MHI basis than DEP. Based on the most recent Census data, RD is using an MHI of \$38,727 for the overall Town and \$21,366 for the developed urban area. This would make the Town eligible for up to 75% grant funding if DEP designates this project as a health and sanitary hazard issue. If not, the Town would still be eligible for up to 45% grant funding although 25% is more typical. An early meeting with RD is important to discuss funding options.

In order to meet the wastewater infrastructure challenges that Wiscasset faces, the Town should meet with DEP to determine if upgrading its present treatment plant with resiliency is an option or if the Town will be required to relocate the plant. Once a final decision is reached, the Town can begin working with all available funding agencies to develop a plan that is within the financial capacity of its 810 sewer users.

The Town's wastewater infrastructure has served Wiscasset residents well for nearly sixty years. In order for these facilities to continue serving the Town for the next twenty-to-thirty years, significant capital improvements will be needed. The Town's facilities have reached the age where these improvements can no longer be delayed.

9a

To: Wiscasset Selectboard  
From: Ordinance Review Committee  
Date: May 11, 2022  
Re: Marijuana Ordinances

The Ordinance Review Committee has been tasked with developing an ordinance regulating the sale, cultivation, testing, and manufacturing of marijuana. The first step in determining whether there was interest in any aspect of marijuana was a survey taken in conjunction with a comprehensive plan survey circulated to town residents. A copy of the survey results is attached.

Following the survey, which indicated that an interest in an ordinance regulating marijuana should be pursued, the Ordinance Review Committee took the following steps in developing an ordinance:

- Examination of the state regulations regarding the sale, cultivation, testing, and manufacturing of marijuana
- Examination of the state regulations regarding medical marijuana stores, caregivers, testing, and cultivation
- Review of the ordinances of many Maine towns that regulated some or all of the marijuana aspects
- Review of Maine Municipal Association information regarding marijuana ordinances and consultation with MMA attorney
- Consultation with planners Emily Rabbe and Bob Faunce and former Damariscotta Town Manager Matt Lutkus
- Development of draft ordinances over numerous meetings

The Ordinance Review Committee made decisions based on its knowledge, research, and judgment, which may or may not be the will of the citizens of Wiscasset. For instance, how many (if any) of each type of facility (testing, manufacturing, cultivation and selling of marijuana) should be allowed in Wiscasset? Or where should each of these facilities be allowed? Should a limit be put on medical caregivers, medical marijuana stores, medical testing, or manufacturing facilities?

After numerous meetings, discussions, and drafts, the Ordinance Review Committee has developed two ordinances: Adult Use Marijuana Business Ordinance and Medical Marijuana Licensing Ordinance. Although the two may be combined, it seemed less confusing to submit them as two separate ordinances. The Ordinance Review Committee will appreciate the input of the board before the committee finalizes either or both ordinances.

## Wiscasset Marijuana Licensing Survey Results

### January 2022

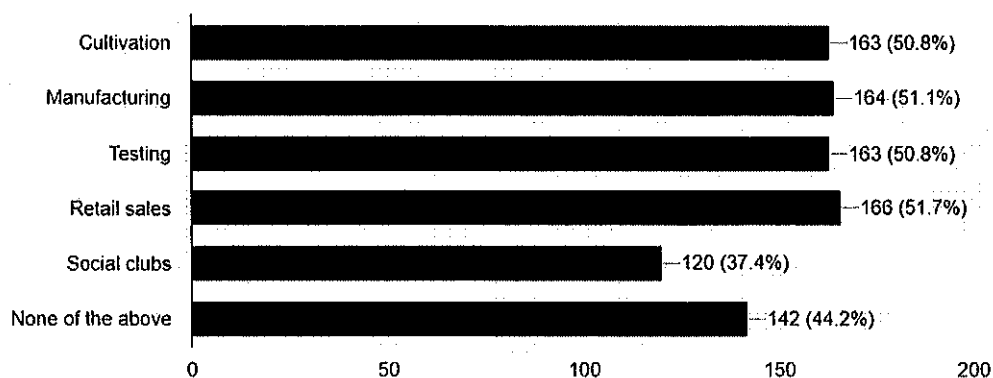
#### Overview:

- **Total responses: 332**
  - 321 responses correctly filled out
  - 3 blank responses
  - 8 responses that checked all boxes (therefore making their answers contradict itself)
- The majority of those checking off one “yes” checked off all options, with the exception of slightly fewer wanting licensing for social clubs
- 44.2% did not want any licensing

#### Full results:

Do you favor the town issuing a license for:

321 responses



**ARTICLE XIV – ADULT USE MARIJUANA BUSINESS ORDINANCE (5/10/2022 DRAFT)****1. Title**

This ordinance shall be known and cited as the “Adult Use Marijuana Business Ordinance” and will be referred to hereinafter as “this Ordinance.” This Ordinance prescribes definitions of Adult Use Marijuana Businesses; provides for permitting/licensing and regulation of Adult Use Marijuana Businesses; and provides standards for Adult Use Marijuana Businesses.

**2. Authority**

This Ordinance is enacted pursuant to authority granted under the marijuana Legalization act, 28-B M.R.S. Section 101 et seq.; the Town’s home rule authority under Article VIII, Part 2, Section 1 of the Maine Constitution 30-A M.R.S 53001 et. Seq and 30A-M.R.S. 301 et seq.

