

2021 Annual Town Meeting Warrant with Explanations

To: Lisa Huestis, a resident of the Town of Berwick in the County of York and the State of Maine.

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Berwick qualified by the law to vote in Town affairs, to assemble at the Town Hall on Tuesday, the 8th day of June, 2021, at 8:00 a.m. until 8:00 p.m. to act on Article 1 through 38 as set out below:

ARTICLE 1

To elect a Moderator to preside over the meeting.

ARTICLE 2

To elect by secret ballot, two Selectmen (who also serves as Assessor and Overseer of the Poor) for three years and one School Board Members for MSAD #60 for three years.

ARTICLE 3

Shall the Town vote to adopt the proposed amendments to the Land Use Ordinance? (Exhibit A attached hereto).

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 4

Shall the Town vote to adopt the proposed amendments to the Zoning Map? (Exhibit B attached hereto).

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 5

Shall the Town vote to adopt the proposed Ordinance entitled Berwick Food Sovereignty? (Exhibit C attached hereto).

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 6

Shall the Town vote to use up to **\$2,400,000** from estimated revenues to reduce the amount to be raised by taxation in Fiscal Year 2021/2022, which begins July 1, 2021?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 7

Shall the Town vote to raise and appropriate the sum of **\$415,400** for the General Expense Account to fund a variety of general expenses which are not easily classified from an accounting perspective under other departments, including a variety of required insurance premiums, audit services, legal services rendered by the Town Attorney, streetlights, and traffic signals for Fiscal Year 2021/2022, which begins July 1, 2021?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 8

Shall the Town vote to raise and appropriate the sum of **\$481,450** for the Town Administration Account for Fiscal Year 2021/2022, which begins July 1, 2021?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 9

Shall the Town vote to raise and appropriate the sum of **\$290,904** for the Town Clerk Account for Fiscal Year 2021/2022, which begins July 1, 2021?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 10

Shall the Town vote to raise and appropriate the sum of **\$186,601** for the Planning Account for Fiscal Year 2021/2022, which begins July 1, 2021?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 11

Shall the Town vote to raise and appropriate the sum of **\$117,832** for the Assessor's Office Account for Fiscal Year 2021/2022, which begins July 1, 2021?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 12

Shall the Town vote to raise and appropriate the sum of **\$165,750** for the Town Hall Account for Fiscal Year 2021/2022, which begins July 1, 2021?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 13

Shall the Town vote to raise and appropriate the sum of **\$54,526** as the second loan payment for the purchase of LED Lighting as authorized by the passage of Article 3 at the November 5, 2019 Supplemental Town Meeting?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 14

Shall the Town vote to raise and appropriate the sum of **\$10,000** for the General Assistance Account for Fiscal Year 2021/2022, which begins July 1, 2021?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 15

Shall the Town vote to raise and appropriate the sum of **\$2,060,679** for the Police Department Account for Fiscal Year 2021/2022, which begins July 1, 2021?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 16

Shall the Town vote to raise and appropriate the sum of **\$1,119,667** for the Fire Department Account for Fiscal Year 2021/2022, which begins July 1, 2021?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 17

Shall the Town vote to raise and appropriate the sum of **\$1,237,522** for the Public Works Account for Fiscal Year 2021/2022, which begins July 1, 2021?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 18

Shall the Town vote to authorize the expenditure of all revenues received from the State of Maine Urban/Rural Initiative Program for Fiscal Year 2021/2022 for road improvements as authorized by the Program with unspent balances to be carried forward each year?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 19

Shall the Town vote to raise and appropriate the sum of **\$591,255** for the Refuse Disposal Account which funds the operations of the Berwick Transfer Station for Fiscal Year 2021/2022, which begins July 1, 2021?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 20

Shall the Town vote to raise and appropriate from taxes the sum of **\$263,667** for the Recreation Account for Fiscal Year 2021/2022, which begins July 1, 2021?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 21

Shall the Town vote to raise and appropriate the sum of **\$291,702** for the Berwick Public Library Account for Fiscal Year 2021/2022, which begins July 1, 2021?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 22

