

# Agenda

## Winterport Town Council

DATE	July 11, 2023
TIME	6:30 PM
LOCATION	44 Main Street, Winterport
NEXT MEETING	* New year, Council Must Schedule at First TC Meeting of New FY

**1. COUNCIL MEMBERS IN ATTENDANCE**

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF THE AGENDA**

**4. CONSENT AGENDA**

*1. SIGNATURES OF WARRANTS*

*2. APPROVAL OF MINUTES*

*3. COMMUNICATIONS*

*4. APPOINTMENTS & RESIGNATIONS*

*5. COMMITTEE MINUTES*

**5. PUBLIC COMMENTS**

**6. COMMITTEE REPORTS**

*- CONSERVATION COMMISSION – FORESTRY PLAN*

*- SOLID WASTE COMMITTEE – REVIEW OF ORDINANCE/RECOMMENDATIONS*

**7. UNFINISHED BUSINESS**

**8. NEW BUSINESS**

*1. SCHEDULE FOR TOWN COUNCIL MEETINGS*

*2. ELECTION OF OFFICERS – TOWN COUNCIL*

*3. MEMORIAL DRIVE*

*4. MIKE THIBODEAU*

*5. RECREATION STIPEND POSITION*

**9. MANAGER'S REPORT**

**10. COUNCILOR'S COMMENTS**

**11. EXECUTIVE SESSION**

*1. M.R.S.A. 405(6)(A) / . M.R.S.A. 405(6)(C)*

**12. ADJOURNMENT**

# Minutes

## Winterport Town Council

DATE	June 27 <sup>th</sup> , 2023
TIME	7:00 PM
MEETING CALLED TO ORDER BY	Maggie English-Flanagan at 7:00 PM

### COUNCIL MEMBERS IN ATTENDANCE

*Chair – Maggie English-Flanagan*

*Councilor Stephen Cooper*

*Councilor Kevin Kelley*

*Councilor Tammy Higgins*

*Councilor Ann Ronco*

### PLEDGE OF ALLEGIANCE

*Pledge of Allegiance was led by Manager Ashey*

### APPROVAL OF THE AGENDA

**Motion:** Councilor Higgins, 2<sup>nd</sup> Councilor Cooper

**Vote:** Passed – 5-0

**Resolution:**

### CONSENT AGENDA

**Motion:** Councilor Higgins, 2<sup>nd</sup> Councilor Cooper

**Vote:** Passed – 5-0

**Resolution:** Next scheduled meeting will be July 11, 2023 at 6:30PM. Public Information Meeting for broadband scheduled for July 18, 2023 at 6:30PM.

### PUBLIC COMMENT

*Thomas Pierpont – Spoke on Tax Acquired Properties*

*Joe Tyler – Would like a packet of information that the council receives to be left at the store.*

### COMMITTEE REPORTS

**Broadband Committee:** Councilor Kelley provided an update on the broadband committee.

## UNFINISHED BUSINESS

*No unfinished business*

## NEW BUSINESS

### 1. Department Funds/expenditures .

**Motion:** Councilor Kelley 2<sup>nd</sup> Councilor Ronco

**Vote:** Passed – 5-0

**Resolution:** Allows funds to be moved in road maintenance and parks and grounds to cover the cost of projects.

## MANAGER'S REPORT

1. Town Manager's Report is attached as Exhibit A.

## COUNCILOR'S COMMENTS

1. Councilor Kelley made a motion to accept the FY 22-23 Audit. 2<sup>nd</sup> by Councilor Higgins. Passed 5-0

## EXECUTIVE SESSION

1. M.R.S.A.405(6)(A) / M.R.S.A. 405(6)(C)

### A. Council entered executive session

**Motion:** Councilor Kelley, 2<sup>nd</sup> Councilor Ronco

**Vote:** Passed – 5-0

**Resolution:**

### B. Council Exited Executive Session

**Motion:** Chair English-Flanagan, 2<sup>nd</sup> Councilor Cooper

**Vote:** Passed – 5-0

**Resolution:**

## ADJOURNMENT

*Meeting was adjourned at 8:45PM*

**Motion:** Chair English - Flanagan, 2<sup>nd</sup> Councilor Cooper

**Vote:** Passed – 5-0

**Resolution:**

Respectfully submitted,

A handwritten signature in black ink that reads "Casey J Ashey". The signature is written in a cursive, flowing style.

Town Manager

*Note: All Winterport Town Council Meetings are recorded. See audio recording for further information.*



Conservation Commission Winterport &lt;ccwinterport@gmail.com&gt;

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**Forest Management Plan**

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**Ken Strickland** <kstrickland1@roadrunner.com>

Wed, Jun 14, 2023 at 4:12 PM

To: Conservation Commission Winterport &lt;ccwinterport@gmail.com&gt;

Hi Mary Anne,

Zoe Forest Management plan is an excellent plan, especially for a student. What you are looking for is a Harvest plan (to include recreational aspect such as trails) to supplement Zoe's work. A harvest plan needs to be flexible as you don't know at this time who will be doing the harvesting. Some things to consider are: yard (landing) location and access to it, crossing the pipeline, boundary conditions and bringing it up to standard (should be done by a forester or surveyor), market conditions, logging company experience and available equipment, etc. Weather (which we have no control over) will affect timing and results.

My quote for developing a harvest plan for the Blueberry Hill lot is \$750.

Ken Strickland, RPF #357

Sent from Mail for Windows

[Quoted text hidden]

Green = spelling/typo   Red = added   *Italics = meaning?*   **Bold = policy v practice/accuracy**  
Reformatted in several sections using standard outline designations

## SECTION I. TITLE

This Ordinance shall be known as the Solid Waste Management Ordinance of the Town of Winterport, Maine.

## SECTION II. ENABLING LEGISLATION

**This Ordinance is enacted pursuant to the authority granted in Title 30 M.R.S.A. Sections 1304-B, 1917, 2151, 4101, and 4102.**

## SECTION III. PURPOSE

The Municipality has a statutory obligation to provide a solid waste disposal facility for domestic and commercial waste generated within the Municipality and is authorized to provide such a facility for industrial waste pursuant to Title 38 M.R.S.A. Sec. 1305, sub-sec.1.

Municipal solid waste contains valuable recoverable resources, including energy, which if recovered reduce the cost of solid waste disposal. Because energy recovery technology is complex, most energy recovery facilities have high costs and long payback periods. To remain cost-effective and operate efficiently during their useful lives, energy recovery facilities require a guaranteed steady supply of waste during their entire useful lives. Consequently, if the municipality utilizes an energy recovery facility for processing solid wastes it must agree to provide the facility with a steady supply of solid waste for a relatively long period.

The Municipality must exercise its legal authority to control the collection, transportation and disposal of solid waste generated within its borders to ensure delivery of a steady supply of waste to the designated energy recovery facility. The Municipality finds that use of an energy recovery facility to process acceptable solid waste is an environmentally sound and economically viable solution to the solid waste disposal problem and thereby protects the public health, welfare and safety of the citizens of the Municipality. **In the event that the energy recovery facility is off-line alternate disposal methods will be used.**

The Winterport Transfer Station is considered a central accumulation facility for the purposes of the collection and management of Universal Wastes. A Central Accumulation Facility is a facility where universal wastes from households and businesses are collected for shipment to a universal waste consolidation facility or to a universal waste recycling facility.

