

City Council Minutes

July 9, 2019

Regular Meeting
City Hall Council Chambers

Tuesday, July 9, 2019
6:00 p.m.

The regular meeting was called to order by Chairman Beverly Uhlenhake. The City Clerk called the roll:

Councilor Morelli-present
Councilor O'Connell-present
Councilor Ferris-present

Councilor Goss-present
Chairman Uhlenhake-present

Chairman Uhlenhake declared a quorum present. City Manager Stephen Bost and City Solicitor Jonathan Pottle were also present.

Chairman Uhlenhake led members of the Council and others present in reciting the pledge of allegiance to the flag of the United States of America.

Chairman Uhlenhake read the notice for the regular meeting.

TO: Joseph Ferris, Jerry Goss, Kevin O'Connell, Thomas Morelli and Beverly Uhlenhake
MEMBERS OF THE BREWER CITY COUNCIL you are hereby notified a regular meeting of the City Council will be held on Tuesday, July 9, 2019 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider and act on the items on the attached agenda.

s/Beverly Uhlenhake

Mayor and Chairman of the City Council

Or

Majority of the City Council

a true copy, attest: s/Ronda J. Hogan

City Clerk

I have on the date(s) and time(s) indicated given notice of this meeting by giving in hand of by leaving at the usual dwelling place of the within named an attested copy of this notice of meeting:

Given/Delivered to:	by (person delivering)	Title	Date	Time
Joseph Ferris	L. Sewall	Cpl.	07/05/19	17:43
Thomas Morelli	L. Sewall	Cpl.	07/05/19	17:10
Beverly Uhlenhake	L. Sewall	Cpl.	07/05/19	17:35
Jerry Goss	L. Sewall	Cpl.	07/05/19	17:17
Kevin O'Connell	J. Smith	Asst. Man.	07/05/19	4:30 p.m.

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CITY COUNCIL REGULAR MEETING

Tuesday, July 9, 2019 6:00 P.M.

Brewer City Hall Council Chambers

- I. Call to Order** (Mayor Uhlenhake)
- II. Roll Call** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America** (Mayor Uhlenhake)
- A. Minutes of June 4, 2019 Regular Meeting** (Councilor O'Connell)
- B. Awards, Petitions and Public Comments**
 - 1. (2019-B023) RESOLVE Resolution of Respect for Lester B. Young (Councilor Goss)
 - 2. (2019-B025) RESOLVE Recognize the Brewer High School Girls Softball Team (Councilor Goss)
 - 3. (2019-B026) RESOLVE Recognize the Brewer High School Girls Spring Track Team (Councilor Uhlenhake)
 - 4. Presentation by Stewart Brooks, President of the Northern Maine MBOIA & Benjamin Breadmore Vice-President of MBOIA
 - 5. Swearing in Ceremony: Brewer Police Officer Michael Parady
 - 6. Public Comments
- IV. Public Hearing**
 - 1. Public hearing to determine whether the building located at 62 Parker Street in Brewer, Maine (Tax Assessor's Map 30, Lot 37) is a nuisance or dangerous within the meaning of 17 M.R.S. §2851
- C. Consent Calendar**
 - 1. (2019-A091) ORDER Authorize purchase of a replacement pickup truck for the Water Department (Councilor Morelli)
 - 2. (2019-A092) ORDER Declare the existing Engineering Department pickup truck surplus material, authorize its sale and authorize the purchase of a replacement Engineering Department vehicle (Councilor O'Connell)
 - 3. (2019-A093) ORDER Authorize acceptance of source water protection grant funds (Councilor Goss)
 - 4. (2019-A094) ORDER Accept grant from Stephen and Tabitha King Foundation (Councilor Ferris)
 - 5. (2019-A095) ORDER Award contract for survey work on Broadlawn, Hillcrest, Parker and Madison Streets (Councilor Morelli)
 - 6. (2019-A096) ORDER Accept deed from Creative Arts Center, LLC and dedicate the area conveyed as a public park appurtenant to the Brewer Riverwalk Trail (Councilor O'Connell)
 - 7. (2019-A097) ORDER Authorize purchase of a 2019 Ford F-250 Pickup truck with a plow for the Environmental Services Department to replace Unit #403 (Councilor Goss)
 - 8. (2019-A098) ORDER Find the structure at 62 Parker Street to be a nuisance or dangerous and order its disposal (Councilor Ferris)
 - 9. (2019-A099) ORDER Authorize City Manager to reschedule hearing date and

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- proceed with dangerous building notice to parties of interest in 225 Wilson Street (Councilor Morelli)
10. (2019-A100) ORDER Purchase WatchGuard body and in-car camera system (Councilor O'Connell)
11. (2019-A101) ORDER Authorize the purchase of two replacement vehicles for the Brewer Police Department (Councilor Goss)
12. (2019-A102) ORDER Authorize police officers to act outside their jurisdiction (Councilor Ferris)
13. (2019-A103) ORDER Authorize purchase of a replacement pickup truck for the Parks & Recreation Department (Councilor Morelli)
14. (2019-A104) ORDER Declare City property surplus and authorize disposal of said property (Councilor O'Connell)
15. (2019-A105) ORDER Authorizing issuance of the City's General Obligation Bonds to finance the City's FY2020 Capital Improvement Plan and a Tax Levy (Councilor Goss)
16. (2019-A106) ORDER Accept proceeds from the sale of scrap metal and appropriate for use (Councilor Ferris)
17. (2019-A107) ORDER Authorize appropriation of funds for the Water Enterprise Account Wellness Program (Councilor Morelli)
18. (2019-A108) ORDER Authorize appropriation of funds for the Sewer Enterprise Account Wellness Program (Councilor O'Connell)
19. (2019-A109) ORDER Accept donations of books and materials and authorize sale of surplus books and materials (Councilor Goss)
20. (2019-A110) ORDER Accept FY2020 donations to the Brewer Public Library (Councilor Ferris)
21. (2019-A111) ORDER Commit water assessment to Treasurer for assessment (Councilor Morelli)
22. (2019-A112) ORDER Commit sewer assessment to Treasurer for assessment (Councilor O'Connell)
23. (2019-A113) ORDER Grant approval to Del G. Merritt D/B/A Cap's Tavern to allow patrons to consume alcohol at a special outdoor event on the establishment's property (Councilor Goss)

D. Monthly Reports (Councilor Ferris)

E. Nominations, Appointments, Elections

1. (2019-B027) RESOLVE Declare results of the June 11, 2019 City of Brewer School Budget Election (Councilor O'Connell)

F. Unfinished Business

1. (2019-C002) Amend Chapter 22, entitled "Solid Waste & Recycling Ordinance" of the City of Brewer Charter, Codes and Ordinances (Councilor Ferris & Councilor Morelli)

G. New Business

H. New Items with Leave of Council

I. ADJOURN

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A. Minutes of June 4, 2019 Regular Meeting

ACTION: Councilor O'Connell moved that the minutes be accepted and placed on file. The motion was seconded and passed unanimously.