**3. Purpose**

It is the purpose of this Ordinance to authorize and regulate Adult Use Marijuana Businesses, to provide procedures and standards relating to the operation of these businesses, and to require their annual licensing in order to promote the health, safety and general welfare of the citizens of Wiscasset.

**4. Conflict with other ordinances; Severability**

Whenever a provision of this Ordinance conflicts with or is inconsistent with other provisions of this Ordinance, or of any other ordinance, regulation or standard, the more restrictive provision shall apply.

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.

**5. Effective Date**

The effective date of this Ordinance, and the licensing of any adult use marijuana store, adult use marijuana cultivation facility, adult use marijuana products manufacturing facility, or adult use marijuana testing facility in Wiscasset thereunder, shall be the date of adoption by the voters at Town Meeting.

**6. Definitions**

As used in this article, unless the context otherwise indicated, the following terms shall have the following meanings.

**Adult Use Marijuana Cultivation Facility:** A facility licensed under state law 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.

**Adult Use Marijuana Products Manufacturing Facility:** A facility licensed under state law to purchase adult use marijuana from a cultivation facility or other 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 Store:** A facility licensed under state law 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, to sell adult use marijuana, 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 Marijuana Testing Facility:** A facility licensed under state law to develop, research and test marijuana, marijuana products and other substances.

**Disqualifying Drug Offense:** A conviction for a violation of a state or federally 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; (2) an offense that consisted of conduct that would have been permitted under the Maine Adult Use Marijuana Act; or (3) an offense that consisted of conduct that would have been permitted under the Maine Medical Use of Marijuana Act.

**Marijuana:** The leaves, stems, flowers, and seeds of a marijuana plant, whether growing or not. "Marijuana" includes marijuana concentrate but does not include hemp as defined in Title 7, Section 2231, subsection 1A, paragraph D or a marijuana product.

**Marijuana Business:** An adult Use Marijuana Cultivation facility, Adult Use Marijuana Products Manufacturing Facility, Adult Use Marijuana Store, or Adult Use Marijuana Testing Facility licensed under this ordinance.

**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.

**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.

**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 or a product containing hemp as defined in Title 7, Section 2231, subsection 1-A, paragraph D.

**Plant Canopy:** The total surface area within a cultivation area that is dedicated to the cultivation of mature marijuana plants. The surface area of the plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all the area within the boundaries. If the surface area of the plant canopy consists of non-contiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used in the cultivation area, the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the cultivation area that are used to cultivate immature marijuana plants and seedlings and that are not used at any time to cultivate mature marijuana plants.

**Person:** Person includes any individual corporation, partnership, or association.

## **7. Establishments allowed; Licenses required**

Pursuant to 28-B M.R.S. 5403, the operation of marijuana businesses is allowed, subject to the restrictions of this ordinance and applicable state and local laws and regulations. No person shall operate a marijuana business, nor shall any property owner permit the use of his or her premises to be operated as a marijuana business, without a valid license issued by the Town. A separate license must be obtained for each establishment located on the same premises.

Whenever a permit/license expires and is not renewed, or the Town declines to renew a permit/license, other permit/license applications may be reviewed. The cap of permits/licenses per each category shall be maintained.

## **8. Distribution of Licenses, Priority Licensing Period**

Applications will be processed in order of receipt of the completed application, including all applicable documentation and certified funds (cashier's check, bank check, or cash).

## **9. Limitation on Licenses**

### **A. Number of Licenses Available**

The list below outlines the total number of licenses that will be available for each category of marijuana business in Wiscasset.

Adult Use Marijuana Store	2
Adult Marijuana Cultivation Facilities	
Tier 1 no more than 30 mature marijuana plants	2
Tier 1 (canopy) 500 sq. ft. mature marijuana plants	2
Tier 2 (no more than 2,000 sq. ft.)	2
Tier 3 (no more than 7,000 sq. ft.)	2
Tier 4 (no more than 20,000 sq. ft.)	2
Adult Use Marijuana Products Manufacturing Facility	2

## **10. Application**

Applicants authorized under Section 8 or Section 9 above, as applicable, shall complete and file an application on the form provided by the Town Clerk along with the following supporting materials:

- A. Evidence of all state approvals or conditional approvals required to operate the marijuana business.
- B. A release for each applicant and for each officer, owner, member, manager, or partner of the applicant seeking a license allowing the Town of Wiscasset to obtain criminal records and other background information related to the individual.
- C. Evidence of compliance with the requirements of this ordinance.

Applicants shall pay a non-refundable fee upon submission of their application. (See Fee Schedule)

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

## **11. Action on Application**

**Public Hearing:** The Town Manager, upon receipt of a completed application, shall schedule a public hearing at a regular or special meeting of the Selectboard and shall arrange for public notice of the public hearing to appear in the newspaper of general circulation within the Town of Wiscasset at least seven days before the date of the scheduled public hearing. Costs of the hearing notice shall be paid out of the license and processing fee.

**Selectboard Action:** The Selectboard, after notice and public hearing, shall determine whether the applicant complies with the requirements of this article. Upon such determination by the Selectboard, the Town Clerk shall be authorized to issue the license. The Selectboard shall have the authority to impose any conditions on a license that may be necessary to ensure compliance with the requirements of this Ordinance or to address concerns about operations that may be resolved through the conditions. The failure to comply with such conditions shall be considered a violation of the license.