## SECTION IV. RESPONSIBILITY

The Municipality operate a municipally owned and operated transfer station in Winterport, located off Route 139 at the eastern end of Fernald Field, which operation shall be conducted in accordance with rules and regulations of the Maine Department of Environmental Protection and this Ordinance, as the temporary disposal facility for acceptable waste.

It shall be the responsibility of each resident or primary occupant of a dwelling, commercial or industrial facility to provide for disposal of all refuse generated therein in accordance with rules and regulations established by State Law and the Municipality of Winterport, Maine. This responsibility includes the separation of refuse; delivery of refuse to the Facility; proper on-site storage at the home, commercial or industrial facility and proper methods of disposal.

The Municipality is responsible for the implementation of the Universal Wastes Rules at the facility. The Municipality has the ultimate authority for all universal wastes accepted and managed at the facility.

## SECTION V. DEFINITIONS

All terms not specifically defined herein shall have their ordinary meanings; words used in the present tense include the future, and plural includes the singular. For purposes of this Ordinance, the following terms shall have the meanings described to them in this section:

Administrator: Administrator is a municipal official appointed by the ~~Selectmen~~ **Town Council** who has final responsibility for administration of the solid waste facility.

Batteries, Acid: Acid Batteries include car and truck batteries.

Demolition Debris: Demolition Debris means inert solid waste that does not react with other substances under ordinary conditions, including but not limited to concrete, rocks, bricks, plaster, contaminated fill, building construction wastes, etc.-.

Equipment, Backup: Backup Equipment means equipment available to the Transfer Station Supervisor within a certain period of breakdown of the primary solid waste facility equipment.

Equipment, Solid Waste: Solid Waste Equipment means any equipment including building on-site used for solid waste storage, compaction, transfer, covering, grading, and other operational activities.

Garbage and Household Wastes: Garbage and Household Waste shall include animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food in any private dwelling house, multiple dwelling, hotel, restaurant, building or institution. It shall also include mixed and bulk refuse originating in and around private dwellings, multiple dwellings, or dining facilities located in schools.

Hazardous Waste: Hazardous Waste means a substance designated as hazardous by the Department of Environmental Protection such as poison, corrosive agents, etc. Hot Load: Hot Loads means any loads of solid waste that are on fire, smoldering or are potentially flammable by



spontaneous combustion. Hot loads include wood ashes, cigarette dry residue, coal ash and clinkers, residue from a fire, etc.

Landfill, Sanitary: Sanitary Landfill means a disposal facility for solid waste on land designed to protect the environment and refers specifically to the demolition debris site operated by the Town.

Landscape Refuse: Landscape Refuse means leaves, garden stubble, lawn rakings, weeds and other material that can be composted and reused as a soil conditioner.

Recyclable Materials: Recyclable Materials will include metal, glass, waste paper, cardboard, **plastic containers** and other materials that may from time-to-time be designated as recyclable materials.

Rubbish: Rubbish means ~~all cardboard, plastic, metal, or glass food containers, waste paper,~~ rags, sweepings, small pieces of wood, excelsior, rubber, leather, and similar waste materials. It shall also include wood furniture, ropes, rags, and other debris.

Solid Waste Facilities: Solid Waste Facilities means all facilities owned by the Town used to transport or dispose of solid waste, which includes the transfer station, demolition debris site and recycling center.

Solid Waste Management: Solid Waste Management means purposeful, systematic, and unified control of the collection, storage, transportation, processing, salvaging, and disposal of solid waste.

Solid Waste: Solid Waste means unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example, and not by limitation, rubbish, garbage, refuse, inert household wastes, material, landscape refuse, wood wastes, white goods, but shall not include sludge, septage, hazardous wastes, agricultural or industrial wood by-products.

Special Wastes: Special Wastes include that fraction of solid wastes and other wastes which are handled, stored or disposed separately. Special wastes include but are not limited to white goods, tires, demolition debris, hot loads, wood wastes, and recyclable materials.

Tires: Tires shall include all tires, tubes, and rubber protective flaps. Tire rims are not included under this definition.

Transfer Station Facility: Transfer Station Facility means a facility constructed and managed to store, dispose and/or process and place solid wastes in containers for transport to disposal facilities.

Transfer Station Supervisor: Transfer Station Supervisor has the responsibility to properly operate and maintain transfer station facilities. His direct supervisor is the Town Manager.

Acceptable Universal Wastes:

~~1. Batteries. Batteries contain heavy metals, such as lead, cadmium and mercury. Battery types include Nickel Cadmium, Metal Hydride, small sealed lead acid, Lithium, Mercuric Oxide and Silver Oxide button batteries.~~

~~Note: The battery types listed above may be managed in accordance with the Universal Waste rules or in accordance with a Department-sanctioned manufacturer take back program, such as the Rechargeable Battery Recycling Corporation (RBRC) program.~~

~~Vehicle batteries are NOT considered universal waste; these batteries should be handled through the battery deposit system managed by auto shops and auto parts stores.~~

~~2. Cathode Ray Tubes (CRT'S) (TV screens and computer monitors). CRT'S have a very high lead content. These include video display components of televisions, computer monitors, and other display devices. All computer components, including keyboards, will be accepted.~~

~~3. Lamps. Some lamps contain mercury and lead which are hazardous to humans and the environment. These include fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium and metal halide bulbs.~~

~~4. Thermostats with a mercury ampule. Some thermostats (temperature control devices) contain mercury in a sealed glass bulb.~~

~~Note: The Department of Environmental Protection will propose to categorize mercury containing thermometers and other mercury devices as Universal Wastes in a future rule-making process.~~

~~5. Totally enclosed, non-leaking, polychlorinated biphenyl (PCB) ballasts. The types of ballasts included are those that electronically control light fixtures. PCB's are known to cause cancer in humans. When released to the environment, PCB's can build up in fish and other foods.~~

~~6. Mercury Switch. A mercury switch is a mercury added manufactured item that uses metallic mercury to measure, control or regulate the flow of gas, fluids or electricity.~~

~~7. Mercury Device. Mercury device is a manufactured item that has mercury added to it. Examples are mercury thermometers, mercury manometers, mercury blood pressure cuffs, and mercury switches. The term does not include motor vehicle switches.~~

~~8. Motor Vehicle Switch. Motor vehicle switch means a mercury switch used in a motor vehicle. It includes mercury light switches used to turn a light bulb or lamp on and off and a mercury switch used in anti-lock braking systems.~~

1, Batteries, including Nickel Cadmium, Metal Hydride, small sealed lead acid, Lithium, Mercuric Oxide, Zinc Air and Silver Oxide button batteries.

Note: Vehicle batteries are NOT considered universal waste; these batteries can be recycled through the battery deposit system, or if leaking or not intact they should be managed as a regular hazardous waste.

2. Cathode ray tubes, including video display components of televisions, computer monitors, and other display devices.

3. Certain lamps containing mercury or lead, including fluorescent, high-intensity discharge, neon, mercury vapor, high-pressure sodium, and metal halide bulbs. (All mercury-containing lamps must be managed as universal waste regardless of the amount of mercury in the lamp.)

4. Mercury devices including mercury thermometers, sphygmomanometers, and nonmotor vehicle mercury switches.
5. Mercury thermostats including temperature control devices, which contain mercury.
6. Motor vehicle mercury switches, including hood and truck light switches and ABS switches.
7. Totally enclosed non-leaking polychlorinated biphenyl (PCB) ballasts.
8. Limited quantities of oil-based architectural paint

#### Prohibited Activities

The following activities are prohibited:

1. Disposing, diluting, or treating universal waste. The intentional breaking of cathode ray tubes or lamps is considered a form of treatment and may not be intentionally conducted.
2. Sending or transporting a universal waste to any facility other than a consolidation facility for universal waste, or a recycling facility for universal waste. Exception: Broken lamps, PCB ballasts and residues from mercury spill kits may be sent to an approved Hazardous Waste disposal or treatment facility.

