

Minutes

WINTERPORT TOWN COUNCIL

DATE 12/12/2023

NEXT MEETING: January 2 2024 6:30 PM

TIME 6:30

MEETING CALLED TO ORDER BY K. KELLEY,
CHAIR

COUNCIL MEMBERS IN ATTENDANCE

Kevin Kelley, Chair, Maggie English, Vice-Chair, Tammy Higgins, Secretary, Councilor Stephen Cooper, Councilor Ann Ronco.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by K. Kelley, Chair

APPROVAL OF THE AGENDA

- **MOTION** to approve the Agenda: 1st T. Higgins, 2nd M. English. **VOTE:** Yes 5, No 0. **RESOLUTION:** Motion carries.

CONSENT AGENDA

- **MOTION** to accept the Consent Agenda: 1st T. Higgins, 2nd S. Cooper. **VOTE:** Yes 5, No 0. **RESOLUTION:** Motion carries.

PUBLIC COMMENT

Concern was expressed about the latest snowstorms, temperature swings allowing the ground to thaw causing plow damage to lawns and shoulders. The Town Manager will convey the concerns and issues to the plowing contractor Hopkins, Inc.

Concern was expressed about gate being locked at Fernald Field (the Airport). The Town Manager reported there was an issue with a couple of incidents, one involving the State Police. The Public Safety Officer has locked the gate for the winter season due to the incidents and for public safety. Fernald Field is not plowed during the winter season. If anyone requires access to Fernald Field they are required to notify the Public Safety Officer.

COMMITTEE REPORTS

Solid Waste Committee: Mary Ann Royal requested update concerning the draft policy submitted to the Council. Council will review at their next workshop. The next meeting for the Solid Water Committee is December 20, 2023.

Conservation Committee: No meeting this month.

Broadband Committee: No updates.

Medal of Honor Memorial and Veterans Committee: No updates.

UNFINISHED BUSINESS

Lease at Fernald Field: Council expressed grave concerns about the pending litigation. Discussion about the possibility of canceling the contract for a number of reasons including non-compliance. The Town requires as per agreement a current professional license, an insurance liability binder listing the Town as certificate holder, and a camping license as required by state law. The Town Manager will follow-up with the Winterport Dragway Association concerning the new terms and contract for the upcoming racing season and report back with the contract to the Council for approval.

NEW BUSINESS

1. Town Council Meeting Schedule: Discussed the council meeting schedule and the necessity to have more workshops to be more efficient updating policy's and reviewing ordinances.
 - **MOTION** to approve the Council meetings on the first Tuesday, and the fourth Tuesday as Workshops: 1st T. Higgins, 2nd S. Cooper. **VOTE**: 4 Yes, 1 No. **RESOLUTION**: Motion Carries.
2. Winter Roads: The plowing contract will end after this winter season.

Cost per mile proposed for plowing in the following fiscal years:

 - ❖ Fiscal year 24/25 is \$8,800/MI for a total of \$554,400.
 - ❖ Fiscal year 25/26 tentative offer to continue at a price of 9,500/MI \$598,500.

Town Manager reports the contractor is very responsive and will reach out to discuss the pricing structure for the next two years. Tabled to January 2nd, 2024, Council meeting.
3. Key Policy: The Town Manager has rekeyed the town facilities and has written a policy for distributing keys.
 - **MOTION** to approve the Key Policy effective this date: 1st M. English, 2nd T. Higgins, **VOTE**: Unanimous, **RESOLUTION**: Motion carries.
4. Personnel Policy: Council has reviewed and updated the Town of Winterport Employee Personnel Manual (PPM) as a result of three workshops meetings.
 - **MOTION** to rescind the current Personnel Policy: 1st S. Cooper, 2nd M. English. **VOTE**: Unanimous. **RESOLUTION**: Motion Carries.
 - **MOTION** to approve the draft dated; 12-12-2023, The Town of Winterport Employee Personnel Policy Manual (PPM). 1st S. Cooper, 2nd M. English. **VOTE**: Unanimous. **RESOLUTION**: Motion Carries.
5. Cannabis Cultivation on N. Main Street:

Discussion with Jose Saldana and Álvaro Saldana concerning the cultivation of medical cannabis for patients.