Shall the Town vote to raise and appropriate the sum of **\$498,646** for Debt Service to cover this appropriation for Fiscal Year 2021/2022, which begins July 1, 2021 and as authorized by the passage of Article 31 & 32 at the 2016 Annual Town Meeting and Article 5 at the November 6, 2018 Referendum Election?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 23

Shall the Town vote to raise and appropriate the sum of **\$21,700** for the Community/Agency Appropriations Account which will be used to make contributions to and at the request of the following outside agencies or purposes: COAST Bus Service, Memorial Day, Seacoast Shipyard Association for Fiscal Year 2021/2022, which begins July 1, 2021?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 24

Shall the Town vote to raise and appropriate the sum of **\$196,388** for the annual Fire Protection (i.e., fire hydrants) costs for Fiscal Year 2021/2022, which begins July 1, 2021?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 25

Shall the Town vote to raise and appropriate the sum of **\$600,000** for its use for road, bridge, and sidewalk construction and repairs, as well as Town parking lots and public ways, and including expenses for curbing, drainage and engineering fees when required, with the funds to be used in conjunction with the State of Maine Urban/Rural Initiative Program, and with unspent balances to be carried forward each year?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 26

Shall the Town vote to raise and appropriate the sum of **\$23,900** for the Federal Stormwater Program which implements State and Federal permitting requirements for discharges from municipal separate stormwater sewer systems (MS4s) for Fiscal Year 2021/2022, which begins July 1, 2021 and place this amount into the account established for this purpose with unspent balances to be carried forward each year until fully expended?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 27

Shall the Town vote to raise and appropriate the sum of **\$10,000** for Economic Development purposes for Fiscal Year 2021/2022, which begins July 1, 2021 and place this amount into the account established for this purpose with unspent balances to be carried forward each year until fully expended?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 28

Shall the Town vote to authorize the Board of Selectmen to enter into a purchase and sale agreement with landowners and to purchase property from landowners using Impact Fees that are allowed to be used for these types of community projects for the purpose that allows the expansion of Memorial Field?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 29

Shall the Town vote to authorize the Board of Selectmen to sell or transfer 10 School Street, Map U001 Lot 007, a Town owned property (old Fire Station), including land and buildings and including the execution of all agreements and other documentation to affect such sale or transfer, as it deems advisable and in the best interest of the Town and to use all funding to offset the Fire Station bond?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 30

Shall the Town **(1) approve** a capital project consisting of various renovations, upgrades and improvements to the Berwick Water Plant, including engineering and design costs, transaction costs and other expenses reasonably related thereto; **(2) appropriate** the sum of **\$1,200,000** to provide for the costs of the project and raise funds from user fees; **(3) authorize** the Treasurer and Chairman of the Board of Selectmen to fund the appropriation through the issuance of general obligation securities of the Town (with or without call provisions, with or without premiums, and including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed **\$1,200,000**; and **(4) delegate** to the Treasurer and the Chairman of the Board of Selectmen the authority and discretion to fix the dates, maturities, interest rates, denominations, calls for redemption (with or without premium), refunding, form, and other details of said securities, including authority to execute and deliver the securities on behalf of the Town?

FINANCIAL STATEMENT

1. Total Town Indebtedness

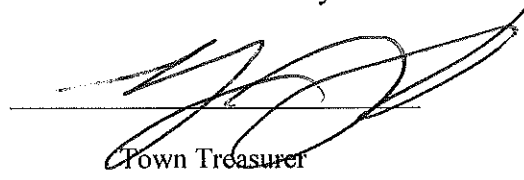
A. Bonds outstanding and unpaid after budgeted payments:	\$ 7,012,230
B. Bonds authorized and non-issued	\$ 0
C. Additional bonds to be issued if this article is approved	\$ 1,200,000
D. Total indebtedness with approval of this article	\$ 8,212,230

2. Costs

At an estimated interest rate of 1.000%, the estimated costs of these bonds over a period of 20 years will be \$129,967.58 interest and \$12,000.00 in fees or a total debt service of \$1,408,466.00. Funding will be raised by user fees.