Unacceptable Wastes: Unacceptable Wastes means all solid waste of the type municipalities are required by Title 38 M.R.S.A. Sec. 1305, as amended, to regulate, which specifically excludes the industrial and sewage treatment plant sludge, and solid and liquid wastes of the type presently prohibited for disposal at the Facility, including the following:

1. Liquid waste of sludges, including septage;
2. Sludge
3. Abandoned or junk vehicles;
4. Hazardous waste, that is, waste with inherent properties that make it dangerous to manage by ordinary means, including but not limited to chemicals, explosives, pathological wastes, radioactive wastes, toxic wastes, and other wastes defined as hazardous by the State of Maine or state or local laws, regulations, orders, or other action promulgated or taken with respect thereto;
5. Dead animals or portions thereof or pathological wastes;
6. Water treatment residues;
7. Asbestos

White Goods: White Goods mean large appliances including, but not limited to stoves, refrigerators, freezers, washing machines, clothes dryers, dishwashers, and air conditioners

Wood Wastes: Wood Waste means dry waste made of wood to include trees, stumps, brush, slabs, edgings, and pallets.

~~Town Dump and Solid Waste Facility Ordinance (Continued)~~

## SECTION VI. REGULATED ACTIVITY

The accumulation, collection, transportation and disposal of acceptable wastes, recyclable/storable wastes and unacceptable wastes generated within the Municipality shall be regulated in the following manner:

6.1 All acceptable wastes generated within the Municipality shall be deposited at the Facility and handled there in accordance with the standards set forth in this ordinance.

6.2 All recyclable/storable wastes shall be deposited at the Facility in accordance with the provisions of this Ordinance.

6.3 All unacceptable wastes, including hazardous wastes and industrial wastes generated within the Municipality shall be deposited only at a suitable waste disposal facility which is designated for the express purpose of handling said unacceptable waste.

## SECTION VII. SOLID WASTE DISPOSAL CONTROL AND RECYCLING STANDARDS AND REGULATIONS

The Municipal Officers are hereby granted authority to establish detailed operating rules and regulations. for all solid waste collection, recycling and disposal facilities within the Municipality. The rules and regulations shall be reviewed and revised as required to satisfy the need of the Municipality.

## SECTION VIII. RECYCLABLE MATERIALS

It is the intent of this Ordinance to promote the recycling of materials. These materials include, but are not limited to metal, glass, cardboard, newspapers, **plastics acceptable for recycling**, etc. To the greatest extent possible recyclable materials will be separated and disposed of in appropriate on-site containers.

## SECTION IX. ADMINISTRATION

This Ordinance shall be administered by the Administrator. The powers and duties of the Administrator are as follows:

9.1 To issue all permits required by this Ordinance and to enforce rules, regulations, fees and impose penalties as provided by this Ordinance.

9.2 To institute necessary proceedings, either legal or equitable, to enforce this Ordinance.

## SECTION X. PERMITS

The Facility is operated for the purpose of the residents, taxpayers and commercial establishments of the Town of Winterport. Requests from persons for access to the Facility may be approved at the discretion of the Administrator. Admission to the Facility shall only be by permit which shall be

displayed on their vehicles in order to gain access. Commercial haulers shall obtain a permit for each vehicle. Permits may be revoked by the Administrator, following notice and hearing, for violation of this ordinance or rules and regulations adopted pursuant thereto.

10.1 No person, firm or corporation shall dispose of acceptable waste, recyclable/storable waste or unacceptable wastes generated within the Municipality, excluding agricultural wastes and licensed junkyards, without obtaining a permit from the Administrator. Permits may be issued to residents and taxpayers of the Municipality only.

10.2 Any person, firm or corporation required by this Ordinance to obtain a permit shall make application **to the Administrator or designees**, providing the information required. Each application shall be accompanied by a non-refundable application fee.

10.3 ***The application shall contain all information required by the Administrator including, but not limited to, a description of the activity(ies) engaged in, e.g., collection, transport or disposal of acceptable, recyclable/storable and/or unacceptable waste, types and estimated amount(s) of waste handled in each service area; a description of the facility(ies) operated and used; and equipment inventory including, for vehicles, a description of the make, model and year of each vehicle used for collection or transportation of solid waste. All information provided shall be revised annually upon application for permit renewal.***

10.4 **Permits shall not be transferable. In the event of an emergency or vehicle breakdown, the holder of the permit shall be issued a special permit for a satisfactory replacement vehicle, upon furnishing of all information required for a licensed vehicle.**

10.5 All permits shall expire one (1) year from the date of issue unless otherwise stated on the permit or revoked or suspended sooner in accordance with the provisions of this Ordinance.

10.6 There shall be an annual permit fee for each vehicle licensed for activities involving the transport of solid waste.

10.7 In the event that the Administrator denies a permit application, he shall notify the applicant in writing, and shall state the reasons for the denial. The applicant may request a hearing in accordance with the procedures in Section XII.

## SECTION XI. SUSPENSION OR REVOCATION

Any permit issued may be suspended or revoked by order of the Administrator for the following causes:

- a. Violation of this Ordinance;
- b. Violation of any provision of any state or local law, ordinance, code or regulation which relates directly to the provisions of this Ordinance;
- c. **Violation of any white goods disposal permit;** and
- d. Falsehoods, misrepresentations or omissions in the white goods disposal permit application.

## SECTION XII. HEARINGS

12.1 Anyone denied a permit or whose permit is suspended or revoked pursuant to Section XI, shall be entitled to a hearing before the ~~Selectmen~~ Town Council if such request is made, in writing, within fifteen (15) days of the denial, suspension or revocation.

12.2 The permittee or applicant shall be notified, in writing, as to the date, time and place of the hearing at least ten (10) days prior to the hearing date. The permittee or applicant has the right to be represented by counsel, to offer evidence and to cross-examine witnesses.

12.3 A determination shall be made by the ~~Selectmen~~ Town Council within ten (10) days after the conclusion of the hearing and notice of the decision shall be served upon the permittee or applicant by certified mail, return receipt requested.

12.4 The ~~Selectmen~~ Town Council's final determination relative to the denial, suspension or revocation of a permit and the period of suspension or revocation shall take effect as provided in the notice, but no later than ten (10) days after the date on which such notice has been mailed to the permittee or applicant, and shall be conclusive.

12.5 Notice of the final determination shall set forth the reasons for the denial, suspension or revocation and the effective dates thereof together with a statement that such decision may be appealed as provided in this Ordinance.

## SECTION XIII. PERMIT FEE

Purpose and Authority: In order to defray costs of maintaining the Facility a fee schedule for use of the Facility shall be established.

### 13.1 Fee Schedule for Residential Users of the Collection Facility

*A \$1.00 fee for acceptable wastes shall apply to any persons, firms or corporations exempted from the permit provisions of this Ordinance who shall separate out recyclable/storable materials pursuant to a recycling program approved by the Municipal Officers. All residential users who fail to separate out recyclable/storable materials, in the amount of one (1) portion of recyclable/storable shall be subject to Suspension or Revocation of permit as defined in Section XI.*

13.2 Fee Schedule for Commercial Users: The Selectmen Town Council may determine a fee schedule for commercial use.

13.3 Fee Schedule for Construction and Demolition Debris: The Selectmen Town Council may determine a fee schedule for construction and demolition debris.