 - ❖ Company name: Phuture Cultivation, LLC (PHC).
 - ❖ Alvaro Saldana is a registered master grower in the State of Maine.
 - ❖ They are applying with the state for an unlimited license.
 - ❖ They are requesting approval from the Council.
 - ❖ The state requires a state inspection for the facility before they can begin operations.
 - ❖ The grow room cannot be more than 500 ft².
 - ❖ The grow room requires a charcoal filtration system.
 - ❖ There will be no onsite pickup.
 - ❖ Delivery will be to retail medical cannabis stores or to the patient (with documented trip tickets).
 - ❖ Security:
 - Video surveillance and recording.
 - Security lighting on the perimeter.
 - ❖ They currently have 4 other locations in the state.
 - ❖ Councilors expressed an interest in visiting a site. PHC will reach out to the Councilors.
 - ❖ Tabled until January 2, 2024.
6. Town Charter Committee: Discussed the forming of the Charter Commission and to ensure compliance with the Town Charter.
 - **MOTION**: to disestablish Charter Ad Hoc Committee: 1st M. English, 2nd T. Higgins. **VOTE**: Unanimous. **RESOLUTION**: Motion Carries.

MANAGER'S REPORT

Town Manager's Report is attached as Exhibit A.

- ❖ Road commissioner reports they are repairing ditches and culverts based on criticality.
- ❖ Completing culvert survey, currently there are at least 43 culverts that need to be replaced.
- ❖ Tax collection remains ongoing.
- ❖ Employees doing well, cross training in the office.
- ❖ Planning next voting process.
- ❖ Billy Hawkes, has recently been hire as the new Ambulance Director.
 - Staffing level: 4 Medics, 1 Advanced, 4 Basic, and 4 drivers.

COUNCILOR'S COMMENTS: *None.*

EXECUTIVE SESSION

M.R.S.A. 405.6.C.

- **MOTION:** Motion to enter Executive Session: Subject to MRSA 405.6.C. 1st M. English, 2nd S. Cooper.
VOTE: Unanimous. **RESOLUTION:** Motion Carries.
 - Council entered executive session at 8:20 PM
- **MOTION:** Exit Executive Session: 1st M. English, 2nd S. Cooper. **VOTE:** Unanimous. **RESOLUTION:** Motion carries.
 - Council Exited Executive Session at 9:45PM

ADJOURNMENT

- **MOTION** to adjourn: 1st M. English, 2nd S. Cooper. **VOTE:** Unanimous. **RESOLUTION:** Meeting adjourned
 - Meeting was adjourned at 9:46 PM

Respectfully submitted,

Tammy Higgins, Secretary

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

TO: Town of Winterport – Town Council
FROM: Rudman Winchell (SWW, RDL)
RE: Charter Revision Process
DATE: 11/28/2023

ISSUE

Is an ad hoc committee created by the Town of Winterport Town Council an appropriate and lawful way to revise the Town Charter?

SHORT ANSWER

No. While a productive start to the process, the ad hoc committee cannot make formal recommendations to substantively revise the Town Charter. In order to lawfully revise the Charter, the Town must follow the procedures provided for in Maine law for revising municipal charters, including establishing a charter commission. The below analysis summarizes the steps for establishing a charter commission and revising the Charter. Of course, members of the ad hoc committee may be appointed or elected to the charter commission, and the charter commission can and should utilize the ad hoc committee's work.

ANALYSIS

The Winterport Town Charter states that amendments to the Town Charter are governed by the Revised Statutes of the State of Maine. Winterport, Me., Charter § 13.07. Maine law sets out specific procedures for revising or amending an existing municipal charter. The distinction between an "amendment" and a "revision" is critical. While revisions are subject to the same procedures as for charter adoptions, including the establishment of a charter commission, amendments do not require a commission and may be initiated directly, either by order of the municipal officers or through a petition process. 30-A M.R.S. § 2104.

The first step, therefore, is to determine whether the ad hoc committee in Winterport is anticipating amendments or revisions. While both involve a change short of complete charter replacement, a charter "revision" is a more significant change than a charter "amendment." According to the Maine Supreme Court, the "critical question" is "whether the proposed change is significant enough to require a [potentially] years-long inquiry into all aspects of the municipality's government." *Fair Elections Portland, Inc. v. City of Portland*, 2021 ME 32, 252 A.3d 504. The distinction is essentially one of scope, focusing on the breadth and the depth of the proposal's impact. *Id.*

We understand the Town intends to make changes to the Charter that will significantly alter the procedures for preparing the budget and performing other core government functions but will not result in a complete replacement of the existing Charter. Based on this information, it is our opinion the potential changes under discussion are so broad in scope that they constitute a revision and not an amendment. Further, we advise erring on the side of caution and proceeding with a revision instead of risking possible litigation challenging the determination that the changes are mere amendments, even if this may cause some delay. If desired, we can reconsider this opinion if provided more information on the exact types of changes under consideration.