B. Awards, Petitions and Public Comments

2019-B023

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TITLE: RESOLVE, RESOLUTION OF RESPECT FOR LESTER B. YOUNG

Filed May 28, 2019

By Jerry Goss

WHEREAS, on the 15th day of May 2019, death brought to a close the full and active life of Lester B. Young of Brewer; and

WHEREAS, Lester was a graduate of Old Town High School Class of 1960 before continuing his education at the University of Maine, graduating with a B.S. in Education in 1964, an M.Ed. in 1975 and a C.A.S. in 1982; and

WHEREAS, Lester loved being an educator. He began his career as a teacher in Vanceboro and then taught in Glenburn where he also was a teaching Principal from 1968-1972 and a supervising Principal from 1972-1979; and

WHEREAS, in 1979 Lester began his career in Brewer as Principal of the Pendleton and State Street Schools and later served as Principal of the State Street School and Business Manager for the Brewer School Department; and

WHEREAS, Lester was very active in professional education organizations such as the Northeast Elementary Principal Association, the Maine Principal's Association, and the Penobscot River Educational Partnership. He also treasured the time he and his wife Janet spent together at their camp in Maine and their home in Florida.

NOW THEREFORE BE IT RESOLVED, that the Brewer City Council does by this resolution and public pronouncement, recognize the positive influence of Lester B. Young to the well-being and development of the community in which he lived and earned the deep respect of all who knew him; and

FURTHER, RESOLVED, that this resolution be spread upon the permanent records of the City of Brewer and that copies thereof be distributed to members of his family in testimony to the high esteem held for Lester B. Young by the citizens and officials of the City of Brewer, Maine.

ACTION: Councilor Goss moved that the resolve be adopted. The motion was seconded. Councilor Goss read the resolve into the record and presented Lester's family with copies. Councilor Goss stated how special Lester was and how he worked tirelessly

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behind the scenes for the best of the school system. Lester's wife Janet thanked the Council for the resolve and recognition.

Councilor O'Connell remembered Lester for his amazing skill at putting a school budget together and for his leadership style. Councilor Ferris stated that Lester was a very sharp, smart man that will be missed. Chairman Uhlenhake remarked that she will always remember his calm, cool, collected way of being able to work with people in what could have been stressful circumstances.

The resolve passed unanimously.

2019-B025

July 9, 2019

TITLE: RESOLVE, RECOGNIZE THE BREWER HIGH SCHOOL STATE CLASS B
2019 SOFTBALL CHAMPIONS

Filed June 17, 2019
By Beverly Uhlenhake,
Jerry Goss, Joseph L.
Ferris, Kevin O'Connell and
Thomas Morelli

WHEREAS, the Brewer High School Softball team earned the 2019 Class B State Championship; and

WHEREAS, the Brewer Witches collected 13 hits against York High School, receiving hits from eight of its nine starters while pounding out a 7-1 victory for their second straight Class B championship.

NOW THEREFORE BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith recognizes and congratulates the 2019 Brewer Softball team for earning their second straight Class B State Championship and carrying on the tradition of Brewer excellence; and

BE IT FURTHER RESOLVED, that the Brewer City Council congratulates the following list of athletes on their outstanding achievement:

Seniors: Ali Cottrell, Olivia Cattan, Libby Hewes, Jordan Goodrich & Rebecca Gideon

Juniors: Mackenzie Dore, Zoe Vittum, Kathryn Austin & Kate West

Sophomores: Sarah Wood, Mia Cattan, Sarah Kiley & Janessa Bishop

Head Coach: Skip Estes

Assistant Coaches: Butch Grindle, Sarah Estes & Meg Davis

Trainer: Benjamin Pushard

Athletic Director: David Utterback

ACTION: Councilor Goss moved the resolve be adopted. The motion was seconded. Councilor Goss read the resolve into the record and presented the Girls Softball Team and their coaches with copies and City of Brewer challenge coins.

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Councilor Morelli congratulated the team and stated that he had followed the team this year and they were just amazing to watch. Councilor O'Connell congratulated the girls on back to back titles and thanked them for making Brewer look good. Councilor Ferris congratulated the team for winning two in a row, he knows how hard it is to win one and winning two is something the team should be very proud of. Chairman Uhlenhake reminded the team to use their leadership skills they have learned as a team in their life outside of softball.

The resolve passed unanimously.

2019-B026

July 9, 2019

TITLE: RESOLVE, RECOGNIZE THE BREWER HIGH SCHOOL STATE CLASS B GIRLS SPRING TRACK TEAM

Filed June 3, 2019
By Jerry Goss, Joseph L.
Ferris, Beverly Uhlenhake,
Kevin O'Connell and
Thomas Morelli

WHEREAS, the Brewer High School Girls Spring Track Team earned the 2019 Class B State Championship; and

WHEREAS, the Brewer team showed their depth and strength by meeting and exceeding their meet seeded positions with positive attitudes throughout the day; and

WHEREAS, the Brewer Girls Spring Track Team was seeded to score 70 points but finally totaled 84 points to surpass runner-up York's 70 for the State B Title.