3. Validity

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity is not affected by reason of the variance.



Town Treasurer

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 31

Shall the Town vote to raise and appropriate the sum of **\$21,634** for Debt Service in Fiscal Year 2021/2022 as authorized by the passage of Article 37 at the 1997 Annual Town Meeting which will fund one half the cost for repayment of the Water Department Bond issued by the Federal Rural Development Agency for the new Water Treatment Plant in 1999?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 32

Shall the Town vote to accept James Way as a public Right of Way as requested by residents?
THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 33

Shall the Town vote to accept River Bend as a public Right of Way as requested by residents?
THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 34

Shall the Town vote to authorize the Select Board and Treasurer to accept on behalf of the Town any gifts of money or property, including trust funds, that may be given or left to the Town for the purpose of supporting Berwick Community Television, which is currently funded entirely by franchise fees paid by the cable company Comcast, placing such funds into a non-lapsing account and to authorize the expenditures of any such funds for the operating expenses of and/or capital improvements for Berwick Community Television?
THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 35

Shall the Town vote to authorize the use of interest only from the Lena Clark Trust Fund (The interest balance as of June 30, 2020 was \$27,350, which was the close of the prior Fiscal Year) when there are major repairs or maintenance needs at the Town Hall?
THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 36

Shall the Town vote to charge interest on unpaid taxes at the rate of 6.00% per annum, and to set the date when taxes committed for Fiscal Year 2021-2022 (July 1, 2021 through June 30, 2022) become due and payable as October 12, 2021 and April 12, 2022, with said interest to be collected after October 13, 2021 and April 13, 2022, and allow the Tax Collector to accept prepayment of taxes prior to the Tax Commitment Date?
THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

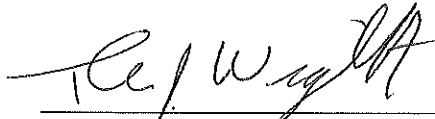
ARTICLE 37

Shall the Town Vote to set an interest rate of 4.00% as allowed by state law as the rate to be paid to taxpayers who pay amounts in excess of amounts finally assessed and authorize any such interest paid, uncollectable taxes or abatements granted to be charged against the annual overlay?
THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

ARTICLE 38

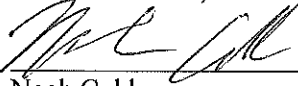
Shall the Town vote to increase the property tax levy limit (LD1) established for the Town of Berwick by State Law in the event that the Municipal Budget approved under preceding Articles will result in a Tax Commitment that is greater than the property tax levy limit for current and future years?
THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 5:0

The June 8, 2021 Town Meeting Warrant is signed and approved as presented/amended by the Berwick Board of Selectmen at its meeting on the 23rd day of March 2021.



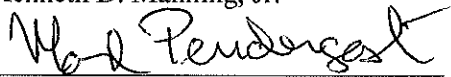
Thomas Wright, Chairman

Edward Ganiere, Vice Chair



Noah Cobb

Kenneth D. Manning, Jr.



Mark Pendergast

Board of Selectman, Town of Berwick, Maine

ATTEST:



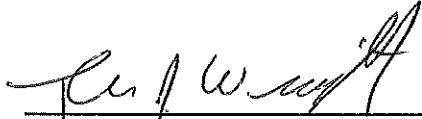
Patricia Murray, Town Clerk

CERTIFICATION OF PROPOSED CHANGES

TO THE


BERWICK LAND USE ORDINANCE

We, the Selectmen of the Town of Berwick, do hereby certify that the attached proposed changes to the Berwick Land Use Ordinance is a true copy of the proposed changes to be posted with the Town Meeting Warrant and submitted to the voters of the Town of Berwick for their approval.



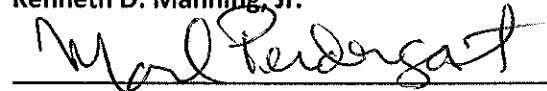
Thomas Wright, Chair

Edward Ganiere, Vice Chair



Noah Cobb

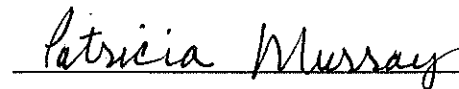
Kenneth D. Manning, Jr.



