

TOWN OF NEWCASTLE
WARRANT FOR SPECIAL TOWN MEETING
Monday, March 25, 2024

To R. Benjamin Frey, a resident for the Town of Newcastle, in the County of Lincoln, State of Maine,

GREETING:

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Newcastle in said County and State, qualified by law to vote in town affairs, to meet at the Fire Station building at 86 River Rd on Monday, the 25th day of March, A.D. 2024 at 7pm, then and there to act upon Article 1 by written ballot and Articles 2-4 to be voted on in an open Town Meeting.

ARTICLE 1: To elect a moderator by written ballot to preside at said meeting.

ARTICLE 2: Shall the Town amend the Fireworks Ordinance?

Proposed changes and a memo from the Town Manager are attached to this warrant.


ARTICLE 3: Shall the Town amend the Finance Committee Ordinance?

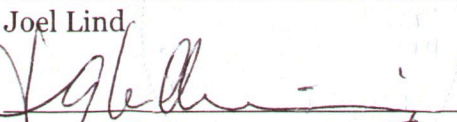
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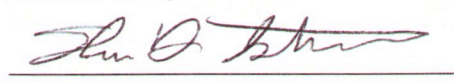
ARTICLE 4: Shall the Town raise and appropriate a sum of money not to exceed \$556,000 to purchase a KME Pumper Fire Truck through a loan agreement or municipal bond with terms deemed by the municipal officials as being in the town's best interest?


ARTICLE 5: Shall the Town vote to allocate the remaining \$24,070.64 of American Recovery Plan Act (ARPA) funds to offset the expenditures related to the clean up from the December 18, 2023 winter storm as permitted in the 2023 Interim Final Role to provide emergency relief from natural disasters or their negative economic impacts?

Given under our hands at Newcastle, Maine this 11th day of March 2024.

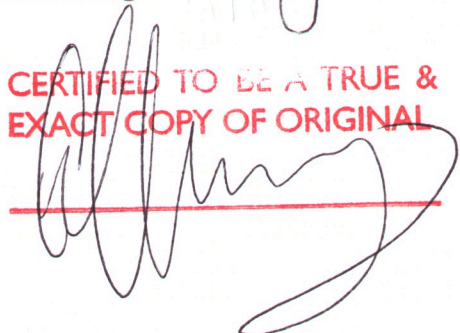

Karen Paz, Chair

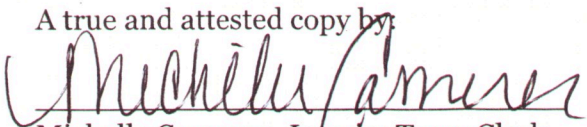
Joel Lind

Tor Glendinning


Thomas Kostenbader


Rufus Percy

CERTIFIED TO BE A TRUE &
EXACT COPY OF ORIGINAL



A true and attested copy by:

Michelle Cameron, Interim Town Clerk



Town of Newcastle

www.NewcastleMaine.us

Kevin L. Sutherland - Town Manager

4 Pump Street
PO Box 386
Newcastle, ME 04553
Tel. (207) 563-3441
Fax. (207) 563-6995

FROM: Kevin L. Sutherland, Town Manager
TO: Newcastle Residents
CC: Newcastle Select Board and Town Staff
DATE: March 12, 2024
RE: Special Town Meeting – March 25th (version with attachments)

The Select Board approved the Special Town Meeting Warrant scheduled for 7pm on March 25th at the Fire Station Community Room at their regular meeting on March 11th. This memo was developed to provide context for the articles to be presented to the residents of Newcastle. After electing the moderator by written ballot there are four items that the Board is asking the public to vote on at a Special Town Meeting:

Article 2: The Fireworks Ordinance - As part of the Ordinance and Policy Review Work Plan established in the Fall of 2023, the Select Board reviewed this policy at their [December 11, 2023 meeting](#) and subsequently held a public hearing on [February 12th](#) where no public comment were made. Nothing of substance was suggested to be changed. It was mostly clarification of wording, a few more commas, and some shuffling of the articles. [Pages 3-9](#) of this packet of information contains the red-lined and a clean version of what is proposed.