13.4 Fee Schedule for Tires: ~~All persons, firms or corporations shall pay a \$1.00 fee per tire deposited at the Facility.~~ The Town Council may determine a per tire fee schedule

13.5 Fee Schedule for White Goods: There shall be no fee charged for the deposit of white goods at the Facility. However, only two (2) items of white goods may be deposited at the Facility in any one calendar year by each household or commercial establishment having a regular permit

to use the Facility. **Prior to depositing any white good item at the Facility, a special permit must be obtained from the Administrator and presented to the Transfer Station Supervisor at the time of disposal.**

3.6 Fee Schedule for Brush, Leaves, and Vegetation: No fee shall be assessed but restricted usage may be enforced.

13.7 Fee schedules will be available at the Town Office and Transfer Station

13.8 Fee schedules will be reviewed annually by the Town Council

#### SECTION XIV ENFORCEMENT

14.1 All provisions of this Ordinance are enforceable by the duly authorized Administrator.

14.2 **If the Transfer Station Supervisor determines that any person utilizing the Facility is doing so in violation of any requirement of this Ordinance, he/she shall document said violation and forward that person's name and address; vehicle registration number; sticker number; date, time and description of violation; photographs(s), if any; and any other pertinent information to the Administrator. The Administrator, is hereby empowered to issue a written notice of violation to any such person. If any person commits an additional violation after the issuance of a notice of violation, the Administrator is hereby empowered to suspend or terminate that person's privilege to use the Facility.** Any decision of the Administrator to suspend or terminate a person's privilege to use the Facility may be appealed to the ~~Board of Selectmen~~ **Town Council** of the Town of Winterport, which shall have the authority to uphold, modify, or reverse the decision of the Administrator.

#### SECTION XV. AMENDMENT

This Ordinance may be amended in the same manner as any other ordinance of the Municipality as needed.

#### SECTION XVI. EFFECTIVE DATE

This Ordinance shall become effective upon acceptance by the voters of the Town of Winterport, provided the Municipality provides notice of commencement in the manner required for publication of ordinances. Any person, firm or corporation required to obtain a permit hereunder shall have thirty (30) days from the date of adoption of this Ordinance to secure such permit, which shall become effective on the date specified thereon.

#### COUNCILORS, ASSESSORS, TOWN MANAGER

We the Municipal Officers of the Town of Winterport certify that this is a true copy of the proposed Solid Waste Management Ordinance of the Town of Winterport, Maine.

WINTERPORT, MAINE 04496 207-2235055

Adopted March 5, 1991

Amended September 12, 2006

Amended

PLEASE NOTE: It is most important that all residents conform with the disposal rules below:  
ONE RESIDENT'S FAILURE TO COMPLY COULD MEAN THE



REJECTION OF AN ENTIRE TOWN LOAD AT THE DISPOSAL SITE, WHICH IS EXTREMELY EXPENSIVE AND POTENTIALLY HAZARDOUS FOR ALL OF US. In addition, anyone failing to cooperate with the rules below may be subject to a fine or further legal action.

The transfer station is supported entirely by Winterport taxpayers. It is visited by an average of 400 vehicles weekly and is for Winterport residents' use only. With these facts in mind, it is imperative that all users

1. display their permit sticker on their vehicle so the attendant can see it and
2. deposit waste in the designated areas.

THANK YOU FOR YOUR COOPERATION

\*\*\*\*\*

## TOWN OF WINTERPORT

### TRANSFER STATION OPERATING RULES AND DISPOSAL FEE SCHEDULE

Safe and adequate disposal of solid waste is a problem all across the country, and not the least here in Maine. In the Town of Winterport, finding proper ways to dispose of the more than 1500 tons of waste generated within the town each year is becoming increasingly difficult and expensive, and we ask your cooperation in our efforts to keep costs low and our environment clean. In 1992, the Town adopted a set of rules governing disposal of items at the solid waste transfer station at the Airport property on Route 139. ~~and since then several other changes have been made.~~ Winterport's household trash is transported to the PERC incineration facility in Orrington, which has imposed upon us strict rules concerning the separation and breakdown of materials. Other kinds of waste such as demolition debris, appliances, brush, and recyclables have their own special requirements for collection and disposal.

### Universal Waste Storage Requirements

The requirements for the storage of universal waste are as follows:

1. Universal waste must be stored in a secured area, which is locked when not in use.
2. Universal waste storage areas must be designated by a clearly marked sign which states
  - a. "Universal Hazardous Waste Storage" or
  - b. The type of waste being stored there, i.e.,
    - i. Waste Cathode Ray Tube Storage]
    - ii. Waste Lamp Storage
    - iii. Waste PCB Ballast Storage

iv. Waste Mercury Device Storage

v. Waste Motor Vehicle Switch Storage

vi. Universal waste storage containers:

3. may not show evidence of leakage, spillage or damage that could result in leakage under reasonable conditions.
4. Must be structurally sound, compatible with the waste, and protect the items from breakage.
5. Each container must be labeled with the date universal waste is first put in it, or the date the universal waste is received at the facility, whichever is the earlier date. This date is called the accumulation start date.

3. Universal waste containers must be marked with the type of waste they contain i.e. "Waste Cathode Ray Tubes", "Waste Lamps", "Waste Mercury Devices", "Waste PCB Ballasts", "Waste Motor Vehicle Switches".

4. Universal waste will not be stored for more than 365 days from the date the waste is first received at the transfer station.

5. Universal waste must be stored inside so it is protected from the weather.

6. Universal waste shall be packed in containers with packing materials adequate to prevent breakage during storage, handling and transportation.

7. Full universal waste containers shall be sealed securely around box openings.

Universal waste containers shall immediately be sealed if breakage occurs.

8. Boxes containing universal waste shall not be stacked more than 5 feet high.

9. The solid waste facility operator must perform weekly inspections of universal waste storage areas and maintain a written inspection log to document the inspections. The log must include the following items:

- a. Name of inspector.
- b. Date of inspection
- c. Condition of all waste containers.
- d. Description of any problem noted during the inspection and action taken to fix it.
- e. Number and type of universal waste on site.

10. Universal waste containers shall be arranged to make inspection easy. The inspector shall be able to see the accumulation start date (i.e., the date waste was first put in the container) or the date of receipt of the container, and the container's condition.

11. All releases of waste and residues resulting from spills or leaks of universal waste shall be immediately contained and transferred into a container that meets the requirements of the Maine

Hazardous Waste Management Rules except for incidental releases as explained in the next section.

### Universal Waste Shipping Requirements

~~The requirements for the shipping of universal waste are as follows:-~~

1. The universal waste shall be whole and intact except for incidental breakage of 10 or fewer lamps or CRT's.
2. Breakage of ten (10) or fewer lamps or CRT's may still be handled as universal waste. Larger spills or spills resulting from breakage of other universal wastes must be handled as hazardous waste in accordance with Chapter 850, Section 3A (13)(e)(viii) of the Hazardous Waste Rules.
3. The universal waste shall be in closed containers that are compatible with the type and amount of universal waste being shipped. Packages will meet the U.S. Department of Transportation standards contained in 49 CFR 171-180.
4. The universal waste shall be shipped by a common carrier or licensed hazardous waste transporter to the consolidator or recycling facility.
5. A copy of one of the following documents must go with the universal waste during shipping:
  - a. the log, or
  - b. **Recyclable** Hazardous Material Uniform Bill of Lading, or
  - c. Uniform Hazardous Waste Manifest.
6. Logs may be used as the shipping document if the following conditions are met:
  - a. the waste is sent to an in state consolidation facility or out-of-state consolidation facility with a current State contract.
  - b. The universal waste information is recorded on the log sheet.
  - c. The log sheet must accompany the waste to the in state consolidation facility.
  - d. The in state consolidator submits the quarterly universal waste report to the Department on time for the transfer station.
  - e. The log contains the following information:
    - i. Name, address and telephone number of the generator. (if from a household enter "Household Generator" instead of name, address and telephone number.)
    - ii. Date of delivery to facility.
    - iii. Type and quantity of universal waste.
7. The universal waste must be sent to a consolidation facility or recycling facility authorized to

handle the waste under a state program and which is a defined universal waste facility.