The Selectboard reserves the right to hire independent third-party consultants at the applicant's expense to review proposals to determine the impact to surrounding properties or public safety implications or to resolve any other issues regarding the proposal.

## **12. Display of Licenses, Required Notices**

State and local licenses shall be displayed in a conspicuous location within the marijuana business for which the licenses are issued.

The marijuana business must post a notice with the following text: "Use of or allowed on-site consumption of marijuana is illegal. Open and public consumption of marijuana in the State of Maine is illegal. The use of marijuana or marijuana products may impair a person's ability to drive a car or operate machinery. No one under the age of twenty-one-(21) allowed. Loitering prohibited."

The required licenses and notices must be posted in a location that is highly visible to the public or, if the marijuana business is not open to the public, in a location where they are readily visible to employees and staff.

### **13. Duty to Update Information**

Any licensee issued a license under this ordinance shall have the duty to maintain updated and accurate information regarding all 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.

### **14. Standards for Approval, Denial, Revocation**

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

- A. Fails to meet the requirements of this ordinance, including any applicable building and life safety code requirements.
- B. Is not at least twenty-one (21) years of age.
- C. Has had a license or registration for a marijuana establishment or medical marijuana establishment revoked by a municipality or by the State.
- E. Has not acquired all necessary state and local approvals prior to issuance of the license.
- F. Has been convicted of a disqualifying drug offense.

### **15. In suspending, revoking, or refusing to renew a license for a marijuana business, the Selectboard may take into consideration:**

- A. number and types of complaints law enforcement received and/or investigated,
- B. citizen complaints,
- C. failure to correct or abate a violation that the Town is authorized to enforce, and
- D. failure to correct or abate any violation of this or State marijuana ordinances, rules, or regulations.

## **16. Transferability of Licenses**

No license issued under this ordinance may be assigned or transferred to another individual or entity. Any change in ownership or change in the officers of a licensee shall require a new license. Licenses are limited to the premises for which they are issued and are not transferable to another location. A licensee who seeks to move a licensed marijuana business to a new location shall acquire a renewal of the local license for the new location.

## **17. Operating Requirements**

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

### **A. Fixed Location**

- i. All licensed premises shall be fixed, permanent locations. Licensees shall not be permitted to operate marijuana establishments in other than the licensed premises.
- ii. All marijuana business locations must be approved by the Select Board.
- iii. All marijuana stores shall be limited to the Commercial District on Route 1 from Birch Point Road to the Woolwich town line; cultivation, testing and manufacturing facilities shall be limited to the Rural district; Marijuana stores, marijuana cultivation, marijuana products manufacturing facilities and marijuana testing facilities are prohibited in the Village 1 and Village 2 Districts.
- iv. No marijuana business shall be located inside a building containing residential units, including transient housing such as lodging houses, group homes, hotels, motels, and boarding houses.

### **C. No Visibility to Public from Exterior**

- i. Outdoor marijuana cultivation and/or outdoor storage of marijuana, marijuana products, or related supplies is prohibited.
- ii. Marijuana, marijuana products, and related paraphernalia shall not be visible from outside the building in which the marijuana business is located.

### **D. Setbacks**

- i. Marijuana businesses may not be located on property within one thousand (1,000) feet of the property line of a public or private school, public or private pre-school, pre-existing childcare facility, place of worship, a municipal "safe zone" per 30-A M.R.S. 9253, ball field or the Town Hall. For purposes of this section, the term "school" means

a “public school” as that term is defined in Title 20-A M.R.S. §1(24), as may be amended; a “private school” as that term is defined in Title 20-A M.R.S. 1(22), as may be amended; and/or a “public preschool program” as that term is defined in Title 20-A M.R. S. 1(23-A), as may be amended. The term “childcare facility” means a “childcare facility” as that term is defined in Title 22 M.R.S. §83011-A (IA) (B), as may be amended, and/or a “family childcare provider” as that term is defined in Title 22 M.R.S. 8301-A (I-A (C), as may be amended.

ii. Required setbacks shall be measured as the most direct, level, shortest, without regard to the intervening structures or objects, straight-line distance between the property line and the property line of the parcel of land on which the marijuana business is located. Presence of a town, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

iii. More than one marijuana business may be located on the same parcel provided all state and local requirements are met.

#### E. Security

Security measures at all marijuana business premises shall include, at a minimum, the following:

i. Security surveillance cameras installed and operating twenty-four (24) hours a day, seven (7) days a week, with thirty (30) day video storage, to monitor all entrances, along with the interior and exterior of the premises, to discourage, and facilitate the reporting of, criminal acts and nuisance activities occurring at the premises.

ii. Door and window combination video and motion detector intrusion system with audible alarm and smart phone monitoring, maintained in good working condition.

iii. A locking safe permanently affixed to the premises that is suitable for storage of all marijuana, marijuana products, and cash stored overnight on the licensed premises.

iv. Exterior lighting that illuminates the exterior walls of the licensed premises during dusk to dawn, that is either constantly on or activated by motion detectors.

v. Deadbolt locks on all exterior doors and any other exterior access points, excepting windows which shall have locks.

vi. Methods to ensure that no person under the age of twenty-one (21) shall have access to marijuana and marijuana products.