Article 3: Finance Committee Ordinance - As part of the Ordinance and Policy Review Work Plan established in the Fall of 2023, the Select Board initially reviewed this policy at the [November 27, 2023 meeting](#). Further discussion in [December](#) and [January](#) as well as a public hearing on [February 12th](#), led to the proposed version for public consideration. These changes address two primary goals. Right sizing the number of members to the current interest in participating and modifying the language to match a Select Board / Manager form of government as this ordinance had not been reviewed since before the Town made the change this form of government. [Pages 10-12](#) of this packet of information contains the red-lined and a clean version of what is proposed.

Article 4: Fire Apparatus - At the Select Board's [February 26, 2024 meeting](#) a Fire Apparatus bid was awarded by the Board pending a Town Meeting vote. A KME Pumper with 1,500 Gallons per minute pump on an International chassis for \$656,000 submitted by Bulldog Fire Apparatus. The quoted price, which was both the lowest bid and had the highest overall score when compared to the other bids, could not be honored for the Annual Town Meeting. Additionally, time is of the essence to meet the delivery timeline and procurement of the desired engine. Therefore, this article has been added to the Special Town Meeting. The Town currently has \$100,000 in reserves for this use. The winning bid document and a visual are on [pages 13 and 14](#) and [all other related bid material](#) is available on the town website.

Article 5: Use of Remaining ARPA funds. The gist: We have some remaining ARPA funds and some additional rule changes allow us to use them for natural disasters. A damaging storm on December 18th took a sizeable hit to our public works budget for cleanup efforts. and it would be both beneficial to have those expenses paid for with other funds - giving us capacity for needs this spring, and to finally close out the ARPA account with the Federal Government. The memo from Michelle Cameron, our Treasurer on [pages 15 and 16](#) provides more detail on this item.

~~This certifies to the municipal clerk of Newcastle, Maine the proposed ordinance entitled "Newcastle Fireworks Ordinance" to be acted upon by the voters at a town meeting to be held on Monday, June 18, 2012.~~

~~Dated: May 28, 2012 Municipal Officers of Newcastle, Me:~~

~~_____~~
~~_____~~
~~_____ Brian Foote, Chair _____ Ellen Dickens~~

~~_____~~
~~_____~~
~~_____ R. Benjamin Frey _____ Patricia Hudson~~

~~_____~~
~~_____~~
~~_____~~

Ellen McFarland

WHEREAS, the Maine legislature approved legislation to make the sale and possession of consumer fireworks legal; and

WHEREAS, the law took effect on January 1, 2012; and

WHEREAS, the law includes a provision that allows municipalities to adopt an ordinance to prohibit or restrict the use of consumer fireworks within the municipality; and

WHEREAS, it is in the best interest of the Town of Newcastle to strictly control the use of fireworks within the Town; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF NEWCASTLE THAT, THE NEWCASTLE FIREWORKS ORDINANCE BE ENACTED AS FOLLOWS:

A. Title Authority

This Ordinance shall be known as the Newcastle Fireworks Ordinance. This Ordinance is enacted pursuant to Title 8 Chapter 9A of the Maine Revised Statutes.

B. Purpose

The purpose of this Ordinance was developed is to provide for the general welfare, assure safe and healthful conditions, and to prevent injury and nuisance from the careless use of fireworks.

C. Conflict With Other Ordinances

This Ordinance shall not repeal, annul, or in any other way impair the necessity of compliance with any other rule, regulation, bylaw or provision of the Federal State or Local Government. In any conflict between this Ordinance and any other Ordinances, the stricter Ordinance, rule, regulation or bylaw shall control.

D. Validity and Severability

Should any section or provision of this ordinance be declared by the Courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

E. Effective Date

The effective date of this Ordinance is its date of enactment.

F. Amendment

All amendments to this Ordinance shall be made at a Town meeting of Newcastle by a majority vote of the governing body.