NOW THEREFORE BE IT RESOLVED, that the Brewer City Council on behalf of the Citizens of the City of Brewer, herewith recognizes and congratulates the 2019 Brewer Girls Spring Track Team for earning the Class B State Championship and carrying on the tradition of Brewer excellence; and

BE IT FURTHER RESOLVED, that the Brewer City Council congratulates the following list of athletes on their outstanding achievement:

Seniors: Hannah Hopkins, Ashley Tanguay, Jessica Hart & Kaitlyn "KK" Helfen

Juniors: Caitlin Cook, Megan Friel, Rylie Hall, Sophie Inman, & Madison Gibbs

Sophomores: Abby Stroup, Morgan Honey, Maria McLaughlin & Olivia Mosca

Freshman: Melaina Eaton & Ainsley Reid.

Head Coach: Glendon Rand

Assistant Coaches: Adam Lufkin, Dan Juilli, Jonathan Karp & Jeremy Bissell

Athletic Director: David Utterback

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ACTION: Councilor Goss moved that the resolve be adopted. The motion was seconded. Councilor Goss read the resolve into the record and presented the Girls Spring Track team and their coaches with copies and City of Brewer challenge coins; challenging the girls to get more girls involved in the program. Councilor Ferris congratulated the girl's team and marveled at how far the track program has come and stated how proud he is of them and they should be proud of themselves. Councilor O'Connell congratulated the girls on being a powerhouse and thanked them for making Brewer look good. Councilor Morelli thank the team for being ambassadors to the City and congratulated them on a job well done. Chairman Uhlenhake congratulated the girls and thanked them all for being such great role models. The resolve passed unanimously.

4. Presentation by Stewart Brooks, President of the Northern Maine MBOIA & Benjamin Breadmore Vice-President of MBOIA

Benjamin Breadmore awarded the City of Brewer a plaque for their continued support of the MBOIA. Stewart Brooks presented City Manager Stephen Bost an award for supporting and helping establish the Northern Maine MBOIA.

5. Swearing in Ceremony: Brewer Police Officer Michael Parady

Public Comments

Rep. Arthur Verow on behalf of the Maine Senate and House of Representatives recognized Councilor Joseph L. Ferris for his dedicated service to the City of Brewer.

IV. Public Hearing

Chairman Uhlenhake stated that the City Council would recess for a public hearing and after the public hearing the Council would return to the regular meeting to take up the rest of the items on the agenda.

The public hearing was called to order by Chairman Uhlenhake.

The City Clerk called the roll:

Councilor Morelli – present

Councilor O'Connell – present

Councilor Goss – present

Councilor Ferris – present

Chairman Uhlenhake – present

Chairman Uhlenhake declared all members were present.

Chairman Uhlenhake read the public notice.

1. Public hearing to determine whether the building located at 62 Parker Street in Brewer, Maine (Tax Assessor's Map 30, Lot 37) is a nuisance or dangerous within the meaning of 17 M.R.S. §2851

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Chairman Uhlenhake asked if there were any public comments. There were none.

Code Enforcement Officer, Stewart Brooks, gave the Council a handout regarding the property at 62 Parker Street.

Councilor O'Connell asked if the City was responsible for tearing the building down and if the building had power.

Chairman Uhlenhake closed the public hearing.

The City Clerk called the role and all members of the Council were present.

Chairman Uhlenhake said the regular meeting would resume at this time.

C. Consent Calendar

ACTION: Councilor O'Connell removed order 2019-A092 from the consent calendar. Councilor Ferris removed order 2019-A113 from the consent calendar. Councilor Goss moved that the remaining orders have passage. The motion was seconded and passed by unanimous vote.

Councilor O'Connell moved that order 2019-A092 have passage. The motion was seconded. Councilor O'Connell moved that the order have passage as amended by full substitution. The motion pass unanimously.

Councilor Goss moved that order 2019-A113 have passage, the motion was seconded. The motion was passed by a 4-0-1 vote with Councilor Ferris abstaining.

2019-A091

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TITLE: ORDER AUTHORIZE PURCHASE OF A PICKUP TRUCK FOR THE
WATER DEPARTMENT

Filed June 17, 2019

By Thomas Morelli

WHEREAS, Bids were solicited, received and evaluated for the purchase of a pickup truck to replace Water Department unit #751 a 2006 GM ¾ ton regular cab; and

WHEREAS, Quirk Ford of Augusta Maine provided the City with the lowest of the five (5) bids received in the amount of \$37,251.00.

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to Quirk Ford of Augusta in the amount of \$37,251.00 for the purchase of a 2019, ¾ ton Ford pickup truck with plow, \$35,066 for the truck and \$2,185.00 for the extended warranty; and

BE IF FURTHER ORDERED, that the funds for this purchase be charged to the FY20 CIP account # 0571003-573001 titled "Unit 751 3/4 ton with plow", approved in the FY20 CIP budget; and

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BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to dispose of the 2006 ¾ ton GM unit #751 by means that would be in the best interest of the City of Brewer; and

BE IT FURTHER ORDERED, that any funds received from the sale or disposal of the above mentioned items be receipted to the Water Department Sale of Asset account (0700006-300410) and authorized for appropriation and expenditure from the Water Department's Capital Reserve Funding account (0717502-504500) to augment the Water Department's general capital reserve account (0700000-110805).

Statement of Fact

The replacement of truck #751 was approved in the FY20 CIP budget; this order authorizes the purchase of the replacement truck. This order also allows the City Manager to sell the current truck and place any proceeds into the capital account.

2019-A092

July 9, 2019

TITLE: ORDER DECLARE THE EXISTING ENGINEERING DEPARTMENT
PICKUP TRUCK SURPLUS MATERIAL, AUTHORIZE ITS
SALE AND AUTHORIZE THE PURCHASE OF A
REPLACEMENT ENGINEERING DEPARTMENT VEHICLE

Filed June 24, 2019
By Kevin J.M. O'Connell

WHEREAS, the existing Engineering Department 2006 Ford F150 pickup truck has reached the end of its useful life; and

WHEREAS, the City of Brewer FY 2020 CIP has been approved with a line item of \$35,000 for the replacement of this vehicle; and

WHEREAS, the Public Works Department Purchaser has prepared bid specifications and solicited, received and reviewed competitive bids for a replacement vehicle meeting the current needs of the Engineering Department (bid summary attached).