#### Universal Waste Training Requirements.

~~The training requirements for all employees who handle or oversee the universal waste storage area are as follows:~~

- 1. All employees and contractors who handle or have responsibility for managing universal waste shall be trained on proper handling and emergency procedures.**
- 2. Documentation of the training shall be kept at the facility for a minimum of three years or for the length of employment, whichever is longer.**
- 3. This documentation must include the name of the employee or contractor receiving the training, the date of the training and the information covered during the training. An agenda will satisfy the last requirement.**

#### Universal Waste Record Keeping Requirements.

The following records must be maintained by the facility:

1. Central Accumulation Facility Waste Notification Form or EPA ID Number.
  - a. if handling less than 5000 kg of universal waste at any one time; then the solid waste facility must submit a Department Notification form (a blank form is attached as Appendix A) instead of obtaining an EPA identification number. Solid waste facilities must maintain a copy of this completed notification form as part of the facility "Operations Manual"
  - b. If handling more than 5000 kg of universal waste at any one time; then the solid waste facility must obtain an EPA identification number allowing for the handling of more than 5000 kg of universal wastes at any one time. This facility has the following EPA identification number:
2. Weekly Inspection Logs will be kept for one year from the date of shipment or receipt of universal waste.
3. Documentation of Training must be kept for at least three years or length of employment.
4. A Bill of Lading or Manifest is required if the waste is not shipped to an in state consolidator or and out-of-state consolidator under contract the State at the time of shipment; a copy of the bill of lading or manifest must be kept for at least three years from the date of shipment from the transfer station.
5. A Certificate of Recycling must be kept for at least three years from the date of shipment of the universal waste except for ballasts or residues from mercury spill kits. These two wastes may be sent for treatment or disposal.

The Certificate of Recycling shall be dated and signed by the recycling facility confirming that all hazardous waste components of the universal waste have been recycled, used, reused or reclaimed

within thirty-five (35) days of receipt.

In lieu of maintaining training documentation and a Certificate of Recycling, this facility has records 3 and 5 above maintained by the in-state consolidator. Name of In-state consolidator;

6. A summary of Universal Waste Handling Activities must be included as part of the solid waste facility's annual report to the Department of Environmental Protection.

#### Universal Waste Spill Cleanup Plan.

1. The solid waste facility operator shall report all spills/discharges of universal wastes, except those noted below to the Department of Environmental Protection's spill hotline at 1-800-452-4664.

a. The following types of incidental spills do not need to be reported:

- i. Cathode ray tubes; breakage of ten (10) or fewer CRT's
- ii. Lamps; Breakage of ten (10) or fewer lamps

2. The following procedures shall be used to cleanup universal wastes:

- a. Block off the area to prevent any accidental tracking of the mercury or other hazardous chemicals.
- b. Open all doors and windows and turn on any ventilation fans.
- c. Always wear safety glasses and disposable rubber gloves when cleaning the spill
- d. Do not use a vacuum to clean up spills. The use of a vacuum on a mercury or lead containing universal waste spill will disperse mercury or lead dust into the air and cause mercury or lead to stick to the metal parts in the vacuum motor, discharging mercury or lead every time the vacuum is used. This poses a serious health problem and should be avoided. In addition, the vacuum will have to be decontaminated or disposed of as hazardous waste.
- e. Using two pieces of stiff paper or a damp sponge, scoop or wipe up as much of the broken material as possible and put it in a sealable plastic bag or sealable plastic or metal container.
- f. Go over the spill area thoroughly with a damp sponge or rag. For mercury spills, go over the area with tape to pick up small particles of mercury, then use a sponge.
- g. Put cleanup material in a sealed container(s) and store as universal waste. All items (i.e. brooms, scoops, tape, gloves, sponges, rags) used to clean up universal waste spills are considered contaminated and must be handled as hazardous waste.
- h. If a spill is on a carpet or other permeable surface, it may be necessary to remove the flooring to prevent continued exposure. This debris should be considered contaminated and handled as hazardous waste.
- i. Thoroughly wash your hands and face after cleaning up any universal waste spills.

DEMOLITION DEBRIS: (Organic material that reacts with other substances) Sheetrock, Plaster,

Insulation, Shingles and other construction/commercial/household materials as determined by attendant at facility. Rugs must be rolled in lengths no longer than 4' and securely tied. These materials are to be deposited in Demolition container as directed by attendant.

**INERT DEMOLITION DEBRIS:** (Non-organic materials that do not react with other substances)  
Clean soil material rocks, bricks and cured concrete. Concrete with rebar will be accepted if concrete is solid and rebar is cut off flush with concrete. Inert demolition debris mixed with organic materials will not be accepted. Materials are to be deposited in the Inert landfill area after signing-in with the attendant. Before admittance to landfill area attendant must inspect load and *on* the name of hauler or company- with the time of deposit and type of material deposited.

**FEE SCHEDULE FOR ALL DEMOLITION DEBRIS:**

**Pickup Truck & Trailers (loose or in containers)**

**Full load \$10.00**

**Partial load \$ 5.00**

**Demolition debris in quantities larger than pickup size must be disposed of by commercial means.**

**TIRES: (Tires with rims will not be accepted)**

**16 Inches and Smaller \$ 1,00**

**Greater than 16 Inches \$ 5.00**

**FURNITURE:**

**sofas, chairs, mattresses/box springs \$10.00 and other large furniture items as determined by attendant.**

**(No charge for furniture if disassembled into metals, fabric and wood and deposited in appropriate areas).**

**METALS AND WHITE GOODS: (Large appliances: stoves, refrigerators, freezers, washing machines/dryers, dishwashers and air conditioner).**

**~~Appliances containing freon/CFC's \$15.00\*~~**

**Refrigerators and freezers must have all doors removed before being brought to transfer station and must be deposited as directed by the attendant. There is no charge for disposal of White Goods except that there is a \$15 00 fee on appliances (refrigerators, freezers and air conditioners) from which the Freon and CFC's have not been removed. Anyone disposing of an appliance from which the Freon and CFC 's have been removed must present to the attendant a certificate signed by a technician certified by the EPA or DEP stating that Freon and CFC 's have been removed.**

Automotive Parts other than tire rims will not be accepted, Webbing from outdoor furniture should be cut for separate disposal,

**WOOD & BRUSH:** Place on Burn Pad as directed by attendant.

The burn area for Wood and Brush is limited to brush from land clearing, leaves, and other non-treated wood.

**Wood materials that will not be accepted includes: stumps, logs, pressure treated wood, painted wood, furniture, or other coated or treated wood products.**

Wood must not exceed 6 inches in diameter and 4 feet in length.