G.C. Definitions

The following definitions shall apply in this Ordinance:

CONSUMER FIREWORKS--Consumer fireworks shall have the same meaning as in Title 27, Code of Federal Regulations. Section 555.11 or subsequent provision, but includes only products that

are tested and certified by a 3rd-party testing laboratory as conforming with United States Consumer Product Safety Commission standards. in accordance with 15 United States Code. Chapter 47. "Consumer fireworks" does not include the following products:

- i. Missile-type rockets, as defined by the State Fire Marshal by rule;
- ii. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
- iii. Sky rockets and bottle rockets. For purposes of this paragraph, "sky rockets and bottle rockets" means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

DISPLAY--Display means an entertainment feature where the public is admitted or permitted to view the display or discharge of fireworks or special effects.

H.D. Prohibition

1. **Prohibition against any use of Consumer Fireworks Within 100 Feet of a Public Way**

No person shall use, display, throw, drop, or cause to be discharged or exploded, any consumer fireworks or fireworks at any time, within one hundred (100) feet of any public way.

2. **All Other Fireworks**

State law prohibits the sale and possession of all fireworks, with the exception of Consumer Fireworks. 8 M.R.S.A. §223.

H.E. Exception. This Ordinance does not apply to a person issued a fireworks display permit by the Town of Newcastle and/or the State of Maine pursuant to 8 M.R.S.A. §227-A. The Newcastle Fire Chief shall inspect the proposed display site at the time of the inspection conducted by a representative of the Maine Public Safety Department under 8 M.R.S.A. § 227-A (2).

H.F. Seizure and disposal of fireworks. The Town may order the Lincoln County Sherriff or another law enforcement official to seize consumer fireworks that the Town has probable cause to believe are used, possessed, or sold in violation of this Ordinance and shall forfeit seized consumer fireworks to the State for disposal.

H.G. Violations and penalties.

Whoever violates any of the terms of this Ordinance shall be punished by a fine of not less than \$100 nor more than \$2,500 for each offense, plus attorney's fees and costs. In all other respects, assessment of penalties under this Ordinance shall be in accordance with 30-A M.R.S.A. § 4452.

H. Conflict With Other Ordinances

This Ordinance shall not repeal, annul, or in any other way impair the necessity of compliance with any

other rule, regulation, bylaw, or provision of the Federal, State, or Local Government. In any conflict between this Ordinance and any other Ordinances, the stricter Ordinance, rule, regulation, or bylaw shall control.

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Town of Newcastle FIREWORKS ORDINANCE

1. AUTHORITY

This Ordinance is enacted pursuant to Title 8 Chapter 9A of the Maine Revised Statutes.

2. PURPOSE

This Ordinance was developed to assure safe and healthful conditions and to prevent injury and nuisance from the careless use of fireworks.

3. DEFINITIONS

The following definitions shall apply in this Ordinance:

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- i. Missile-type rockets. as defined by the State Fire Marshal by rule;
- ii. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
- iii. Sky rockets and bottle rockets. For purposes of this paragraph, “sky rockets and bottle rockets” means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

DISPLAY - Display means an entertainment feature where the public is admitted or permitted to view the display or discharge of fireworks or special effects.

4. PROHIBITION

4.1. Prohibition against any use of Consumer Fireworks Within 100 Feet of a Public

Way No person shall use, display, throw, drop, or cause to be discharged or exploded, any consumer fireworks or fireworks at any time, within one hundred (100) feet of any public way.

4.2. All Other Fireworks

State law prohibits the sale and possession of all fireworks, with the exception of Consumer Fireworks. 8 M.R.S.A. §223.

5. EXCEPTION

This Ordinance does not apply to a person issued a fireworks display permit by the Town of Newcastle and/or the State of Maine pursuant to 8 M.R.S.A. §227-A. The Newcastle Fire Chief shall inspect the proposed display site at the time of the inspection conducted by a representative of the Maine Public Safety Department under 8 M.R.S.A. § 227-A (2).

6. SEIZURE AND DISPOSAL OF FIREWORKS

The Town may order the Lincoln County Sherriff or another law enforcement official to seize consumer fireworks that the Town has probable cause to believe are used, possessed, or sold in violation of this Ordinance and shall forfeit seized consumer fireworks to the State for disposal.