NOW, THEREFORE, BE IT ORDERED, that the existing 2006 Ford F150 Engineering Department pickup truck is declared "surplus material" and its disposal authorized by competitive sale or other means as is in the best interest of the citizens of Brewer with proceeds of the disposal, if any, being deposited to 0500100-300410 (CIP Sale of Asset Revenue) to be used to fund future capital purchases; and

BE IT FURTHER ORDERED, that the City Manager is authorized to sign a purchase order to Quirk Ford of Augusta in the amount of \$32,215.00 for the purchase of a new 2020 Ford Explorer 4X4 to serve as the Engineering Department's primary means of business related transportation; and

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BE IT FURTHER ORDERED, that the cost of this purchase shall be charged to FY 2020 CIP account 0510133-551355.

2019-A093

July 9, 2019

TITLE: ORDER, AUTHORIZE ACCEPTANCE OF SOURCE WATER PROTECTION
 GRANT FUNDS

Filed July 2, 2019

By Jerry Goss

WHEREAS, the Brewer Water Department applied for and has been awarded a 2019 source water protection grant to purchase security cameras; and

WHEREAS, the purchase of these security cameras improves safety and ability to monitor the pump station and the area near our intake 24/7 as well as key areas of the plant.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council authorizes the acceptance of this Drinking Water Program Source Water Protection Grant of \$5883.00 to reimburse the Water Department for the purchase of the two security camera systems; and

BE IT FURTHER ORDERED, that the funds received from the above-mentioned grant be receipted to the Water Department Small Grant Fund Revenue account (0670000-360000-62002) and appropriated for expenditure from the Water Department Small Grant Fund Expense account (0670000-560000-62002).

Statement of Fact

This order allows the Water Department to accept a \$5883 reimbursement for a camera system to monitor key areas by the pump station and our source water as well as the plant. This state grant of federal funds covered 100% of the costs.

2019-A094

July 9, 2019

TITLE: ORDER, ACCEPT GRANT FROM STEPHEN AND TABITHA KING
 FOUNDATION

Filed June 25, 2019

By Joseph L. Ferris

WHEREAS, the City of Brewer Fire Department has been awarded \$30,000 from the Stephen and Tabitha King Foundation; and

WHEREAS, the funds will be used to purchase eleven sets of turnout gear with enhanced particulate protection that will help protect firefighters from carcinogenic particles; and

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WHEREAS, three vendors provided the Fire Department turnout gear options during onsite demonstrations; and

WHEREAS, the department wishes to use the grant funds to purchase Lion V-Force turnout gear with RED ZONE, which is the only particulate gear that is NFPA 1971-certified for contaminant control.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, Maine, by vote of its City Council, accepts these grant funds and directs that they be deposited into account 0600059-360000-59027 FY19 KING FDTN – TURNOUT GEAR REVENUE and, further, that these funds be appropriated and expended from account 0600059-560000-59027 FY19 KING FDTN – TURNOUT GEAR EXPENSE in accordance with the grant provisions; and

BE IT FURTHER ORDERED, that the City Council of the City of Brewer herewith exercises its authority under Section 404 of the City's Purchasing Ordinance, Chapter 36 of the Charter, Codes and Ordinances of the City of Brewer in the purchase of goods for this project.

Statement of Fact

The City of Brewer Fire Department received a \$30,000 grant award from the Stephen and Tabitha King Foundation for the purchase of turnout gear with enhanced particulate protection. Research shows that this gear reduces exposure to carcinogenic materials to firefighters. This order accepts the grant funds and authorizes their expenditure to purchase 11 sets of turnout gear.

2019-A095

July 9, 2019

TITLE: ORDER, AWARD CONTRACT FOR SURVEY WORK ON
BROADLAWN, HILLCREST, PARKER AND MADISON
STREETS

Filed June 27, 2019
By Thomas Morelli

WHEREAS, Parker Street, Madison Avenue, Broadlawn Drive, and Hillcrest Drive have drainage issues and potential subgrade issues that may need to be addressed beyond what a standard paving project would address and Hillcrest Drive also has been identified in several pedestrian studies as a location where the construction of a new sidewalk would create a beneficial link between Oak Grove Drive and North Main Street for pedestrian safety; and

WHEREAS, a full survey of each street will be required to enable the Engineering Department to design possible solutions to the issues; and

WHEREAS, \$25,000 was included in the FY 2020 CIP for this work; and

WHEREAS, the Engineering Department has solicited competitive bids for the project (see attached bid summary);

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NOW, THEREFORE, BE IT ORDERED THAT, the City Manager, or his designee, is authorized to execute a contract with Sewall Company of Old Town, Maine, the low bidder, in an amount not to exceed \$25,000 for the completion of the 2019 Survey of 4 City Streets (Parker Street, Madison Avenue, Broadlawn Drive, and Hillcrest Drive); and

BE IT FURTHER ORDERED, that costs associated with this work be charged to CIP expense account 510113-551345 (Drainage & Sidewalk –Broadlawn, Hillcrest, Parker, Madison) to be funded by reallocated CIP dollars.

Statement of Fact

This order awards the contract for the 2019 Survey of Parker Street, Madison Avenue, Broadlawn Drive, and Hillcrest Drive, which was approved in the FY 2020 CIP. The contracted survey work and subsequent design by the Engineering Department will be completed over the winter and funding will be requested in upcoming CIP budgets to complete construction of each street.

2019-A096

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TITLE: ORDER, ACCEPT DEED FROM CREATIVE ARTS CENTER, LLC AND DEDICATE THE AREA CONVEYED AS A PUBLIC PARK APPURTENANT TO THE BREWER RIVERWALK TRAIL

Filed June 27, 2019

By Kevin J.M. O'Connell

WHEREAS, the City Manager has negotiated with the owner of Creative Arts Center, LLC for the conveyance of the portion of the Creative Arts lot (Tax Map 29, Lot 117) located between the Riverwalk Trail and the Penobscot River to the City of Brewer in exchange for certain public improvements to be made within the area conveyed that are to remain owned by the City of Brewer without any future mandatory obligation to maintain or replace said improvements; and

WHEREAS, the Creative Arts Center, LLC has signed a Deed conveying the portion of the parcel described above to the City of Brewer; and

WHEREAS, the City Council has considered acceptance of the above Deed together with dedicating this area as a Public Park, and determined these actions are in the best interests of the City of Brewer.