**HOUSEHOLD & COMMERCIAL WASTE:** Place in compactor or as directed by attendant.

All solid waste materials and materials to be recycled must be separated prior to arriving at Transfer Station. Separation of materials after entering facility will not be permitted. All loads will be subject to inspection by attendant in order to direct users to appropriate locations for disposal.

**HAZARDOUS & SPECIAL WASTE:** These types of waste as defined by statute and/or DEP regulations/rules and will not be accepted at the facility,

**WASTE OIL: To be placed in container and must be free of gasoline and other substances. Disposal of large quantities may be restricted by attendant;**

**RECYCLING:** (See Recycling Handbook handout for specific instructions)

1. Tin Cans Flatten and place in container
2. Newsprint - Place in Container
3. Cardboard - Flatten and Place in container
  
4. Glass - Clear, brown and green
5. Plastics - plastic natural and colored
6. Magazines + Catalogs - Up to 20% in with Newsprint
7. Telephone Books - Remove cover, in with Newsprint

**(Cardboard containers must be flattened. Cardboard and newsprint must be free of other types of trash. Paint cans must be empty with covers removed.)**

**PERMITS:** All users must display a valid Transfer Station decal in order to use facility.

**HOLIDAYS:** The transfer station will be closed on legal holidays observed by the Town of Winterport.

Questions: Transfer Station 223-4482

Town Office 223-5055

The Town of Winterport is making every effort to protect our environment and to keep waste disposal costs (and hence, your taxes!) as low as possible. In addition to observing the guidelines, you can help by reducing the amount of waste that you produce in your own home. Home composting, for example, is easy to do and not only reduces the waste stream, but produces a

superior garden fertilizer.

Leaves and grass clippings make an ideal base for a compost pile. Since the town burns this material on site at considerable cost and damage to the environment citizens are encouraged to consider composting.

**The Town Office will be happy to provide you with information on composting, as well as alternatives to hazardous household products, and ways to decrease your overall waste production. In addition, in order to meet the statewide recycling goals of 50%, the Town of Winterport will continue to explore additional markets for recyclable materials such as colored plastics and aseptic containers.**

In order to solve the current waste disposal crisis in Maine and across the country, we all must work together to reduce the amount of waste we generate and to ensure that it is disposed of responsibly. The Town of ~~L4~~Winterport is a leader in this area, and with your continued support will continue to be a leader.

THANK YOU AGAIN FOR YOUR COOPERATION!!!

2/28/2002

Notice to all Commercial Collectors, Transporters and Disposers of Wastes. The ~~Board of Selectmen~~ Town Council as provided by the Town of Winterport Solid Waste Management Ordinance have appointed the Town Manager as the Administrator who has final responsibility for the administration and enforcement of the Ordinance. The ~~Board of Selectmen~~ Town Council has established detailed operating rules and regulations for all solid waste collection, recycling and disposal.

The Ordinance and the rules were made to cause the proper separation and recycling of materials such as metal, glass, cardboard, newspapers, etc.

Commercial haulers shall obtain a permit for each vehicle. The ~~permits~~ may be revoked by the administrator.

The rules provide that no person, firm or corporation shall collect, transport, recycle or dispose of waste generated in Winterport without obtaining an annual permit from the Administrator.

According to Section X

To obtain an annual permit every person, firm or corporation shall provide the information **required in the application/permit form and submit it to the administrator. The annual application review fee for each vehicle licensed for activities involving the collection, recycling and disposal of wastes shall be \$10.00 per calendar year. All permits expire December 31, of each year.**



ADOPTED 12/20/94

Amended: 02/28/2002

Amended:

Winterport  
2:54 PM

**A / P Check Register**  
Bank: United Checking 8212769

07/11/2023  
Page 1

Type	Check	Amount	Date	Wrnt	Payee
R	37546	2,988.00	07/12/23	5	0991 Archive Social
R	37547	62.66	07/12/23	5	0868 B & L Auto Parts
R	37548	329.08	07/12/23	5	0022 BANGOR LETTER SHOP INC.
R	37549	1,526.25	07/12/23	5	0349 BUXTON SERVICE NORTH, INC
R	37550	399.59	07/12/23	5	0042 CENTRAL MAINE POWER CO.
R	37551	877.58	07/12/23	5	0351 CITGO PETROLEUM CORP.
R	37552	385.00	07/12/23	5	0730 City of Brewer
R	37553	12,032.05	07/12/23	5	0336 D.M.&J. WASTE MANAGEMENT, INC
R	37554	11,629.80	07/12/23	5	0299 DORR'S EQUIPMENT CO.
R	37555	81.96	07/12/23	5	0173 ERICKSON'S HARDWARE
R	37556	1,169.33	07/12/23	5	1006 F.W. Webb
R	37557	225.00	07/12/23	5	0727 Fire Tech & Safety
R	37558	531.09	07/12/23	5	0595 Greenway Equipment Sales
R	37559	1,500.00	07/12/23	5	0955 Gunnett Tree & Land Care
R	37560	15,918.42	07/12/23	5	0203 HARRIS Computer Systems
R	37561	75.00	07/12/23	5	0203 HARRIS Computer Systems
R	37562	1,718.00	07/12/23	5	0927 Maine Commercial Tire
R	37563	1,172.10	07/12/23	5	0153 MAINE MUNICIPAL ASSOCIATION
R	37564	200.00	07/12/23	5	0161 MAINE RESOURCE RECOVERY ASSOC
R	37565	25.30	07/12/23	5	0983 Maine Stay Media
R	37566	4,200.00	07/12/23	5	0769 Maine Trailer INC
R	37567	7,577.19	07/12/23	5	0146 PENOBSCOT ENERGY RECOVERY CO.
R	37568	86.27	07/12/23	5	0259 R.H. FOSTER ENERGY
R	37569	5,201.40	07/12/23	5	0906 S.J. Rollins Technologies Inc
R	37570	143.00	07/12/23	5	1011 Sargent Corporation
R	37571	6,099.25	07/12/23	5	0175 SECRETARY OF STATE
R	37572	59.07	07/12/23	5	0286 STAPLES CREDIT PLAN
R	37573	171.00	07/12/23	5	1012 State Surplus Property
R	37574	295.52	07/12/23	5	0326 TIME WARNER CABLE/Spectrum
R	37575	3,589.53	07/12/23	5	0679 Town of Winterport
R	37576	1,624.89	07/12/23	5	0679 Town of Winterport
R	37577	282.13	07/12/23	5	0201 TREASURER OF STATE
R	37578	61.20	07/12/23	5	0669 Treasurer, State of Maine
R	37579	3,702.11	07/12/23	5	0285 TYLER'S GARAGE & AUTO PARTS
R	37580	157.68	07/12/23	5	0045 U.S. CELLULAR
R	37581	178.00	07/12/23	5	0247 U.S. POSTAL SERVICES
R	37582	45.00	07/12/23	5	0206 WALDO COUNTY REGISTRY OF DEEDS
R	37583	2,600.00	07/12/23	5	0912 Weaver's Earthwork
R	37584	196.00	07/12/23	5	0258 WELLMAN PAVING INC
R	37585	17,832.53	07/12/23	5	0825 Wells Fargo
R	37586	55,140.00	07/12/23	5	0214 Winterport Memorial Library
R	37587	22,216.69	07/12/23	5	0215 WINTERPORT WATER & SEWER
<b>Total</b>		<b>184,304.67</b>			