Mark Pendergast

ATTESTATION OF LAND USE ORDINANCE CHANGES

Attest: A true copy of the proposed changes to the Berwick Land Use Ordinance as certified to me by the Municipal Officers of Berwick on the 23rd day of March, 2021.



Patricia Murray, Town Clerk

3-24-2021

Date

Land Use Ordinance Amendments for June 2021

1. Simplifying the definition of frontage.

Frontage:

The dimension between the two sidelines of a lot, measured along the property line that borders upon ~~whatever way serves as legal access to the lot~~ **specified in Article 7.21 Access to Lots**. ~~The following ways shall constitute legal access to a lot: (a) a way accepted by or established as belonging to the Town, the County, or the State; (b) a way shown on an approved subdivision plan; or (c) an unaccepted street existing prior to the original enactment of the Town's Subdivision Regulations provided it is shown on a plat recorded in the registry of deeds prior to such enactment and is deemed adequate as a street by the Planning Board as evidenced by its endorsement on the subdivision plan.~~² Where a lot is situated on a curve of a street or on a corner of two streets, the measurement of frontage may include the entire length of the property line along such street or streets.

2. Simplifying and clarifying 7.21 by creating a table in place of a paragraph and deleting some redundant language.

7.21 Access to Lots.

~~No permit shall be issued to erect any structure on a lot without frontage on a public way unless an access road meeting the following criteria has been constructed within a deeded right of way a minimum of 50 feet in width. The access road shall be constructed to a minimum width of 12 feet if serving one dwelling unit, and 15 feet if serving two dwelling units. The access road shall contain a minimum depth of 15 inches of bank run gravel and have drainage ditches and culverts at all appropriate points. Such an access road shall serve no more than two dwelling units, except as noted below. Any access road serving three or more dwelling units shall meet the road design and construction standards of the Town of Berwick Road Construction Standards~~

Road Standards		
Dwelling Units	Standard	Deeded Right of Way
One Dwelling Unit	12' Wide 15" Deep of Bank Run Gravel * See Note Below	50'
Two Dwelling Units	15' Wide & 15" Deep of Bank Run Gravel * See Note Below	
Three or More Dwelling Units	Town of Berwick Road Construction Standards	
<p>NOTE: * Drainage ditches and culverts shall be installed at all appropriate points <u>as determined by the Town of Berwick or Third-Party Engineer hired by the Town at the applicant's expense. Access to Lots refers to any street(s), road(s) or right-of-way(s) utilized to access the lot.</u></p>		

The table replaces several paragraphs proposed to be deleted. The road requirements are not changed. The only change is specifying how the appropriate points are determined.

More than two dwelling units may be allowed on a discontinued road for those lots created prior to March 14, 1987, provided that the road is brought up to the standards for two dwelling units as described above. One dwelling unit shall be allowed per lot of record, and a second dwelling allowed per lot of record provided the following:

- A. The building permit is issued only to a child of the record owner.
- B. The lot is surveyed by a State of Maine registered surveyor and is recorded in the York County Registry of Deeds with the following provisions:
 - o No further conveyance of this lot is permitted for five years from the date of the recording of the survey.
 - o The discontinued road is not maintained or plowed by the Town of Berwick. Any upgrading or plowing of the discontinued road will be at the expense of the lot owner.