NOW THEREFORE BE IT ORDERED THAT, the Brewer City Council herewith accepts the Deed from Creative Arts Center, LLC for conveyance of a portion of their lot located at 54 Wilson Street, Brewer, Maine (Tax Map 29, Lot 117); and

BE IT FURTHER ORDERED THAT, the area conveyed herein to the City of Brewer is dedicated as a Public Park to be used exclusively and in perpetuity as an extension of the Public Trail known as the Brewer Riverwalk; and

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BE IT FURTHER ORDERED THAT, the Brewer City Clerk shall record the Deed referenced herein at the Penobscot County Registry of Deeds.

Statement of Fact

This order accepts a parcel conveyed by Creative Arts Center, LLC to the City of Brewer and dedicates it as a Public Park.

2019-A097

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TITLE: ORDER, AUTHORIZE PURCHASE OF A 2019 FORD F-250 PICKUP TRUCK WITH A PLOW FOR THE ENVIRONMENTAL DEPARTMENT TO REPLACE UNIT #403

Filed July 2, 2019
By Jerry Goss

WHEREAS, bids were solicited, received and evaluated for the purchase of a ¾ ton pickup truck with a plow to replace the Environmental Departments collection system unit #403 a 2008 Chevrolet Van; and

WHEREAS, Quirk Ford of Augusta provided the City with the lowest of bid received in the amount of \$37,251.00; and

WHEREAS, other bids were received was from Stoneham Motor Company, Thornton Bros., O'Conner Auto Park and Gervais Ford.

NOW, THEREFORE, BE IT ORDERED, that the City Manager or his designee, is authorized to sign a purchase order to Quirk Ford of Augusta in the amount of \$37,251.00 for the purchase of a FORD F-250 pickup truck with a plow and an extended warranty; and

BE IT FURTHER ORDERED, that the cost of this purchase shall be charged to account number 0581003-583008; and

BE IT FURTHER ORDERED, that the current Environmental Departments collection system unit #403, a 2008 Chevrolet Van be listed as City Surplus once the replacement vehicle is received from Quirk Ford of Augusta; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to sell and finalize the sale of said surplus property by means that would be in the best interest of the City of Brewer and the funds from said sale be used to offset the cost of the replacement vehicle.

Statement of Fact

Quirk Ford of Augusta provided the lowest bid received from 5 bidders.

Quirk Ford- \$37,251

Gervais Ford- \$38,322

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O'Conner Auto Park- \$39,153

Stoneham Motor Co.- \$39,700

Thornton Bros.- \$39,800

2019-A098

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TITLE: ORDER, FIND THE STRUCTURE AT 62 PARKER STREET TO BE A
NUISANCE OR DANGEROUS AND ORDER ITS DISPOSAL

Filed July 2, 2019
By Joseph L. Ferris

WHEREAS, on December 24, 2017, the City of Brewer acquired the property situated at 62 Parker Street, Brewer, Maine (Tax Map 30, Lot 37) by virtue of automatic foreclosure of a tax lien; and

WHEREAS, this property is in poor repair and has been vacant for numerous years; and

WHEREAS, in accordance with 17 MRSA Sections 2851 and 2857, the City Council held a public hearing to determine whether this property is dangerous and any remedy needed thereto; and

WHEREAS, the City's Code Enforcement Officer inspected the building and reports that it is structurally unstable and constitutes a hazard to health and safety because of inadequate maintenance and dilapidation.

NOW, THEREFORE BE IT ORDERED, that the Brewer City Council hereby finds the property at 62 Parker Street in Brewer to be dangerous; and

BE IT FURTHER ORDERED, that the City Council herewith orders the City Manager, or his designee, to dispose of the structure by demolition or other means as would be in the best interest of the citizens of Brewer in accordance with 17 MRSA Sections 2851 and 2857.

Statement of Fact

This order finds the building at 62 Parker Street to be dangerous and orders its demolition or removal.

2019-A099

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TITLE: ORDER, AUTHORIZE CITY MANAGER TO RESCHEDULE HEARING
DATE AND PROCEED WITH DANGEROUS BUILDING
NOTICE TO PARTIES OF INTEREST IN 225 WILSON
STREET

Filed July 2, 2019
Thomas Morelli

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WHEREAS, at its May 14, 2019 meeting, the Brewer City Council authorized a public hearing to be held July 9, 2019 to determine whether the property at 225 Wilson Street in Brewer is dangerous and any remedy needed thereto in accordance with 17 M.R.S. sections 2851 and 2857; and

WHEREAS, difficulties in providing proper notice to out of state parties of interest require that the public hearing on this issue be rescheduled to a later date.

NOW, THEREFORE BE IT ORDERED, that the City Council hereby authorizes the rescheduling of the public hearing on this issue to a later date; and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to provide notice of the hearing and planned action by the City Council to all owners and parties of interest in accordance with 17 M.R.S. sections 2851 and 2857.

Statement of Fact

This order reschedules the public hearing regarding the property at 225 Wilson Street to a later date and authorizes the City to provide notice to parties of interest in 225 Wilson Street of that public hearing to determine whether the property at 225 Wilson Street in Brewer is dangerous and any remedy needed thereto.

2019-A100

July 9, 2019

TITLE: ORDER, PURCHASE WATCHGUARD BODY AND IN-CAR CAMERA SYSTEM

Filed July 2, 2019

By Kevin J.M. O'Connell

WHEREAS, the Police Department conducted research and field testing of body cameras from three different manufacturers that provide an integrated in-car camera system and video storage server that works in conjunction with body cameras; and

WHEREAS, WatchGuard was selected as the manufacturer of choice due to image clarity, camera image integration and favorable long-term media storage pricing; and

WHEREAS, the total project cost is estimated at \$63,075, which includes purchase and implementation of 18 body cameras, four car camera systems, a server and hard drives as well as first year software and licensing fees; and

WHEREAS, the City has approved \$65,000 in FY2020 Capital Improvement Funds for this purpose, including \$5,000 in previously accepted grant to offset the cost of body cameras.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, Maine, by vote of its City Council, does herewith approve the appropriation and expenditure of up to \$65,000 from CIP account 0510132-551210 (Police Camera System) to purchase and install the WatchGuard in-car video and body camera system.