Count	
Checks	42
Voids	0

**A / P Warrant**

07/11/2023

Page 1

Warrant 5

Jrnl	Check	Month	Invoice Description	Reference		
Description			Account	Proj	Amount	Encumbrance
<b>00991 Archive Social</b>						
0020	37546	07	Social Media			
Social Media			E 20-30-65		2,988.00	0.00
Vendor Total-					2,988.00	
<b>00868 B &amp; L Auto Parts</b>						
0020	37547	07	Tools			
Tools			G 1-201-00		62.66	0.00
Vendor Total-					62.66	
<b>00022 BANGOR LETTER SHOP INC.</b>						
0020	37548	07	envelopes			
envelopes			E 20-20-25		122.61	0.00
envelopes			E 20-20-25		206.47	0.00
Vendor Total-					329.08	
<b>00349 BUXTON SERVICE NORTH, INC</b>						
0020	37549	07	Belleville/composite edge			
Belleville/composite edge			G 1-201-00		1,526.25	0.00
Vendor Total-					1,526.25	
<b>00042 CENTRAL MAINE POWER CO.</b>						
0020	37550	07	street light			
231-037-0317-001 ST LIGHT			E 97-70-68		399.59	0.00
Vendor Total-					399.59	
<b>00351 CITGO PETROLEUM CORP.</b>						
0020	37551	07	Gas Card			
0131369530 FD GAS CARD			E 35-20-35		141.76	0.00
0131369530 RD GAS CARD			E 50-20-35		691.69	0.00
Gas Card			E 75-20-35		44.13	0.00
Vendor Total-					877.58	
<b>00730 City of Brewer</b>						
0020	37552	07	Hauled Wastewater			
Hauled Wastewater			E 60-90-50		385.00	0.00
Vendor Total-					385.00	
<b>00336 D.M.&amp;J. WASTE MANAGEMENT, INC</b>						
0020	37553	07	Solid Waste			
Solid Waste			E 60-30-95		100.00	0.00
Solid Waste			E 60-90-60		3,701.25	0.00
Solid Waste			E 60-90-20		2,594.40	0.00
Solid Waste			E 60-30-95		4,600.00	0.00
Solid Waste			E 60-30-92		175.00	0.00
Solid Waste			E 60-90-80		861.40	0.00
Vendor Total-					12,032.05	
<b>00299 DORR'S EQUIPMENT CO.</b>						
0020	37554	07	Zero Turn/ Tie down			
Zero Turn/ Tie down			E 75-50-60		11,599.00	0.00
Zero Turn/ Tie down			E 50-20-10		30.80	0.00
Vendor Total-					11,629.80	
<b>00173 ERICKSON'S HARDWARE</b>						
0020	37555	07	Supplies			
Supplies			G 1-201-00		81.96	0.00
Vendor Total-					81.96	
<b>01006 F.W. Webb</b>						
0020	37556	07	Fire department			

**A / P Warrant**

07/11/2023

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Warrant 5

Jrnl	Check	Month	Invoice Description	Reference	
Description			Account	Proj	Amount Encumbrance
Fire department			G 1-201-00		1,169.33 0.00
			<b>Vendor Total-</b>		<b>1,169.33</b>
<b>00727 Fire Tech &amp; Safety</b>					
0020 37557 07 Rubber Felt/boot			G 1-201-00		225.00 0.00
			<b>Vendor Total-</b>		<b>225.00</b>
<b>00595 Greenway Equipment Sales</b>					
0020 37558 07 Equipment			G 1-201-00		531.09 0.00
			<b>Vendor Total-</b>		<b>531.09</b>
<b>00955 Gunnett Tree &amp; Land Care</b>					
0020 37559 07 Tree cutting			G 1-201-00		1,500.00 0.00
			<b>Vendor Total-</b>		<b>1,500.00</b>
<b>00203 HARRIS Computer Systems</b>					
0020 37560 07 Annual Fee					*** SEPARATE ***
Annual Fee			E 20-30-65		12,454.15 0.00
Annual Fee			E 12-30-65		3,464.27 0.00
			<b>Invoice Total-</b>		<b>15,918.42</b>
0020 37561 07 Training			G 1-201-00		75.00 0.00
			<b>Invoice Total-</b>		<b>75.00</b>
			<b>Vendor Total-</b>		<b>15,993.42</b>
<b>00927 Maine Commercial Tire</b>					
0020 37562 07 Fire department			G 1-201-00		1,718.00 0.00
			<b>Vendor Total-</b>		<b>1,718.00</b>
<b>00153 MAINE MUNICIPAL ASSOCIATION</b>					
0020 37563 07 Workers Comp			E 15-70-12		1,172.10 0.00
			<b>Vendor Total-</b>		<b>1,172.10</b>
<b>00161 MAINE RESOURCE RECOVERY ASSOC</b>					
0020 37564 07 Annual Membership			E 60-30-49		200.00 0.00
RECYCLING					
			<b>Vendor Total-</b>		<b>200.00</b>
<b>00983 Maine Stay Media</b>					
0020 37565 07 Legal Ad			G 1-201-00		25.30 0.00
			<b>Vendor Total-</b>		<b>25.30</b>
<b>00769 Maine Trailer INC</b>					
0020 37566 07 Container			G 1-201-00		4,200.00 0.00
			<b>Vendor Total-</b>		<b>4,200.00</b>
<b>00146 PENOBSCOT ENERGY RECOVERY CO.</b>					
0020 37567 07 Solid Waste					
SOLID WASTE			E 60-90-10		306.44 0.00
Solid Waste			E 60-90-10		2,943.40 0.00
Solid Waste			E 60-90-10		285.52 0.00
Solid Waste			E 60-90-10		308.25 0.00
Solid Waste			E 60-90-10		1,151.17 0.00

**A / P Warrant**

07/11/2023

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Warrant 5

Jrnl	Check	Month	Invoice Description	Reference		
Description			Account	Proj	Amount	Encumbrance
Solid Waste			E 60-90-10		2,582.41	0.00
<b>Vendor Total-</b>					<b>7,577.19</b>	
<b>00259 R.H. FOSTER ENERGY</b>						
0020	37568	07	Gas Card			
Pks&Grns Gas Cards			E 75-20-35		86.27	0.00
<b>Vendor Total-</b>					<b>86.27</b>	
<b>00906 S.J. Rollins Technologies Inc</b>						
0020	37569	07	Phone installation/phones			
Phone installation/phones			E 20-30-27		5,201.40	0.00
<b>Vendor Total-</b>					<b>5,201.40</b>	
<b>01011 Sargent Corporation</b>						
0020	37570	07	Cold mix			
Cold mix			G 1-201-00		143.00	0.00
<b>Vendor Total-</b>					<b>143.00</b>	
<b>00175 SECRETARY OF STATE</b>						
0020	37571	07	BMVWK07/03-09/2023			
STATE FEES			G 1-205-00		5,329.25	0.00
TITLE FEES			G 1-204-00		231.00	0.00
SALES TAX			G 1-204-01		539.00	0.00
<b>Vendor Total-</b>					<b>6,099.25</b>	
<b>00286 STAPLES CREDIT PLAN</b>						
0020	37572	07	Supplies			
Supplies			G 1-201-00		59.07	0.00
<b>Vendor Total-</b>					<b>59.07</b>	
<b>01012 State Surplus Property</b>						
0020	37573	07	Supplies			
Supplies			G 1-201-00		171.00	0.00
<b>Vendor Total-</b>					<b>171.00</b>	
<b>00326 TIME WARNER CABLE/Spectrum</b>						
0020	37574	07	Service			
TO Internet			E 25-80-21		109.98	0.00
Service			E 25-80-20		57.58	0.00
Service			E 35-80-20		127.96	0.00
<b>Vendor Total-</b>					<b>295.52</b>	
<b>00679 Town of Winterport</b>						
0020	37575	07	Quarterly Tax			
Quarterly Tax			G 1-201-00		3,589.53	0.00
<b>Invoice Total-</b>					<b>3,589.53</b>	
						<b>*** SEPARATE ***</b>
0020	37576	07	Pay wk 07/03-09/2023			
Medicare			G 1-211-00		192.04	0.00
FICA			G 1-212-00		821.04	0.00
Federal			G 1-213-00		611.81	0.00
<b>Invoice Total-</b>					<b>1,624.89</b>	
<b>Vendor Total-</b>					<b>5,214.42</b>	
<b>00201 TREASURER OF STATE</b>						
0020	37577	07	Unemployment			
Unemployment			G 1-201-00		282.13	0.00
<b>Vendor Total-</b>					<b>282.13</b>	
<b>00669 Treasurer, State of Maine</b>						
0020	37578	07	Vital Qrtly April-June			