7. VIOLATIONS AND PENALTIES

Whoever violates any of the terms of this Ordinance shall be punished by a fine of not less than \$100 nor more than \$2,500 for each offense, plus attorney's fees and costs. In all other respects, assessment of penalties under this Ordinance shall be in accordance with 30-A M.R.S.A. § 4452.

8. CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not repeal, annul, or in any other way impair the necessity of compliance with any other rule, regulation, bylaw, or provision of the Federal, State, or Local Government. In any conflict between this Ordinance and any other Ordinances, the stricter Ordinance, rule, regulation, or bylaw shall control.

9. VALIDITY AND SEVERABILITY

Should any section or provision of this ordinance be declared by the Courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

10. EFFECTIVE DATE

The effective date of this Ordinance is its date of enactment.

11. AMENDMENT

All amendments to this Ordinance shall be made at a Town meeting of Newcastle by a majority vote of the governing body.

Legislative History:

June 18, 2012 – Adopted

December 5, 2023 – Amendments drafted for Select Board / Town Meeting consideration



Town of Newcastle FINANCE COMMITTEE ORDINANCE

~~Title: This ordinance shall be known, and may be cited as, the "Finance Committee Ordinance of the Town of Newcastle", and will be referred to herein as "this ordinance".~~

1. COMPOSITION

- 1.1. ~~The Finance Committee shall consist of seven (7) citizens appointed by the Select Board of Selectmen. It is suggested that each appointed member have some experience in the financial sector.~~ The Finance Committee shall consist of three (3) citizens appointed by the Select Board of Selectmen. It is suggested that each appointed member have some experience in the financial sector. Each member shall serve a ~~staggered~~ 3 year term.
- 1.2. ~~Subject to approval by the Select Board, the Finance Committee may adopt rules of procedure and policy to conduct its affairs.~~ Subject to approval by the Select Board, the Finance Committee may adopt rules of procedure and policy to conduct its affairs.

Commented [KS1]: Currently, this committee only has one appointed member whose term has not yet expired.

Commented [KS2R1]: Therefore, my initial thought was a slight reduction in the number of members. It may also be difficult to coordinate meeting schedules, etc with 7 members.

Commented [KS3R1]: After further consideration and discuss with John Mills, one of the remaining members of the committee, we'd like to propose a group of three and suggest they have some experience in the financial field.

Commented [KS4]: Also noticed many of the other committees have some authority to at least draft their own rules of procedure (subject to Select Board approval).

2. DUTIES OF THE COMMITTEE

2.1 ~~Serve as Town Budget Committee~~

- a. ~~Work with the Board of Selectmen/Town Manager to in developing a recommended the annual town budget to present to the Select Board.~~ Work with the Board of Selectmen/Town Manager to in developing a recommended the annual town budget to present to the Select Board.

Commented [KS5]: It may be redundant for the Town Manager and extend the budget process, but it can serve as a good litmus test and chance to make modifications before presenting the budget publicly to the Select Board.

~~2.2.2~~ 2.2.2 ~~Serve as Town Audit Committee~~

~~2.2.1 Review the annual town audit with Town Treasurer and Auditor~~

~~2.2.2 Work with Town Treasurer and Auditor as needed~~

- a. ~~Review the management letter from the external auditor.~~
- ~~a.b.~~ Attend and participate in the Auditor's presentation to the Select Board.

~~Conduct a biannual review of the internal and external financial control procedure, performed in odd numbered years~~

Commented [KS6]: This can be accomplished by the Town Manager and recommended changes brought to the Select Board.

~~2.2.3~~ 2.2.3 ~~Supervise Investments~~

- a. ~~Review monthly statements quarterly or as deemed necessary by the Town Manager to insure the viability validity of the investments.~~
- b. ~~Review annually in conformance with the to verify their compliance with the town's investment policy.~~ Review annually in conformance with the to verify their compliance with the town's investment policy.

Commented [KS7]: Supervision of investments has not received the attention that it deserves, but it should be the Town Manager's responsibility.

Commented [KS8R7]: I left it in here because it would help with keeping it at the forefront and provide additional feedback on decisions about investments.