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FURTHER ORDERED, that the City Council of the City of Brewer herewith exercises its authority under Section 404 of the City's Purchasing Ordinance, Chapter 36 of the Charter, Codes and Ordinances of the City of Brewer in the purchase of goods and contractor services for this project.

Statement of Fact

The Brewer Police Department researched and tested integrated body camera and in-car video systems from three manufacturers. WatchGuard was chosen due to image clarity, camera integration and favorable long-term media storage pricing. The total project cost is estimated to be \$63,075, funding for which was included in the approved FY2020 Capital Improvement Program.

2019-A101

July 9, 2019

TITLE: ORDER, AUTHORIZE THE PURCHASE OF TWO REPLACEMENT
VEHICLES FOR THE BREWER POLICE DEPARTMENT

Filed July 2, 2019
By Jerry Goss

WHEREAS, the FY20 approved Capital Improvement Program included funding for replacement of two police vehicles: one for primary patrol use and one for unmarked police use; and

WHEREAS, a bid was solicited for two new vehicles to be placed in service from Darling's Ford in Bangor and Down East Toyota-Scion in Brewer; and

WHEREAS, the bid for the primary patrol vehicle consisted of one 2020 Ford Utility Police Interceptor with a lighting and siren package, at a cost of \$35,989, with a trade in allowance for a 2015 Chevy Tahoe Police Pursuit Vehicle valued at \$19,000, for a total purchase price for the new patrol vehicle of \$16,989; and

WHEREAS, the bid for the unmarked police vehicle consisted of one 2019 Toyota Tundra 4X4 truck, at a cost of \$38,259 with a trade in allowance for a 2005 Ford Mustang of \$6,000 and a 2011 Chevy Suburban SUV of \$13,000, for a total purchase price of \$19,259; and

WHEREAS, the bid prices do not include the cost to equip the vehicles.

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the City Manager or his designee to sign a purchase order with Darling's Ford of Bangor for the amount of its bid price and authorizes the appropriation and expenditure of this amount from capital account 0510132-511200 (Police Cruiser) to fund the purchase of the 2020 Ford Utility Police Interceptor; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or his designee to sign a purchase order with Down East Toyota-Scion of Brewer for the amount of its bid price and authorizes the appropriation and expenditure of this amount from capital account 0510132-511205 (Police Unmarked Vehicles) to fund the purchase of the 2019 Toyota Tundra 4X4 truck; and

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BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure from CIP account 0510132-511200 (Police Vehicles) and 0510132-511205 (Police Unmarked Vehicles) the funding necessary to cover the cost of equipping the vehicles. Such expenditures shall not exceed funding available as approved in the FY20 CIP; and

BE IT FURTHER ORDERED, the City Council hereby declares the Police Department's 2015 Chevy Tahoe Police Pursuit Vehicle (VIN#1GNSK2EC5FR527027), 2011 Chevy Suburban SUV (VIN#1GNSK5E31BR115537), and 2005 Ford Mustang (VIN# 1ZVHT82H055119041) surplus and authorizes the City Manager or his designee to dispose of the vehicles by allowing for trade in to offset the purchase price of the new police vehicles; and

BE IT FURTHER ORDERED, that the City Council of the City of Brewer herewith exercises its authority under Section 404 of the City's Purchasing Ordinance, Chapter 36 of the Charter, Codes and Ordinances of the City of Brewer in the purchase of goods and supplies for this project.

Statement of Fact

The order authorizes the purchase of two police vehicles as authorized in the FY20 CIP. Three vehicles from the Police Department fleet will be used for trade-in to offset the purchase prices of the two new vehicles.

MRSP of 2020 Ford Utility Police Interceptor: \$42,944.00

Darlings has been awarded the bid for all Brewer Ford Utility Police Interceptors (4 purchased to date) as having the most competitive pricing with immediate availability of the "ready for road" emergency lighting and siren package.

MRSP of 2019 Toyota Tundra 4X4 truck: \$44,687.00

Down East Toyota-Scion is a Brewer based business that has offered an excellent purchase price on a top rated truck. The Toyota Tundra is known for its reliability and durability as well as its residual resale value. The acquisition of this vehicle will provide the department with a truck that has proven durability throughout the life of its service.

2019-A102

July 9, 2019

TITLE: ORDER, AUTHORIZE POLICE OFFICERS TO ACT OUTSIDE THEIR JURISDICTION

Filed July 1, 2019
By Joseph L. Ferris

WHEREAS, M.R.S. Title 30-A, section 2671 permits the City Council the ability to grant police officers the authority to perform acts described in M.R.S. Title 17-A, section 15, while the officers are outside their jurisdiction; and

WHEREAS, to exercise this authority police officers must meet the requirement M.R.S. Title 25, section 2804-C; and

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WHEREAS, only Brewer Police Officers meeting these requirements will be granted this authority.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith grants officers of the Brewer Police Department the authority to perform acts outside the municipal boundaries of the City of Brewer in compliance with the laws of the State of Maine.

Statement of Fact

The Brewer City Council grants Brewer Police Officers the authority to act outside the municipal boundaries of Brewer. This authority is specific to authorities in M.R.S. Title 30-A, section 2671.

2019-A103

July 9, 2019

TITLE: ORDER, AUTHORIZE PURCHASE OF A REPLACEMENT PICKUP TRUCK FOR PARKS & RECREATION DEPARTMENT

Filed July 2, 2019
By Thomas Morelli

WHEREAS, bids were solicited, received, and evaluated for the purchase of a pickup truck to replace Parks & Recreation unit # 640, a 2005 Ford F150; and

WHEREAS, O'Connor Auto Park of Augusta, Maine provided the City with the lowest of the five bids received in the amount of \$23,294.00.