**A / P Warrant**

07/11/2023

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Warrant 5

Jrnl	Check	Month	Invoice Description	Reference		
Description			Account	Proj	Amount	Encumbrance
Vital Qrtly April-June			G 1-201-00		61.20	0.00
Vendor Total-					61.20	
<b>00285 TYLER'S GARAGE &amp; AUTO PARTS</b>						
0020	37579	07	culvert/ Parts			
culvert/ Parts			G 1-201-00		3,702.11	0.00
Vendor Total-					3,702.11	
<b>00045 U.S. CELLULAR</b>						
0020	37580	07	cell phones			
ROADS/CELL PHONE			E 50-20-30		72.39	0.00
cell phones			E 20-70-20		85.29	0.00
Vendor Total-					157.68	
<b>00247 U.S. POSTAL SERVICES</b>						
0020	37581	07	Mjjail box			
BULK MAIL POSTAGE			E 20-30-25		178.00	0.00
Vendor Total-					178.00	
<b>00206 WALDO COUNTY REGISTRY OF DEEDS</b>						
0020	37582	07	Deed Release			
LIENS/DISCHARGES			E 20-30-37		45.00	0.00
Vendor Total-					45.00	
<b>00912 Weaver's Earthwork</b>						
0020	37583	07	North rd			
North rd			G 1-201-00		2,600.00	0.00
Vendor Total-					2,600.00	
<b>00258 WELLMAN PAVING INC</b>						
0020	37584	07	Gravel			
Gravel			G 1-201-00		196.00	0.00
Vendor Total-					196.00	
<b>00825 Wells Fargo</b>						
0020	37585	07	Bobcat			
Bobcat			E 60-50-10		14,608.00	0.00
Bobcat			E 60-30-30		3,224.53	0.00
Vendor Total-					17,832.53	
<b>00214 Winterport Memorial Library</b>						
0020	37586	07	Yearly appropriation			
ANNUAL APPROPRIATION			E 90-60-25		55,140.00	0.00
Vendor Total-					55,140.00	
<b>00215 WINTERPORT WATER &amp; SEWER</b>						
0020	37587	07	April, May June			
April, May June			G 1-201-00		22,216.69	0.00
Vendor Total-					22,216.69	

A / P Warrant

Warrant 5

Jrnl	Check	Month	Invoice	Description	Reference	
Description			Account	Proj	Amount	Encumbrance
				Prepaid Total-	0.00	
				Current Total-	184,304.67	
				EFT Total-	0.00	
				Warrant Total-	184,304.67	

STEPHEN COOPER

Kevin Kelley

Tammy Higgins

MARGARET ENGLISH-FLANAGAN

ANN RONCO

TOWN MANAGERS APPROVAL:

## Casey Ashe

---

**From:** Legal Services Dept <legal@memun.org>  
**Sent:** Thursday, July 6, 2023 3:33 PM  
**To:** Casey Ashe  
**Subject:** RE: Winterport - Legal Contact Request - Casey Ashe

Dear Casey,

First, any appropriation of funds for the road project, including the costs associated with the replacement of the DOT culvert must be authorized by town meeting vote. Assuming town meeting has appropriated funds for this road projects, and any costs associated with this installation of this culvert has been incorporated into that appropriation, I think such an expenditure would be a legal use of municipal funds. The expenditure serves a public purpose because it facilitates the completion of a road maintenance project that is the municipality's obligation to perform (even if the culvert itself is in the state's right of way).

However, there are other legal considerations that should be addressed through a written agreement with DOT. For example, it would be important to confirm in writing that the state consents to the municipality taking on the task of replacing this culvert. You may also want to specify that this delegated authority is limited to this particular instance, and the municipality is not agreeing to take on this responsibility in perpetuity. Also, there are various liability concerns associated with the construction work that would be important to address with the DOT through a legally binding agreement and/or a release of liability waiver. I recommend you contact your town attorney to assist with negotiating the terms of such an agreement with DOT.

I hope this is helpful. Please let me know if you would like to discuss further.

Sincerely,

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**Rebecca McMahon, Director**  
**Legal Services Department**  
**Maine Municipal Association**



**MAINE MUNICIPAL**  
**ASSOCIATION SINCE 1936**

60 Community Drive, Augusta, ME 04330  
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**From:** Maine Municipal Association <[webmail@memun.org](mailto:webmail@memun.org)>  
**Sent:** Thursday, July 6, 2023 7:27 AM  
**To:** Legal Services Dept <[legal@memun.org](mailto:legal@memun.org)>  
**Subject:** Winterport - Legal Contact Request - Casey Ashe



Name: Casey Ashe  
Title: Town Manager  
Municipality: Town of Winterport

**Contact Information:**

Email Address: [cashey@winterportmaine.gov](mailto:cashey@winterportmaine.gov)

Phone: 2072235055

Fax:

**Mailing Address:**

44 Main Street  
Winterport, Maine 04496

**Summary:**

I would like to inquire if there are any legal restrictions for the town completing DOT work. For instance, there is a culvert at an intersection in Winterport where DOT is responsible for the maintenance. The town is going to pave the road. In this circumstance, the culvert which is on the town road, but in the State's right of way, needs to be replaced. DOT advised they do not have the time or man power to get the job done, but would provide the town with the materials. The town would assume any cost for labor. Is there anything stating the town can't do this?

User Name:cashey@winterportmaine.gov

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Submission Date:7/6/2023 7:26:30 AM



## MEMORANDUM

### TOWN OF WINTERPORT

State of Maine

44 Main Street

207-223-5055

To: Town Council

From: Casey Ashley, Town Manager

Date: July 11<sup>th</sup>, 2023

RE: Manager's Report

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To inform the Town Council and the public about the recent happenings within the town, I have the following report as a bulleted list:

- Paving has started in the Town. Wellman is beginning on the Meadow Rd.
- I received several quotes for Excavators and trade in value for the Skid-Steer. I would like to move forward with a purchase from TB Equipment in Bangor for a Excavator and Track Loader.
- I have a Job Description for the new position for Public Works. I would like to post the position.
- Several culvert replacements have been completed.
- Roadside mowing has started and will be finished within the next week.
- The new z-turn lawn mower is in.
- A Shipping Container has been purchased and is now located behind the public works building.
- The floors and rugs have been cleaned and will be maintained weekly.
- The Audit is scheduled for July 24<sup>th</sup> and we are preparing everything Wadman will need to complete the audit.

Respectfully Submitted,

*Casey J. Ashley*

Town Manager