#### F. Odor Mitigation

i. All marijuana businesses shall provide odor control measures so that odor generated on site is mitigated at the property line of the lot containing the marijuana business.

Applications must demonstrate appropriate measures, such as carbon filtration, ventilation and exhaust systems, facility plans or other additional practices adequate to mitigate odors for the scale of operations for the uses sponsored.

ii. An odor mitigation/ventilation plan shall be included for adult use marijuana cultivation facilities, adult use marijuana products manufacturing facilities, and adult use marijuana testing facilities that provides for adequate ventilation to prevent pesticides, insecticides or other chemicals used in the cultivation or processing of marijuana or marijuana related products from being dispersed or released outside the premises. The plan shall further provide for resulting smoke, vapor, fumes, gases and particulate matter from marijuana or its processing or cultivation to be effectively confined to the premises.

#### G. Signs

i. Only one sign is allowed per site. Multiple marijuana businesses may share a sign.

ii. All signs used by, and all marketing and advertising conducted by or on behalf of the marijuana business, may not involve advertising or marketing that has a high likelihood of reaching persons under 21 years of age or that is specifically designed to appeal particularly to persons under 21 years of age. Marijuana businesses are prohibited from making any health or physical benefit claims through their signs, marketing, or advertisements.

iii. All signage shall meet the requirements of the Town's Sign Ordinance and may not use an image or images of the marijuana plant or plants, or parts thereof or pictorial representations of other marijuana products, by-products, or paraphernalia associated with the use or distribution of retail marijuana.

iv. Portable signs or sandwich board signs located in the public right-of-way are prohibited.

#### H. Labeling

All marijuana and marijuana products shall be labeled with the Marijuana Universal Symbol adopted by the State of Maine and shall comply with all applicable state laws and regulations.

#### I. Hours of Operation

Marijuana businesses shall only be open to members of the public between the hours of 8 a.m. and 10 p.m.

Due to fire, explosion and other hazards inherent in marijuana cultivation facilities, marijuana testing facilities and marijuana manufacturing facilities, including, but not limited to, heavy electrical loads, hot lighting fixtures, CO2 enrichment, extraction solvents (acetone, butane, propane, ethanol, heptane, isopropanol CO2, etc.), high pressure extraction methods (CO2,

etc.) and flammable contents, the owners of all such facilities shall agree to be inspected annually by the Wiscasset Fire Department and have a Knox Box installed at the structure's exterior entrance for emergency access. Knox boxes shall be obtained and installed in coordination with the Wiscasset Fire Department.

**K. Compliance with requirements of state and local law**

A marijuana business 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 adult use marijuana establishments that conflicts in any way with the provisions of this article, the more restrictive shall control.

**18. Performance Standards for Adult Use Marijuana Cultivation Facilities**

**A. Outdoor Marijuana Cultivation Prohibited**

Marijuana cultivation may only take place indoors. Outdoor marijuana cultivation and/or outdoor storage or processing of marijuana is expressly prohibited.

**B. Maximum Plant Canopy**

Adult use marijuana cultivation facilities are limited to a maximum of 20,000 square feet of plant canopy on any lot.

Any adult use marijuana cultivation facility with greater than five hundred (500) square feet of plant canopy shall carry an insurance rider or bond naming the Town of Wiscasset as the beneficiary in the amount of \$1,000,000.00 to provide for payment of any site remediation needed should the business fail.

**C. Signs**

Exterior signage must be attached to the building where the adult use marijuana cultivation facility is sited and shall include only the business name, address, and contact information. Signs are limited to a maximum of 6 inches tall by 18 inches wide.

**D. Waste Disposal Plan**

Adult use marijuana cultivation facilities must implement a waste disposal plan that shall be approved by the Town. The waste disposal plan must cover, at a minimum, the following:

- i. Wastewater management and disposal,
- ii. Hazardous waste management and disposal, and
- iii. Plant waste management and disposal.

**19. Performance Standards for Adult Use Marijuana Products Manufacturing Facilities and Adult Use Marijuana Testing Facilities**



#### A. Insurance Requirements

Any adult use marijuana products manufacturing facility or adult use marijuana testing facility shall carry an insurance rider or bond naming the Town of Wiscasset as the beneficiary in the amount of \$1,000,000.00 to provide for payment of any site remediation needed should the business fail.

#### B. Signs

Exterior signage must be attached to the building where the adult use marijuana products manufacturing facility or adult use marijuana testing facility is sited and shall include only the business name, address, and contact information. Signs are limited to a maximum of 6 inches tall by 18 inches wide.

#### C. Waste Disposal Plan

Adult use marijuana products manufacturing facilities and adult use marijuana testing facilities shall implement a waste disposal plan that shall be approved by the Town. The waste disposal plan shall cover, at a minimum, the following

- i. Wastewater management and disposal,
- ii. Hazardous waste management and disposal, and
- iii. Plant waste management and disposal.

### **20. Performance Standards for Adult Use Marijuana Stores**

A. Fixed Hours of Operation: Adult use marijuana stores must have fixed hours of operation during which they are open to members of the public over the age of 21. In no event may adult use marijuana stores be open to the public earlier than 8 a.m. or later than 10 p.m.