Here is the process for revising the Town Charter.

I. Beginning the Process of Revising the Town Charter

Like the initial adoption of a charter, a charter revision begins by establishing a charter commission. 30-A M.R.S. § 2102(1). The vote to establish a charter commission may be initiated either: (1) by order of the Council; or (2) by petition of at least 20% of the number of voters in the last gubernatorial election (but not less than 10). *Id.* § 2102(2)-(4). Within 30 days of the Council's order or receipt of a petition prepared and received in accordance with the terms of the statute, the Council must submit the question of whether to establish a charter commission to the voters at the next regular or special municipal election held at least 90 days thereafter. *Id.* § 2102(5).

The "secret ballot" process must be used for voting on all questions related to charter revisions. Among other things, this requires that nomination papers be available at least 100 days before the election for "voter" candidates for the commission, that the municipal officers adopt an order for placing a question on the ballot at least 60 days before the election, that absentee ballots be available at least 30 days before the election, and that the municipal officers hold a public hearing on all referendum questions at least 10 days before the election (with 7 days' posted notice thereof). 30-A M.R.S. §§ 2105; 2528-32.

The question to be submitted to the voters must read:

"Shall a Charter Commission be established for the purpose of revising the Municipal Charter?"

II. Election and Appointment of Charter Commissioners

If the referendum question to establish the charter commission is approved, three "appointive" members must be appointed by the Council within 30 days after the election. 30-A M.R.S. 2103(1)(A). Appointive members need not be residents of the Town but may include only one municipal officer. *Id.* § 2103(1)(B). The other members of the charter commission are considered "voter members." Voter members must be elected by one of the three following methods:

- (1) Elect six members, using the same manner of election used for member of the Council, except that they must be elected at-large and without party designations;
- (2) Elect one member from each voting district or ward, using the same manner of election used for member of the Council, except that the voter member must be elected without party designation; or
- (3) Elect some number of members both at-large and by district or ward that is equal to the number of Councilors, using the same manner of election used for member of the Council, except that they must be elected without party designation.

Id. § 2103(1)(A).

Election of "voter members" may be held either at the same municipal election as the referendum to establish the charter commission or at the next scheduled regular or special

municipal or state election. *Id.* The names of the candidates on the ballot must be arranged alphabetically by last name, and if the elections are held at the same time, the names of the candidates must appear immediately below the question relating to the charter commission. *Id.*

III. Charter Commission Process

Once established and members appointed and elected, the charter commission has 12 months to complete the process (subject to a 12-month extension for certain reasons), which culminates in preparing and submitting a final report to the Council proposing the revisions to the charter. *Id.* § 2103(5)(D). What follows is a summary of the process, which is also laid out in detail in section 2103 of Title 30-A.

Immediately after receiving notice of the appointment of the members by the Council, the Town Clerk must give at least 7 days' notice (including date, time, and place) of the charter commissioner's organization meeting to the appointed and elected members. *Id.* § 2103(2). This meeting should also be noticed as a public meeting, in accordance with the Town's typical notice practices. At this meeting, the charter commission must elect a chairman, vice-chairman, and a secretary. *Id.* It shall file notice of these elections with the Town Clerk. Vacancies occurring on the commission shall be filled by vote of the commission from the voters, except that a vacancy among appointive members shall be promptly filled by the Council.

Members shall serve without compensation, but shall be reimbursed from the charter commission's account for expenses lawfully incurred by them in the performance of their duties. *Id.* The Town must provide the charter commission with suitable office space and with reasonable access to facilities for holding public hearings, as well as a budget of at least \$100.00. *Id.* § 2103(4). Going forward, the charter commission may adopt regulations governing the conduct of its meetings and proceedings and may employ any necessary legal, research, clerical or other employees and consultants within the limits of its budget. *Id.* § 2103(3).

Within 30 days after its organizational meeting, the charter commission must hold a public meeting to receive information, views, comments, and other material relating to its functions. *Id.* § 2103(5)(A).