Commented [KS9R7]: Additionally, changed validity to viability and verify compliance to in conformance with

Commented [KS10]: Another Town Manager/Town Treasurer responsibility

~~2.3 Review monthly bank statements with Board of Selectmen. Conduct quarterly review of the budget, financial statements, and treasurer's accounts~~

2.4 Perform any other duties assigned by the ~~Select Board of Selectmen~~

Town of Newcastle
FINANCE COMMITTEE ORDINANCE

~~3. Repealer~~

~~4.1. All prior Finance Committee Ordinances and amendments stand repealed.~~



Town of Newcastle

FINANCE COMMITTEE ORDINANCE

1. COMPOSITION

- 1.1. The Finance Committee shall consist of three (3) citizens appointed by the Select Board. It is suggested that each appointed member have some experience in the financial sector. Each member shall serve a staggered 3-year term.
- 1.2. Subject to approval by the Select Board, the Finance Committee may adopt rules of procedure and policy to conduct its affairs.

2. DUTIES OF THE COMMITTEE

- 2.1. Serve as Town Budget Committee
 - a. Work with the Town Manager to develop a recommended annual town budget to present to the Select Board.
- 2.2. Serve as Town Audit Committee
 - a. Review the management letter from the external auditor.
 - b. Attend and participate in the Auditor's presentation to the Select Board.
- 2.3. Supervise Investments
 - a. Review monthly statements quarterly or as deemed necessary by the Town Manager to insure the viability of the investments.
 - b. Review annually in conformance with the town's investment policy.
- 2.4. Perform any other duties assigned by the Select Board.

Legislative History:

June 20, 2016 – Adopted

January 9, 2024 – Amendments drafted for Select Board / Town Meeting consideration



APPARATUS PROPOSAL

February 9, 2024

Bulldog Fire Apparatus hereby proposes to furnish to the Newcastle Fire Department, subject to Newcastle Fire Department's acceptance of Bulldog's proposal and the proper execution of the appropriate contract, the following KME Apparatus and equipment to be built in accordance with the attached specifications, whether purchase is made via Bulldog contract or customer purchase order.

Quantity: One (1) KME 1000-gal Pumper with Hale 1500 gpm pump on International Chassis
For the sum of **Six Hundred Fifty-Six Thousand Dollars.**

(Plus, applicable taxes if any)