#### B. Prohibited Activities

The following activities are expressly prohibited:

- i. Vending machines for sales,
- ii. Drive-through sales or delivery windows, and
- iii. Shipping or delivery of any marijuana or marijuana products directly to customers.

#### C. Signs

- i. Adult use marijuana stores must have a clearly visible one (1) foot by one (1) foot sign attached to the building outside all entrances stating: "Must be 21 to enter."
- ii. Adult use marijuana stores may opt to have additional entrance restrictions included on the mandatory sign attached to the building outside any entrance with Code Enforcement Officer approval.

iii. Any signage is limited to displaying the following information: name of business, logogram of business, business address, hours of operation and contact information. Other than the foregoing information, no advertising for marijuana or marijuana products shall be displayed on any sign in a publicly visible location.

**D. Preventing Unauthorized Access**

- i. All marijuana retail stores shall perform ID checks at the door. No individual without a valid ID under the age of 21 shall be allowed into the store.
- ii. A valid ID is defined as any ID that meets the requirements of Title 32, Chapter 117/19795.

**E. License Fees**

Applicable application fee/license fee/renewal fee for each establishment is set forth in the Fee Schedule as adopted by the Select Board.

- i. To change an existing medical marijuana business license to an adult use marijuana business license the applicant pays only the difference between the one time and annual fee for their current license and the fee for the upgraded license. Annual fees are prorated on a quarterly basis. Conversion is only possible if there is a license currently available in the category of license to which the business will be converted.
- ii. Non-lapsing account: Fees collected pursuant to this ordinance shall be maintained in a separate non-lapsing account from which appropriations may be made for costs associated with the administration and enforcement of this ordinance, including without limitation, staff time and legal fees.

**21. Term of License and Renewals**

- A. The term of any license or permit shall end one year from the date of issuance.
- B. Renewals shall be subject to the same review standards as applied to the initial issuance of the license. However, renewals shall not require site plan review.

All applications and renewals shall require a public hearing and approval of the Selectboard. As part of the application/renewal process the Selectboard shall consider compliance from prior years and based upon that review, may add conditions to any future license to correct, abate or limit past problems.

Licenses shall be renewed by appropriate application and payment of fee within sixty (60) days prior to expiration date of license. Any person failing to renew any annual license required by the provisions of this ordinance within thirty (30) days after the expiration of renewal date and continuing to operate is in violation of this ordinance. Failure to renew any annual license required by the provisions of this ordinance within thirty (30) days after the expiration or renewal date will result in loss of said license.

## **22. Right of Access; Inspections**

Every marijuana business shall allow law enforcement officers, Town Manager or any other town officers as authorized by the Selectboard, Code Enforcement Office, and/or Fire Department to enter the premises at reasonable times for the purpose of checking compliance with all applicable state laws and local ordinances and regulations. All marijuana businesses shall be subject to mandatory annual inspections by the fire department and any designated town officers to ensure compliance. The Town Manager may perform inspections on a monthly basis at the discretion of the Select Board, Code Enforcement Office, and/or Fire Department.

Marijuana businesses are responsible for providing any isolation/protective gear needed to allow inspectors to access any of the business's facilities. Failure to have such gear available is not a valid reason for refusing an inspection.

Refusing to allow an inspector to access any part of a marijuana business is a violation of this ordinance and is grounds for revocation of license.

## **23. Violations and Penalties**

In addition to revocation or suspension of a marijuana business license as provided in this ordinance, a person, including, but not limited to, a marijuana business owner, a property owner where such business is located, or any agent or contractor for same, who orders or conducts any activity in violation of this ordinance, or fails to comply with any of its requirements shall be penalized in accordance with 30-A M.R.S. 4452.

Commencement of any marijuana business without a town license for same shall be a violation of this ordinance. Any party committing such a violation shall immediately cease operations, whether construction, renovation, or business nature, upon notification by the Code Enforcement Officer (CEO). Upon such CEO notification, the town may pursue fines and/or penalties under 30-A M.R.S. §4452.

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 Wiscasset Code Enforcement Officer, the Town Manager, and/or their designees.

## **24. Indemnification**

By accepting a license issued pursuant to this ordinance, the licensee waives and releases the Town, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of any marijuana business owners, operators, employees, clients, or customers for a violation of local, state, or federal laws, rules, or regulations.

By accepting a license issued pursuant to this ordinance, the permittee/licensee agrees to indemnify, defend and hold harmless the Town, its officers, elected officials, employees, attorneys, agents, and

insurers against all liability, claims and demands on account of any injury, loss or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, arising out of or in any manner connected with the operation of a permitted/licensed marijuana business.

## **25. Appeals**

An aggrieved party may appeal any final licensing, denial, suspension, or revocation decision of the Selectboard under this ordinance to Superior Court in accordance with 30-A M.R.S. 482-A and the provisions of Rule 808 of the Maine Rules of Civil Procedure.

## **MEDICAL MARIJUANA LICENSING ORDINANCE – 5/13/2022 draft**

**Article 1 - Authority.** This article 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.

**Article 2 - Purpose.** The purpose of this article is to provide procedures and standards relating to the operation of medical marijuana establishments and to require their annual licensing.

**Article 3 - Definitions.** As used in this article, unless the context otherwise indicates, the following terms have the following meanings.

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 retail store: a registered caregiver authorized under state law to cultivate medical marijuana for qualifying patients that operates a retail store to sell medical marijuana to qualifying patients.