Within nine months after its election, the charter commission must prepare a preliminary report including the text of the charter revision which the commission intends to submit to the voters and any explanatory information the commission considers desirable. *Id.* § 2103(5)(C).

Within 12 months after its election, the charter commission must submit its final report to the Council. *Id.* § 2103(5)(D). This report must include:

- (1) The full text and an explanation of the proposed new charter or charter revision;
- (2) Any comments that the commission considers desirable;
- (3) An indication of the major differences between the current and proposed charters; and
- (4) A written opinion by an attorney admitted to the bar of this State that the proposed charter or charter revision does not contain any provision prohibited by the United States Constitution, the Constitution of Maine or the general laws. *Id.*

IV. Final Approval by Voters.

When the final report is filed, the Council must order the proposed charter revisions to be submitted to the voters at the next regular or special municipal election held at least 35 days after the final report is filed. *Id.* § 6. The wording of the questions submitted to voters will depend on the type of revisions proposed and whether or not they are considered “minor.” 30-A M.R.S. § 2105(1). This is something the commission will have to determine as they move through their work. This is another determination that is often the subject of litigation. We recommend consulting legal counsel at this juncture.

If a majority of voters approve the proposed charter revisions and the total of votes cast (both for and against) is at least 30% of the total of votes cast in the last gubernatorial election, the charter takes effect on the first day of the next succeeding municipal year (except for provisions requiring elections, which take effect immediately). *Id.* § 2103(4).

As stated above, the work of the ad hoc committee is not a waste. The charter commission can and should pick up where the committee left off and the committee's work will undoubtedly save the charter commission significant time and resources.

TOWN OF WINTERPORT

SOLID WASTE FLOW CONTROL ORDINANCE

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1. PURPOSE

The purpose of this ordinance is to provide for the control of solid waste disposal at the solid waste disposal facility in the Town of Winterport and to ensure appropriate and fiscally responsible management of the waste generated by the Town of Winterport.

2. AUTHORITY

This chapter is adopted in accordance with the provisions of 30-A M.R.S.A. § 3001 et seq, and 38 M.R.S.A. Chapter 13, and Maine Solid Waste Management Rules 06-096 Chapter 402.

3. APPLICABILITY

This ordinance shall apply to the disposal of waste at the town solid waste disposal facility, also referred to in this ordinance as the transfer station.

4. SEVERABILITY AND CONFLICT

If a court finds any provision of this ordinance to be invalid, the court's decision may not invalidate any other provision of this chapter.

If any provision of this ordinance conflicts with another provision of this ordinance or any other ordinance, regulation or statute, the more restrictive provision governs.

5. ADMINISTRATION

This ordinance shall be administered by the Winterport Town Manager, who shall be responsible for ensuring that all requirements of this ordinance are met.

The Town Manager or designee shall endeavor to keep this ordinance in compliance with federal and state solid waste regulations and laws and shall prepare amendments to this ordinance for the town council's consideration, when necessary.

6. DEFINITIONS

CONTRACTOR: a person offering one or more of the following services to the public: construction, improvements, renovation, property maintenance or demolition.

DISPOSAL: The discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous or solid waste at the facility.

HAZARDOUS WASTE: A waste substance or material in any physical state, designated as hazardous by the board of Environmental Protection. It does not include waste resulting from normal household or agricultural activities. The fact that a hazardous waste or part or constituent may have value or other use or may be sold or exchanged does not exclude it from this definition.

PARTICIPATING COMMUNITY: any community that has entered into a contract with the town of Winterport to use the Winterport solid waste facility.

RESIDENT: A person that maintains their primary home in the town of Winterport or in a participating community, as demonstrated by a vehicle registration or other proof of occupancy.

SOLID WASTE: Useless, unwanted or discarded solid material with insufficient liquid to content to be free flowing including, by way of example and not limitation: rubbish, garbage, scrap materials, junk refuse, landscape refuse but shall not include septic tank sludge or agricultural waste.

SOLID WASTE FACILITY: the land area or structure or combination of land area and structures which include the Winterport Transfer Station, wood waste disposal area and metal storage area, which are used for storing, transferring, salvaging, processing, reducing or disposing solid waste in Winterport.