~~A.—the road standards described above are met (minimum width of fifteen feet, minimum depth of fifteen inches of bank run gravel, and have drainage ditches and culverts at all appropriate points), and~~

~~B.—the applicable zone road frontage and lot dimensions requirements are met, and~~

~~C.—the building permit is issued only to a child of the record owner (this precludes any additional permits for those lots of record owned by other than an individual person or persons), and~~

~~D.—access to the additional dwelling unit shall be from the discontinued road and no other right of way, and~~

~~E.—a survey of the lot done by a State of Maine registered surveyor is recorded in the York County Registry of Deeds prior to the issuance of the additional building permit, said registered survey to contain the following provisions:~~

~~1.—No further subdivision of this lot is permitted without compliance with the Town of Berwick subdivision regulations then in existence.~~

~~2.—No further conveyance of this lot is permitted for five years from the date of the recording of the survey.~~

~~3.—The discontinued road is not maintained nor plowed by the Town of Berwick. The Town of Berwick is not responsible for any upgrading or plowing of the discontinued road. Any upgrading or plowing of the discontinued road will be at the expense of the lot owner.~~

~~F.—the conveyance creating a lot to the child of the record owner shall be recorded in the York County Registry of Deeds prior to the issuance of the additional building permit and said conveyance shall also contain the three provisions set forth in paragraph E. above as survey requirements, and~~

~~G.—the additional building permit issued contain the following provision:~~

NOTICE

~~THE DISCONTINUED ROAD IS NOT MAINTAINED NOR PLOWED BY THE TOWN OF BERWICK. THE TOWN OF BERWICK IS NOT RESPONSIBLE FOR ANY UPGRADING OR PLOWING OF THE DISCONTINUED ROAD. ANY UPGRADING OR PLOWING OF THE DISCONTINUED ROAD WILL BE AT THE EXPENSE OF THE LOT OWNER.~~

3. Marijuana Amendments

8.25.3 Location

Location: Marijuana Establishments are allowed in the RCI & R3 Zone only on properties which have frontage on Route 9, 4 or 236.

Marijuana Establishments* cannot be within 1,000 feet of+:

- Any school – as measured from the nearest property line of the land used for the school to the nearest portion of the proposed business’s building, via straight line measurement.
- Drug or Alcohol Treatment Facilities – as measured form the nearest property line of the land used for the treatment facility to the nearest portion of the proposed business’s building, via straight line measurement.
- Child Care Centers – as measured from the nearest property line of the land used for child care purposes to the nearest portion of the proposed business’s building, via straight line measurement.
- Other Marijuana Establishments* and Establishments under the same ownership on non-contiguous lots as measured from the nearest portion of the exiting or pending center or store’s building to the nearest portion of the proposed business’s building, via straight line measurement.
* Marijuana Testing Facilities are exempt from the 1,000-foot requirement from other Marijuana Establishments.

8.25.8 Permits

A. The number of Conditional Use permits granted for in each zone as of June 9, 2020 shall be the limit of permits granted in each zone. The number of Conditional Use permits in each zone shall be tracked and monitored by the Town of Berwick Community Development & Planning Office. This provision shall be reviewed by the Berwick Planning Board and amended as needed on an annual basis.

B. Marijuana Testing Facilities are exempt from the limit.

4.

Person: ~~An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.~~

5. **8.12 Agriculture and Animal Husbandry.**

The following restrictions apply to agriculture and animal husbandry.

a. All pastures, barns, barnyards and other areas where the livestock animals or fowl are kept, housed, fed or cared for shall be a minimum of 100 feet from the nearest dwelling other than the applicant's.

b. Uncovered manure shall be kept 150 feet from the nearest dwelling other than the applicant's and 300 from any well

6. **8.6 Apartment Buildings and Multifamily Developments**

5. It shall be the responsibility of the owner to provide for rubbish disposal, snow removal, and site maintenance. Privately owned stormwater management facilities shall be maintained in - 87 - accordance with Article 7.23. All outdoor storage areas for waste collection shall be enclosed by a ~~wooden or masonry~~ screen at least six feet in height. ~~A 50-foot landscaped buffer shall be provided along all property boundaries.~~

7.

Personal Sawmill: A machine for sawing logs into lumber able to be moved from lot to lot, similar to a trailer, not to exceed ~~30~~ **50** horsepower.

Sawmill: A mill or machine for sawing logs into lumber, may be located in a structure and used as a commercial operation, or is greater than ~~30~~ **50** horsepower.

8.