Registered dispensary: an entity registered with the state to acquire, possess, cultivate, manufacture, deliver, transfer, transport, sell, supply or dispense marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.

State registration authority: the authority created or designated by the state for the purpose of regulating and controlling registration for medical marijuana establishments.

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.

**Article 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. 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 do not apply to any medical marijuana establishment continuously operating with municipal approval since before December 13, 2018.

**Article 5 - Application.** 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 Wiscasset 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. 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.

#### **Article 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 Article 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.

#### **Article 7 - Action on application.**

(1) Public hearing. The Town Manager upon receipt of a completed application and upon receipt of the reports required under Article 6 above, shall schedule a public hearing at a regular or special meeting of the Selectboard and shall arrange for public notice of the public hearing to appear in the newspaper of general circulation within the Town of Wiscasset at least six days prior to the date of the scheduled public hearing. Costs of the hearing notice shall be paid out of the license and processing fee.

(2) Selectboard action. The Board, after notice and public hearing, shall determine whether the applicant complies with the requirements of this article. Upon such determination by the Board, the Town Clerk shall be authorized to issue the license.

**Article 8 - Status of license—Display.** No license issued under this article 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.

**Article 9 - Duty to update information.** Any licensee issued a license under this article shall have the duty to maintain updated and accurate information regarding all 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.

**Article 10** - Standards for approval, denial, revocation. A license application for a medical marijuana establishment shall be denied by the Selectboard, and an existing license may be suspended or revoked by the Selectboard 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.
- (6) Has been convicted of a disqualifying drug offense.
- (7) Has provided false or misleading information in connection with the license application.

**Article 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 these requirements during the term of the license.

- (1) All medical marijuana business locations must be approved by the Selectboard.
- (2). Registered medical marijuana retail stores shall be allowed only on Route 1 from Birch Point Road to the Woolwich town line. All medical marijuana testing, medical marijuana manufacturing and medical marijuana dispensary locations shall be limited to the Rural District; All medical marijuana establishments are prohibited in the Village 1 and Village 2 Districts.
- (3) No marijuana medical establishment shall be located inside a building containing residential units, including transient housing such as lodging houses, group homes, hotels, motels, and boarding houses.
- (4) 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.
- (5) Security. (a) The licensed premises shall have lockable doors and windows and shall be served by an alarm system that includes automatic notification to the Wiscasset Police Department. (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 thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint. (c) The licensed premises shall have exterior spotlights with motion sensors covering the full perimeter of the building(s).
- (6) 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.



(7) Loitering. The facility owner/operator shall make adequate provisions to prevent patrons or other persons from loitering on the premises. It shall be the licensee's obligation to ensure that anyone found to be loitering or using marijuana or marijuana products in the parking lot or other outdoor areas of a licensed premises is ordered to leave.

(8) 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 article, the more restrictive shall control.

**Article 12** - In addition to revocation or suspension of a medical marijuana establishment license as provided in this article, the violation of any provision of this article 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 article. 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 Wiscasset Police Chief, the Wiscasset 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

**Article 13** – Limitations in licenses. No more than the specified quantities of licenses shall be issued.

Registered caregiver retail store: 2

Registered dispensary: 1

Medical Marijuana Manufacturing facility: 1

Medical Marijuana testing facility: 2

**Article 14** - License fees. The initial annual license fees shall be set by the Selectboard.

**Article 15** - Severability. If any section, phrase, sentence, or portion of this article 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.

**Article 16** - Appeals. An appeal from any final decision of the Selectboard under this article may be taken by any party to Board of Appeals within 30 days of the decision, pursuant to Board of Appeals Article 1, Section 5.

To: Wiscasset Selectboard  
From: Ordinance Review Committee  
Date: May 11, 2022  
Re: Marijuana Ordinances

The Ordinance Review Committee has been tasked with developing an ordinance regulating the sale, cultivation, testing, and manufacturing of marijuana. The first step in determining whether there was interest in any aspect of marijuana was a survey taken in conjunction with a comprehensive plan survey circulated to town residents. A copy of the survey results is attached.

Following the survey, which indicated that an interest in an ordinance regulating marijuana should be pursued, the Ordinance Review Committee took the following steps in developing an ordinance:

- Examination of the state regulations regarding the sale, cultivation, testing, and manufacturing of marijuana
- Examination of the state regulations regarding medical marijuana stores, caregivers, testing, and cultivation
- Review of the ordinances of many Maine towns that regulated some or all of the marijuana aspects
- Review of Maine Municipal Association information regarding marijuana ordinances and consultation with MMA attorney
- Consultation with planners Emily Rabbe and Bob Faunce and former Damariscotta Town Manager Matt Lutkus
- Development of draft ordinances over numerous meetings

The Ordinance Review Committee made decisions based on its knowledge, research, and judgment, which may or may not be the will of the citizens of Wiscasset. For instance, how many (if any) of each type of facility (testing, manufacturing, cultivation and selling of marijuana) should be allowed in Wiscasset? Or where should each of these facilities be allowed? Should a limit be put on medical caregivers, medical marijuana stores, medical testing, or manufacturing facilities?