SPECIAL WASTE: any solid waste generated by sources other than domestic and typical commercial establishments that exist in such an unusual quantity for in such a chemical or physical state, or any combination thereof, that may disrupt or impair effective waste management or threaten the public health, human safety or the environment and require special handling, transportation and disposal procedures. Special waste includes, but is not limited to: oil, coal, wood and multi fuel boiler and incinerator ash; industrial and industrial process waste; wastewater treatment plant sludge; other sludge waste; debris and residuals from nonhazardous chemical spills and cleanup of those spills; contaminated soils and dredge spoils; asbestos and asbestos-containing waste; sand blast grit and non-liquid paint waste; high and low pH waste, spent filter media and residue; and other waste designated by the Board of Environmental Protection.

7. TRANSFER STATION OPERATION

A. USE OF THE TRANSFER STATION

Solid waste generated in the Town of Winterport may be disposed of at the transfer station in accordance with the requirements of this ordinance. It shall be the responsibility of each resident or primary occupant of a dwelling or business to provide for the disposal of all refuse generated therein in accordance with rules and regulations established by State law and the Town of Winterport ME. This responsibility includes the separation of refuse; delivery of refuse to the facility; proper on-site storage at home, and proper methods of disposal.

Solid waste generated in another municipality may be disposed of at the transfer station in accordance with the requirements of this ordinance, provided that the municipality has entered into a contractual agreement with the town for use of the facility.

B. HOURS OF OPERATION

The town council shall set the business hours of the transfer station and make those hours available to the public.

The transfer station shall be closed on every holiday observed by the Winterport town office. Observed holidays occurring on Saturday or Sunday will be observed by the transfer station on the

Saturday or Sunday date of the holiday, rather than the Friday before or Monday after the holiday as observed by the town office.

C. PERMIT REQUIRED

No person may dispose of solid waste at the transfer station without first obtaining a disposal permit from the town in accordance with the requirements of this ordinance.

A disposal permit is not required for any Winterport town department to dispose of waste at the transfer station, or for any town department of a participating community.

D. RESIDENT WASTE DISPOSAL PERMIT

A resident in the town of Winterport or in a participating community must obtain a resident waste disposal permit before they may dispose of waste at the transfer station. Resident waste disposal permits may be obtained at the transfer station or town office during regular business hours.

A resident waste disposal permit may not be issued unless evidence of permanent residency has been demonstrated to the satisfaction of transfer station or town office staff.

A resident waste disposal permit is valid until such time the permit holder is no longer a permanent resident of the town of Winterport or a participating community.

Validation of residency may be required by transfer station staff if the status of a permit holders residency is brought into question.

No resident waste disposal permit may be transferred to another person or used to dispose of waste from an address other than the address of the resident.

A resident waste disposal permit must be displayed on the vehicle for easy identification by staff.

The town council may establish an annual fee for a resident waste disposal permit and change the fee without notice.

E. SEASONAL RESIDENT WASTE PERMIT

A seasonal resident in the Town of Winterport or in a participating community must obtain A seasonal resident waste disposal permit before they may dispose of waste at the transfer station. Seasonal resident waste disposal permits may be obtained at the transfer station or town office during regular business hours.

A seasonal resident waste disposal permit may not be issued unless evidence of seasonal residency has been demonstrated to the satisfaction of staff.

A seasonal resident waste disposal permit is valid until such time the permit holder is no longer a seasonal resident of the Town of Winterport or a participating community. Validation of residency may be required by staff if the status of the permit holder's residency is brought into question.

TOWN OF WINTERPORT – SOLID WASTE FLOW CONTROL ORDINANCE

No seasonal resident waste disposal permit may be transferred to another person or used to dispose of waste from an address other than the address of the resident.

A seasonal resident waste disposal permit must be displayed on the vehicle for easy identification by staff.

The town council may establish an annual fee for seasonal resident waste disposal permit and change the fee without notice.

F. BUSINESS WASTE DISPOSAL PERMIT

A business generating solid waste at their business location in the town of Winterport or in a participating community must obtain a business waste disposal permit before they may dispose of waste at the transfer station.

Business waste disposal permits shall be issued at the Winterport town office.

A copy of every business waste disposal permit issued shall be provided to the code enforcement officer.

A business waste disposal permit is valid until such a time the business is no longer operating in the town of Winterport or participating community.

A business waste disposal permit may contain conditions that apply to quantity of waste type of waste and disposal of waste as determined by transfer station staff.

A business waste disposal permit may not be used to dispose of demolition or construction waste, except any such waste generated at the business location.