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to O'Connor Auto Park in the amount of \$23,294.00 for the purchase of a 2019, Chevrolet Silverado 1500 Double Cab truck; and

BE IT FURTHER ORDERED, that the funds for this purchase be charged to the FY 20 CIP account # 0510134 – 551447 approved in the FY 20 CIP budget; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, has authorized the 2005 Ford 150 unit #640 to be used as a trade towards the purchase of the 2019, Chevrolet Silverado 1500 Double Cab.

Statement of Fact

The replacement of truck #640 was approved in the FY20 CIP budget; this order authorizes the purchase of the replacement truck.

Bid results:

O'Connor Auto Park	\$23,294.00
Quirk Ford of Augusta	\$23,933.00
Thornton Brothers Inc	\$23,990.00
Stoneham Motor Co	\$27,991.70

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Gervais Ford

\$28,653.00

2019-A104

July 9, 2019

TITLE: ORDER, DECLARE CITY PROPERTY SURPLUS AND AUTHORIZE
DISPOSAL OF SAID PROPERTY

Filed July 2, 2019

By Kevin J.M. O'Connell

WHEREAS, the City currently owns a 1989 Stow walk-behind pavement saw; and

WHEREAS, the Stow saw is in poor condition and has recently been replaced with a new walk-behind saw.

NOW, THEREFORE, BE IT ORDERED, that the existing 1989 Stow pavement saw be deemed surplus City property; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to dispose of said surplus property by means that would be in the best interest of the City of Brewer; and

BE IT FURTHER ORDERED, that the any funds received from the sale of the above-mentioned property be receipted to the City's CIP Sale of Assets Revenue Account (0500100-300410) and be used to support future capital improvements.

Statement of Fact

The Stow saw has been rebuilt a couple times but, due to the age of the saw, it no longer makes sense to put money into repairs of now that it has a blown motor along with other mechanical problems.

2019-A105

July 9, 2019

TITLE: ORDER, AUTHORIZING ISSUANCE OF THE CITY'S GENERAL
OBLIGATION BONDS TO FINANCE THE CITY'S FY2020 CAPITAL
IMPROVEMENT PLAN AND A TAX LEVY

Filed July 1, 2019

By Jerry Goss

BY THE CITY COUNCIL OF THE CITY OF BREWER, BE IT HEREBY ORDERED:

THAT the City Treasurer/ Finance Director be and hereby is authorized, in the name of and on behalf of the City, to borrow up to Nine Hundred Thirty-One Thousand Five Hundred Dollars (\$931,500) to finance costs related to the City's FY2020 Capital Improvement Plan as more specifically listed on Attachment A hereto (the "Projects").

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THAT pursuant to 30-A M.R.S. §5772 and all other authority thereto enabling, to evidence such borrowing, there is hereby authorized the issue and sale of the City's general obligation bonds at one time and from time to time in an amount not to exceed Nine Hundred Thirty-One Thousand Five Hundred Dollars (\$931,500) aggregate principal amount, the proceeds of which, including premium, if any, and investment earnings thereon, may be used and are hereby appropriated to pay the costs of the Projects.

THAT pursuant to 30-A M.R.S. §5772, Article VI, Section 7 of the City Charter and any other authority thereto enabling, the City Treasurer/ Finance Director is hereby authorized to issue temporary notes of the City in anticipation of the forgoing bond issue.

THAT said bonds and notes shall be signed by the City Treasurer/ Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk.

THAT any issue of bonds may be consolidated with and issued at the same time as any other issue of bonds authorized prior to their issuance, and the bonds may be divided into multiple series and issued in separate plans of financing.

THAT the bonds hereby authorized may be made subject to call for redemption, with or without a premium, before the date fixed for final payment of the bonds, as provided in 30-A M.R.S. §5772(6), as amended, as shall be determined by the City Treasurer/ Finance Director.

THAT the City Treasurer/ Finance Director shall determine the form, date(s), maturities (not to exceed the maximum term permitted by law), denominations, interest rate or rates, place of payment, and other details of said bonds and notes, including the timing and provision for their sale and award, her approval to be conclusively evidenced by the execution thereof.

THAT in each of the years during which any of the bonds are outstanding, there shall be levied a tax in an amount that, with other revenues, if any, available for that purpose, shall be sufficient to pay the interest on said bonds, payable in such year, and the principal of such bonds maturing in such year.

THAT the bonds and notes shall be transferable only on the registration books of the City kept by the transfer agent, and said principal amount of the bonds and notes of the same maturity (but not of other maturity), upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his or her attorney duly authorized in writing.

THAT the City Treasurer/ Finance Director and Chair of the City Council from time to time shall execute such bonds or notes as may be required to provide for exchanges or transfers of bonds or notes as heretofore authorized, all such bonds or notes to bear the original signature of the City Treasurer/ Finance Director and Chair of the City Council, and in case any officer of the City whose signature appears on any bond or note shall cease to be such officer before the delivery of said bond or note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof.

THAT upon each exchange or transfer of bonds or notes, the City and transfer agent shall make a charge sufficient to cover any tax, fee, or other governmental charge required to be paid with respect to

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such transfer or exchange, and subsequent to the first exchange or transfer, the cost of which shall be borne by the City, the cost of preparing new bonds or notes upon exchanges or transfers thereof shall be paid by the person requesting the same.

THAT in lieu of physical certificates of the bonds and notes hereinbefore authorized, the City Treasurer/ Finance Director be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such bonds and notes in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing paragraphs regarding physical transfer of bonds, and the City Treasurer/ Finance Director be and hereby is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in her opinion, appropriate in order to qualify the bonds or notes for and participate in the Depository Trust Company Book-Entry Only System.

THAT the City Treasurer/ Finance Director be and hereby is authorized and directed to covenant and certify in the name of and on behalf of the City that no part of the proceeds of the issue and sale of the bonds or notes authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such bonds or notes to be "private activity bonds" or "arbitrage bonds" within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986, as amended (the "Code").

THAT the City Treasurer/ Finance Director be and hereby is authorized to covenant and agree, in the name of and on behalf of the City, for the benefit of the holders of such bonds or notes, that the City will file any required reports and take any other action that may be necessary to ensure that interest on the bonds or notes will remain exempt from federal income taxation and that the City will refrain from any action that would cause interest on the bonds or notes to be subject to federal income taxation.