BUILDING FORM (PRINCIPAL BUILDING)	
Maximum building footprint	15,000 square feet* * The building footprint may exceed 15,000 feet for first floor commercial, manufacturing, recreational or parking uses.

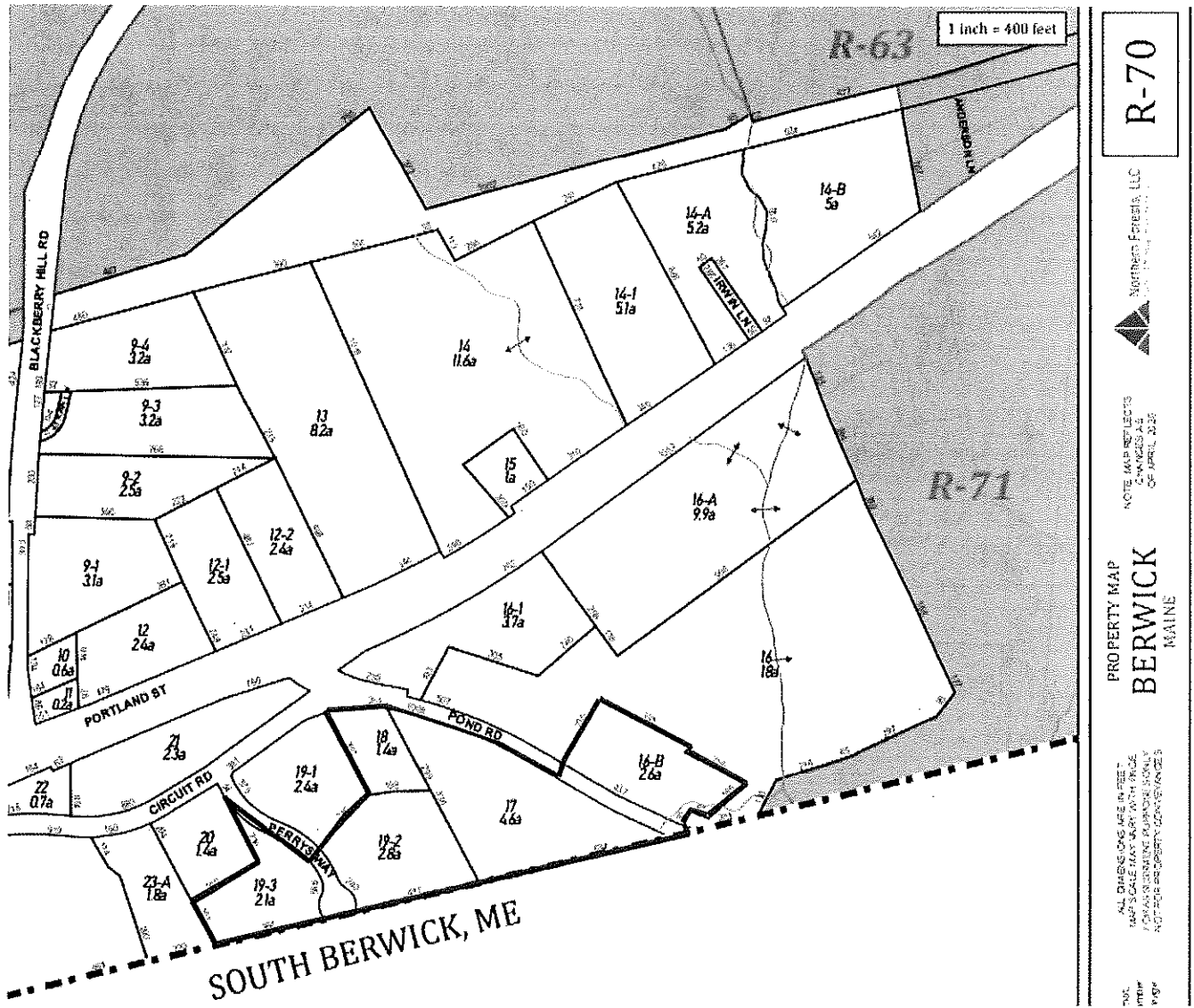


**PLANNING BOARD MEMORANDUM
TOWN OF BERWICK, PLANNING DEPARTMENT**

TO: BERWICK SELECT BOARD
FROM: JAMES BELLISSIMO, DIRECTOR OF COMMUNITY DEVELOPMENT & PLANNING
SUBJECT: RE-ZONING REQUEST
DATE: FEBRUARY 19, 2021