No business waste disposal permit may be transferred to another person or used to dispose of waste from an address other than the address of the business.

A business waste disposal permit must be kept in the vehicle used to transport waste to the facility.

Multiple permit copies may be issued if more than one vehicle is used to transfer waste from the business.

The town council may establish an annual fee for a business waste disposal permit and change the fee without notice.

G. CONTRACTOR WASTE DISPOSAL PERMIT

A contractor generating solid waste at a work site in the town of Winterport or in a participating community must obtain a contract or waste disposal permit before they may dispose of the waste at the transfer station.

Contractor waste disposal permits shall be issued at the Winterport town office. A copy of every contractor waste disposal permit issued shall be provided to the code enforcement officer.

A contractor waste disposal permit may contain conditions that apply to quantity of waste, type of waste and disposal of waste, as determined by the transfer station staff.

A contractor waste disposal permit shall be limited to the disposal of waste from one work site and shall specify the number of trips needed to dispose of all waste.

A current contractor disposal permit may be amended with the approval of staff if disposal of additional waste from the work site is needed.

No contractor waste disposal permit may be transferred to another person's or use to dispose of waste from an address other than the address identified on the permit.

A contractor waste disposal permit must be kept on the vehicle used to transport waste to the facility.

Multiple permit copies may be issued if more than one vehicle is used to transport waste from a work site.

The town council may establish a fee for a contractor waste disposal permit and change the fee without notice.

H. CONTROL OF WASTE DISPOSAL

People permitted to use the solid waste facility must speak with the transfer station staff prior to disposing of any solid waste or recyclable materials.

Transfer station staff shall be responsible for ensuring that the volume and type of solid waste accepted at the facility on any day will not have an adverse impact on the operation of the facility.

If any solid waste disposal is denied, the staff person shall document the name of the person denied, the date of the denial, and reason for the denial. A photographic record of the denied waste shall be made. Staff must also provide information to the person denied on any alternative means of disposal that may be available to them.

All solid waste will be sorted and disposed of in the manner and areas so designated by the staff on duty.

Commercial haulers and compactors and hazardous waste generators will not be allowed to dump at the facility.

Solid waste transported to the transfer station must be properly secured in the vehicle to avoid the possibility of waste falling free from the load.

The town council shall approve rules for the use of the transfer station.

The rules shall identify items that are allowed and prohibited for disposal at the transfer station, and the conditions under which solid waste may be disposed of. The rules shall be made available to the public.

No prohibited waste may be accepted at the transfer station unless an exception has been granted by the town manager and the waste is disposed of in accordance with all applicable laws and regulations.

For more information on Rules and Regulations, please visit the Rules and Regulations of the Winterport Transfer Station under Policy on the Town of Winterport Website, or a hard copy can be found at the Winterport Town Office.

8. FEES

The town council shall approve a list of fees required for the disposal of solid waste at the transfer station and make that list available to the public.

Transfer station staff shall be responsible for calculating disposal fees for each load of solid waste subject to fees that are brought to the facility.

No fee shall be charged for the disposal of solid waste from any Winterport town department or any town department of a participating community.

Any fee determined by volume measurement shall be calculated as accurately as possible by staff and rounded to the closest whole dollar amount. Items that may be projected from the bulk of the load will be disregarded when calculating volume.

The fees determined for each load brought to the facility shall be final.

9. APPEALS

Any person that has been denied a permit or permission to dispose of waste at the transfer station may appeal the denial to the town manager within one week of the date of the denial.

The town manager shall investigate the action taken and within one week of the date of the appeal, either support the denial or overturn the denial and order the issuance of a permit or permission to dispose of the waste.

The decision of the Town Manager on appeal shall be final.

10. ENFORCEMENT

The town manager shall investigate any complaint received concerning the disposal of waste at the transfer station. Upon determining that a violation of this ordinance has occurred, the town manager shall take the appropriate actions to address the violation including, but not limited to, the issuance of a fine of \$100 per violation or temporary or permanent revocation of a permit.

11. EFFECTIVE DATE

This ordinance is hereby adopted by the Winterport Town Council this _____ day of _____, 2023.

WINTERPORT TOWN COUNCIL

CHAIR: KEVIN KELLEY

VICE CHAIR: MARGARET ENGLISH

SECRETARY: TAMMY HIGGINS

COUNCILOR STEPHEN COOPER

COUNCILOR ANN RONCO