TOTAL: \$656,000.00

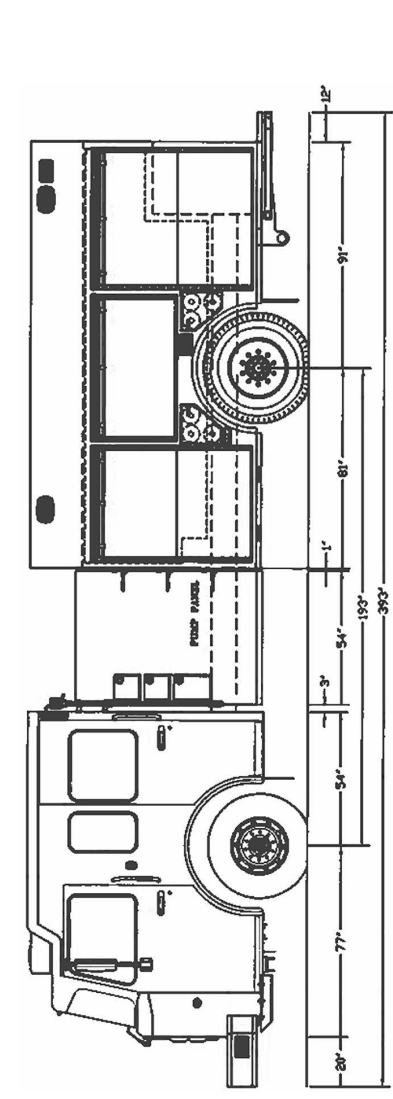
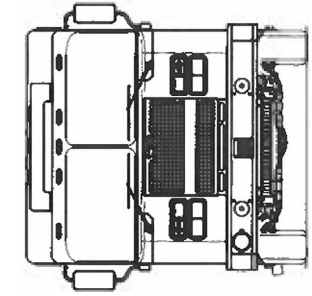
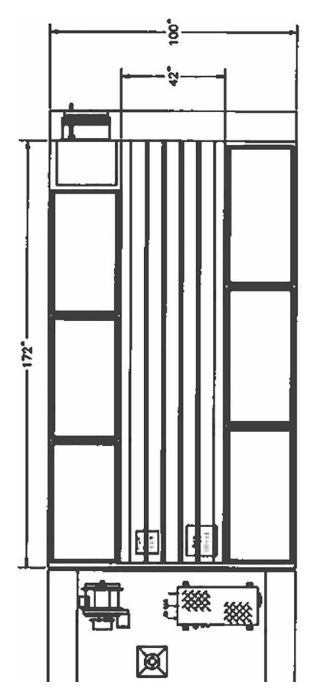
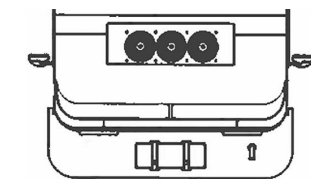
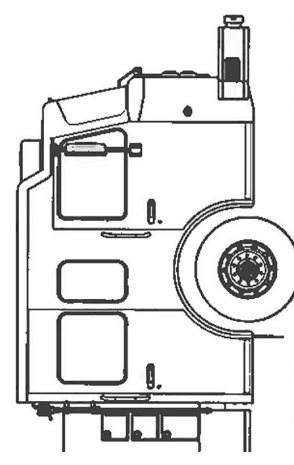
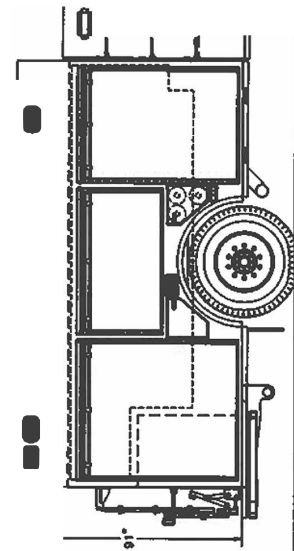
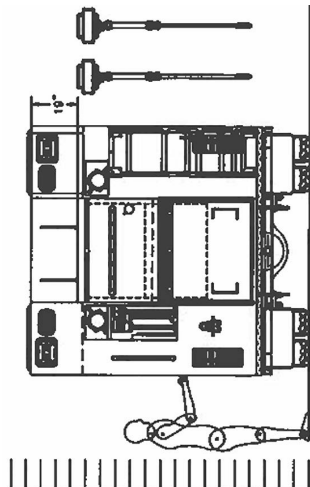
Delivery is to be made subject to all clauses of the attached contract, within approximately 25 months from receipt of order. Company will not be liable for any delay, failure to make delivery, or other default due to strikes or labor unrest, war, riot, federal, state or local government action, fire, flood or other disaster or acts of God, accidents, breakdown of machinery, lack of or inability to obtain materials, parts or supplies, or any other causes or circumstances beyond the reasonable control of Company which prevent or hinder Company's manufacture and/or delivery of the Apparatus. The Bidder's right to withdraw this proposal, if not accepted, within thirty (30) days from the above date is hereby acknowledged.

Respectfully submitted by,

Russell Smith
Sales Representative

Bulldog Fire Apparatus Inc.
17 Winter St
Woodville, MA 01784
(508) 435-4200

10'
9'-6"
9'
8'-6"
8'
7'-6"
7'
6'-6"
6'
5'-6"
5'
4'-6"
4'
3'-6"
3'
2'-6"
2'
1'-6"
1'
0'



CAB: 94" W PANTHER MFD 10" RR ALUM
 ENGINE & TRANS:
 AXLES:
 PUMP: HALE QMAX-150 1500 GPM
 WATER TANK: 1000 GALLONS POLY W/25 GALLONS FO
 BODY TYPE: 172" LONG 3/16" 12 GAUGE STAINLESS ST EL
 FOAM SYSTEM: FOAMPRO 2001

THIS DRAWING IS A GENERAL
 REPRESENTATION AND SHALL NOT
 BE USED FOR CONTRACTS OR
 CONTRACTS WITHOUT THE
 SIGNATURE OF THE ENGINEER.