After numerous meetings, discussions, and drafts, the Ordinance Review Committee has developed two ordinances: Adult Use Marijuana Business Ordinance and Medical Marijuana Licensing Ordinance. Although the two may be combined, it seemed less confusing to submit them as two separate ordinances. The Ordinance Review Committee will appreciate the input of the board before the committee finalizes either or both ordinances.

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**Kathleen Onorato**

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**From:** Marion Mundy <mmundy@wiscassetschools.org>  
**Sent:** Thursday, May 19, 2022 9:54 AM  
**To:** Kathleen Onorato  
**Subject:** Re: WMHS Scholarships

Hi Kathleen,

The WMHS Scholarship Committee met this week and selected the students for the two scholarships.

**Gen. John & Jeanette French Scholarship: GARRETT COSSETTE**

**Lawrence B. Haggett Scholarship: MAXX SYRJALA**

Both students will attend CMCC. Garrett is planning to major in Cyber Security and Maxx in Business.

Senior Awards Night is on Tuesday, June 7th, 6 pm. I will need the certificates and checks several days before.

Many thanks,  
Marion

On Tue, May 25, 2021 at 3:07 PM Marion Mundy <mmundy@wiscassetschools.org> wrote:  
Hi Kathleen,

The Wiscasset Scholarship Committee yesterday and selected the same recipient for the two awards:

**Kyle Wolfgang Ricker**

Kyle will be attending U Maine at Orono and majoring in History and Government.

Thank you,  
Marion

--

Marion Mundy  
Guidance Secretary  
Wiscasset Middle High School  
272 Gardiner Road  
Wiscasset, ME 04578  
207-882-7722, Option 2  
[mmundy@wiscassetschools.org](mailto:mmundy@wiscassetschools.org)

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10b



5 Davis Farm Road  
Portland, Maine 04103  
Phone (207) 878-7054  
[jessica.theriault@consolidated.com](mailto:jessica.theriault@consolidated.com)

May 10, 2022

Town of Wiscasset  
Attn: Linda Perry  
51 Bath Road  
Wiscasset, ME 04578

Dear Ms. Perry:

We present herewith an application to place conduit along Chewonki Neck Road in Wiscasset, Maine.

The Federal Aviation Administration (FAA) has a project at the south end of the runway at the Wiscasset Airport. As part of this project Consolidated Communications has been requested to relocate our telecommunication cables from an aerial to an underground line.

Consolidated will be placing conduit in a trench coordinated with Central Maine Power Co along the edge of Chewonki Neck Road in the town way.

When approved by the Board of Selectmen, please return the Permit marked, "Consolidated", duly signed, dated, and recorded in the Town records and attested to by the Town Clerk.

If you have any questions or desire further information, please call me at 207-878-7054.

Sincerely,

A handwritten signature in black ink, appearing to read "Jessica Theriault", is written over a printed name and title.

Jessica Theriault  
Right of Way

Encl.

May 6, 2022

Kerry Hadley  
Maine Art Gallery  
15 Warren Street  
Wiscasset, ME 04578

10c  
Maine  
Preservation

Our Heritage, Our Legacy



THE 1772 FOUNDATION

**Re: Maine Art Gallery – The 1772 Foundation 2022 Historic Preservation Grants**

Dear Ms. Hadley:

**Congratulations!** The Maine Art Gallery has been awarded a 2022 Maine Historic Preservation Matching Grant of \$2,500.00 for a Conditions Assessment. A conditions assessment is the groundwork required for future funding from The 1772 Foundation and other organizations. This program is a collaborative historic preservation technical assistance program between Maine Preservation and The 1772 Foundation. By signing this contract, the grantee agrees to conform with the following conditions. Failure to comply will require the funds be returned. The project is to be completed in 2022.

**Required Match:** This grant must be matched 1:1 with cash funds. You must keep your receipts and submit them for verification.

**Receipt of Grant Funds:** Payment for 100% of the grant funds will be mailed upon receipt of the signed agreement letter.

**Final Report:** Within thirty days of the completion of the project, the grantee agrees to submit a final report consisting of the following:

- Final financial report (form to be provided via email), including copies of invoice(s) for work performed
- A narrative report stating the results and accomplishments of the project (form to be provided via email)
- Five or more high-quality digital photos (JPEG format): 1. Before condition 2. After condition 3. Detail close-up 4. Work being done by contractor 5. Site being enjoyed by community members
- Copies of any significant newsletters, brochures, articles, and other publicity that featured the project and acknowledges the contributions of The 1772 Foundation and Maine Preservation. Providing a link to material on a website or social media platform is acceptable.

**Publicity:** The grantee agrees to include in all publicity about the project the statement that the project was “partially funded by a grant from The 1772 Foundation in cooperation with Maine Preservation.”

**Equal Opportunity:** The grantee agrees not to discriminate against any person because of race, sex, color, age, national origin, or disability when accepting bids for services.

**Indemnification:** The grantee hereby agrees to indemnify and hold harmless Maine Preservation, its officers, trustees, and employees from and against any claims, demands, actions, liabilities, losses, and expenses, including attorney's fees and costs associated with mechanics' liens, arising out of or in connection with the performance of the grantee's project described in the application and this letter.

**Please sign and return this letter to Maine Preservation as acceptance of this agreement. By doing this the grantee acknowledges that these grant funds will be used solely for the purposes described in the grant application and are subject to the conditions contained in this letter of agreement.** The enclosed copy is for your records. Best wishes on your project, and please let us know if we can be of any assistance.