The following zoning amendment was recommended by the Berwick Planning Board by vote of 5-0 at the February 18, 2021 Planning Board meeting. The property owner of the following lots requested to have their neighborhood re-zoned from Rural Commercial/Industrial (RC/I) to Rural Residential (R3). The R3 Zone allows for some Commercial uses and prohibits Industrial and other heavy Commercial uses. The zoning amendment was found consistent with the Comprehensive Plan due to the existing character of the neighborhood and the lots are located without frontage on Route 4.

Lots proposed to be changed from RC/I to R3: Map R070 Lots 16-B, 17, 18, 19-2, 19-3



R-70

NOTHING REFLECTS
CHANGES AS
OF APRIL 2021

PROPERTY MAP
BERWICK
MAINE

ALL DIMENSIONS ARE IN FEET
DIMENSIONS MAY VARY FROM
ACTUAL PROPERTY DIMENSIONS

TOWN OF BERWICK
PLANNING DEPARTMENT

**TOWN OF BERWICK
FOOD SOVERIGNTY ORDINANCE**

1. **Purpose.** Pursuant to Title 7 M.R.S. §283, the purpose of this Ordinance is to support food self-sufficiency, the preservation of family farms and local food traditions. Furthermore, the purpose of this Ordinance is to:
 - A. Through local control, preserve the ability of individuals and communities to save and exchange seed to produce, process, sell, purchase, and consume locally produced foods;
 - B. Ensure the preservation of family farms and traditional foodways through small-scale farming, food production, and community social events;
 - C. Enhance rural economic development and the protection of Farm Land and Open Space.
 - D. Protect access to Local Food through Direct Producer-to-Consumer Transactions, as defined in Section 4 below.
2. **Authority** This Ordinance is adopted and enacted pursuant to Title 7 M.R.S. §284.

3. **Definitions**

As used in this Ordinance, the following terms shall have the meanings stated below:

- A. **DIRECT PRODUCER-TO-CONSUMER TRANSACTION:** A face-to-face transaction involving food or food products at the site of production of those food or food products.
- B. **FOOD OR FOOD PRODUCTS:** Any food or food products intended for human consumption, including but not limited to milk or milk products, meat or meat products, poultry or poultry products, fish or fish products, seafood or seafood products, cider or juice, acidified foods or canned fruits or vegetables that is grown, produced, processed, or prepared by individuals who exchange food as part of a Direct Producer-to-Consumer Transaction.
- C. **PROCESSOR:** An individual who processes or prepares products of the earth, soil, or animals for food or drink.
- D. **PRODUCER:** A person who grows or raises any plant or animal for food or drink, or a person who makes food products, whether for commercial sale or not.

4. Exemption from Licensure and Inspection

A. In accordance with Title 7 M.R.S. §284, the Producers and Processors of Local Food intended for Direct Producer-to-Consumer Transactions in the Town of Berwick shall be exempt from state licensure and inspection, and the State of Maine shall not enforce those state food laws, rules, or regulations with respect to Direct Producer-to-Consumer Transactions.

5. Meat and Poultry

This Ordinance is not applicable to any meat or poultry products that are required to be produced or processed in compliance with the Maine Meat and Poultry Products Inspection Program, Title 22, Chapter 562-A, of the Maine Revised Statutes and the rules adopted thereunder. All such products and transactions remain subject to state inspection and licensing

6. No Waiver of Municipal Immunity

Nothing in this Ordinance shall be construed as a waiver of the Town of Berwick's immunity from liability pursuant to the Maine Tort Claims Act or any other immunities or defenses available to the Town.

7. Effective Date

This Ordinance shall be effective immediately upon its enactment.

8. Severability Clause

The provisions of this Ordinance are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.