CUSTOMER APPROVAL:
 DATE

INDICATE THE APPROXIMATE A MAY VARY BE TO BILLS OF MATERIALS
 SCALE: 3/8" = 1' DATE: 1/28/2004
 DRAWN BY: MJB
 PRELIMINARY KME PROPOSAL
 NEWCASTLE, ME
 QUOTE # 8790-5



KME
 ONE INDUSTRIAL COMPLEX - BOSTON, MA 02108



Town of Newcastle

www.NewcastleMaine.us

Michelle Cameron - Treasurer

4 Pump Street
 PO Box 386
 Newcastle, ME 04553
 Tel. (207) 563-3441
 Fax. (207) 563-6995

FROM: Michelle Cameron, Treasurer
 TO: Kevin L. Sutherland, Town Manager
 DATE: February 29, 2024
 RE: Warrant Article for an additional use of ARPA funds

During the June 21, 2022, annual town meeting, the legislative body voted on allocating ARPA grant funds to be used as the following:

ARTICLE 29: Shall the Town vote to allocate \$186,623.12 from the American Recovery Plan Act (ARPA) funds to the following projects?

- Premium Pay to Town Employees
- Town Hall Safety Renovations in response to the COVID-19 Pandemic
- Fire Station Community Room Air Quality Improvements
- Town Hall Air Quality Improvements
- Chamber of Commerce - Economic Support
- Broadband Expansion Match to State and Private Contributions
- Central Lincoln County YMCA – Social Services Support

The above were eligible categories in the U.S Treasury 2022 Final Rule for the State and Local Fiscal Recovery Funds program (ARPA).

See the table below, which shows allocated ARPA funds, actual cost of each expenditure, and the eligible use categories as voted on at the June 21, 2022 town meeting.

Expenditure	Estimated Cost	Actual Cost	Eligible Category
Premium Pay	\$7,000	\$5,826.32	4.1 Public Service Employees
Town Hall Renovations	\$60,000	\$60,000	1.7 Capital Investments or Physical Plant Changes to Public Facilities that respond to the COVID-19 public health emergency
Community Room Air Quality Improvements	\$25,000	\$24,726.16	1.7 Capital Investments or Physical Plant Changes to Public Facilities that respond to the COVID-19 Public Health Emergency
Chamber of Commerce	\$7,000	\$7,000	2.11 - Aid to Tourism 2.09 - Other Economic Support

Broadband Expansion	\$25,000	\$25,000	5.16 Broadband Expansion
Town Hall Air Quality Improvements	\$25,000	\$25,000	1.7 Capital Investments or Physical Plant Changes to Public Facilities that respond to the COVID-19 Public Health Emergency
Central Lincoln County YMCA	\$15,000	\$15,000	1.10 Mental Health Services 1.11 Substance Use Services 2.10 Aid to Nonprofit Organizations
Total	\$164,000	\$162,552.48	

The full grant amount was \$186,623.12. The town has **\$24,070.64** left to allocate to complete the grant funds usage.

The U.S Treasury has added three additional eligible categories in the 2023 Interim Final Rule for the State and Local Fiscal Recovery Funds program (ARPA). Those are as follows:

- **Provide emergency relief from natural disasters or their negative economic impacts**, providing emergency relief from the physical and economic impacts of natural disasters.
- **Invest in surface transportation projects**, utilizing funds for eligible projects under 26 surface transportation programs through three pathways.
- **Invest in Title I projects**, investing in eligible activities under the CDBG and ICDBG programs, as listed in section 105(a) of the Housing and Community Development Act of 1974.

I would like to recommend that the town allocate the remaining **\$24,070.64** of APRA grant funds be used for the **“Provide emergency relief from natural disasters or their negative economic impacts**, providing emergency relief from the physical and economic impacts of natural disasters” category.

The grant funds would help offset the expenditures of \$32,181 from the December 18, 2023 storm clean up which did not create enough reported damage for Lincoln County to become eligible for federal assistance.

Best,

Michelle Cameron
Treasurer

treasurer@newcastlemaine.us