Yours truly,

Tara Kelly, Executive Director  
Maine Preservation

**Please sign here:**

---

Grantee Signature/ Printed Name/ Date



## Safety Enhancement Grant Program

### PURPOSE

MMA's Risk Management Services is committed to assisting its Workers' Compensation Fund members in their safety efforts. The prevention of occupational injury and illness is in everyone's best interest. The primary purpose of the Safety Enhancement Grant is designed to fund equipment or items that reduce the risk of injury to workers and promote safe and healthy conditions in the workplace.

### ELIGIBILITY

Current Workers' Compensation Fund members are eligible to apply. The grants are awarded in the Spring and Fall of each year. To be eligible for the Spring grant period, your application is due *by close of business April 15<sup>th</sup>*. To be eligible for the Fall grant period, your application is due *by close of business September 15<sup>th</sup>*.

**Important Note:** *In order to support slip, trip and fall prevention, we are dedicating 70% of the spring grant funds to this effort. Requests that target slip, trip, and fall prevention will take priority. If a member has an employee injury exposure greater than slip, trip, and falls, based on their own claims experience for frequency and severity, that application will also be a priority.*

Grant request must be for single items or groups of related items. A few examples of single and related items grouped that do qualify:

#### Slip, Trip and Fall Prevention

- Slip-resistant flooring
- Outdoor slip resistant mats
- Heated Sidewalks
- Improved Lighting
- Ice Creepers

#### Related Items Grouped Examples

- Cones, Hi-Viz Vests, Stop/Slow Paddles (Traffic Control Equipment)
- Cold-water Immersion Suits, Throw Ropes, Life Vest (Cold-water Rescue)
- Body Harnesses & Lanyards (Fall Protection)

Items cannot be purchased until you are notified a grant has been awarded. Notification to each grant applicant on the disposition of their application will be sent no later than 30-days after that grant period closes. Projects that receive funding from other grant programs or funding sources are not eligible for this Safety Enhancement Grant.

### AWARDS

Members are eligible for a maximum award of \$3,000 per application. Total cost of the request amount must be a minimum of \$200. Only one application can be submitted per grant period per membership.

Items must be purchased by May 1<sup>st</sup> (Spring grant) or October 1<sup>st</sup> (Fall grant) of the **following year**. We reserve the right to review appropriate documentation of all expenses.

PARTNERSHIP | SERVICE | PERFORMANCE



# Town of Wiscasset

## Office of the Town Manager

June 7, 2022

To: Wiscasset Selectboard

Ref: Town Manager's Report

The draft report on the status of our wastewater treatment facility has been completed. I have included the executive summary in the supporting documents, which gives a broad overview of the report and the challenges we face. The next step in this process is for the ME DEP to review the draft. Bill Olver has reached out to the ME DEP to review the report and set up a meeting to discuss its findings and subsequent steps to move forward. Rob, Bill and myself have already met with Mike Jenkins of USDA RD to discuss funding options. Also included in the supporting documents are the results of the financial study for rates completed by Cathy Robinson. Cathy, Rob and Bill will all be on hand for the public hearing to answer any questions.

On behalf of the town's Safety Committee, Erin submitted an application to MMA's Ed McDonald Safety Enhancement Grant for the purchase of ergonomically correct office equipment for the town office staff. We were awarded a grant totaling \$2489.00 This will help us to reduce repetitive motion and other injuries. I am asking you to accept this grant.

Kerry Hadley has informed me that the Maine Art Gallery has been awarded a Maine Historic Preservation Matching Grant for \$2500.00 from The 1772 Foundation for a Conditions Assessment. This grant helps to lay the groundwork for future grants for preservation from the Foundation. This is the second grant they have received since our lease agreement. Seems to be paying dividends already.

Work at the airport continues, albeit at a slower pace than hoped. Several clay deposits have been found in the runway which will have to be removed to avoid having soft spots develop over time. This will push the completion date out by a couple of weeks. Work on cleaning the fuel tanks is scheduled to start June 7<sup>th</sup>.

The ORC has put a lot of time and effort into drafting two marijuana ordinances. The drafts are in your supporting documents for your review. If the Board's desire is to present these to the voters during the November general election, then we need to have a warrant to Linda by September 1<sup>st</sup>. The Legislature passed a bill authorizing the state to reimburse municipalities that opt-in to adult use for up to \$20,000 for the expenses the municipality incurs developing and passing ordinances. This includes the costs of legal review, holding a town meeting, printing ballots and so forth.

On June 2<sup>nd</sup> I received a call from Senator Collin's office that she has included the Old Ferry Road repair in her Congressionally Directed Spending requests. While this is not a guarantee it will ultimately be approved it is a major step forward.

Through the generosity of its customers and staff, Atlantic Motor Cars has donated \$1374.00 towards replacing the unserviceable AEDs. I am asking that you accept this donation to be placed in the EMS donations fund, with a huge "thank you" to Bruce, his crew and customers.

As it is each year, the town office will be closing at noon on June 30<sup>th</sup> for year-end closeout.

Reminder that the east end of the municipal parking lot is closed Fridays from 6AM to 2PM for the Wiscasset Farmer's Market. The parking area directly behind the municipal building may be used and accessed from Churchill St.