THAT the City Treasurer/ Finance Director be and hereby is authorized and empowered to take all such action as may be necessary to designate the bonds or notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code; it being the City Council's intention that, to the extent permitted under the Code, the bonds or notes be Section 265(b) designated and that the City Treasurer/ Finance Director with advice of bond counsel, make the required Section 265(b) election with respect to such bonds to the extent that the election may be available and advisable as determined by the City Treasurer/ Finance Director.

THAT the City Treasurer/ Finance Director be and hereby is authorized to covenant, certify, and agree, in the name of and on behalf of the City, for the benefit of the holders of such bonds or notes, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by Rule 15c2 12 of the Securities and Exchange Commission, if applicable, are met.

THAT the term "cost" or "costs" as used herein and applied to the Projects, or any portion thereof, includes, but is not limited to: (1) the cost to design, construct, renovate, refurbish, improve, acquire, replace, furnish and equip the Projects; (2) the cost of land, easements and other real property interests, landscaping and site preparation, utility extensions, all appurtenances and other fixtures, facilities, buildings and structures either on, above, or under the ground which are used or usable in connection with the Projects; (3) the cost of feasibility studies, surveys, environmental studies and assessments, engineering, plans and specifications, legal and other professional services associated with the Projects;

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(4) issuance costs, including premiums for insurance, capitalized interest and other financing charges, fees and expenses relating to the financing transaction.

THAT the investment earnings on the proceeds of the bonds and notes, if any, and the excess proceeds of the bonds and notes (including premium), if any, be and hereby are appropriated for the following purposes, to be selected by the City Treasurer/ Finance Director:

1. To any costs of the Projects listed on Attachment A;
2. If the bonds or notes are issued on a tax exempt basis, in accordance with applicable terms and provisions of the Arbitrage and Use of Proceeds Certificate delivered in connection with the sale of the bonds or notes including, to the extent permitted thereunder, to the City's General Fund;
3. To pay debt service on the bonds or notes.

THAT if the actual cost of any Project differs from the estimated cost on Attachment A, whether due to completion, delay or abandonment of the Project for any other reason, the City Treasurer/ Finance Director is authorized, in her discretion to reallocate proceeds of the bonds or notes to any other listed Project or to any other project or improvement that the City Council has approved or may in the future approve as part of the City's annual capital improvement plan.

THAT the City Treasurer/ Finance Director, Chair of the City Council, Clerk, and other proper officials of the City be, and hereby are, authorized and empowered in in the name of and on behalf of the City to do or cause to be done all such acts and things, and to execute, deliver, such contracts, agreements, certificates, instruments and other documents as may be necessary or advisable, with the advice of counsel for the City, including but not limited to a bond purchase agreement, a preliminary official statement and official statement if the bonds or notes are underwritten in a public sale or a loan agreement with the Maine Municipal Bond Bank in usual and customary form, if the bonds or notes are issued to or through the Maine Municipal Bond Bank, to carry out the provisions of this Order in connection with the issuance of the bonds or notes, the issuance, execution, sale, and delivery by the City of the bonds and notes and the execution and delivery of the documents, as may be necessary or desirable.

THAT if the City Treasurer/ Finance Director, Chair of the City Council, or Clerk are for any reason unavailable to approve and execute the bonds or notes or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.

THAT if any of the officers or officials of the City who have signed or sealed the bonds or notes hereinbefore authorized shall cease to be such officers or officials before the bonds or notes so signed and sealed shall have been actually authenticated or delivered by the City, such bonds or notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds notes had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed in the name of and on behalf of the City by those persons who, at the actual date of the execution of such bonds or notes, shall be the proper officers and officials of the City, although at the nominal date of such bonds or notes any such person shall not have been such officer or official.

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THAT if, following issuance of some but less than all of the bonds authorized hereby, the City Treasurer/ Finance Director determines, in her sole discretion, that the remaining authorized but unissued bonds will not be issued in furtherance of the Projects, then the City Treasurer/ Finance Director may so note on the financial books and records of the City, in the form and manner as she shall determine to be appropriate, that such authorized but unissued bonds will not be issued following which notation the remaining unissued bonds shall not thereafter be issued and the authority established pursuant to this Order to issue such remaining unissued bonds shall be extinguished and of no further force and effect.

THAT during the term any of the bonds are outstanding, the City Treasurer/ Finance Director is hereby authorized, in the name and in the name of and on behalf of the City, to issue and deliver refunding bonds on either a current or advance refunding basis, to refund some or all of the bonds then outstanding, and to determine the date, form, interest rate, maturities (not to exceed 30 years from the date of issuance of the original bonds) and all other details of such refunding bonds, including the form and manner of their sale and award. The City Treasurer/ Finance Director is hereby further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the City Treasurer/ Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk.

Attachment A

FY2020 Capital Improvement Program

Police Cruiser	\$39,500
Police Body & Car Cameras	60,000
Police Computer Replacement	21,000
Fire Staff Vehicle	33,000
#407 Ford F-250 Crew Cab	33,000
#405 Ford F150 Pickup	26,000
Interntl 7300Sfa Dump #423	88,000
Skidsteer Loader - Track Model	60,000
Transit Bus Replacement (City Share)	26,000
N Main & Church St Signalized X-Walk--(City's Cost Share)	10,000
Engineering Pickup (2006 Ford F-150)	35,000
#640 Ford F150 Crewcab	30,000
Public Safety Bldg Improvemnts	16,000
Auditorium Hvac Improvements	28,000
Libr Carpet Replacement	25,000
Paving	96,000
General Road Construction	25,000
Eastern Ave Resurface (Mdot 50-50 Mpi)	150,000
South Main Resurface - 10% Share (Win 22410)	100,000
City Hall Infrastructure	30,000
Total	\$931,500

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2019-A106

July 9, 2019

TITLE: ORDER, ACCEPT PROCEEDS FROM SALE OF SCRAP METAL AND
APPROPRIATE FOR USE

Filed July 2, 2019
By Joseph L. Ferris

WHEREAS, the Public Works Department anticipates small quantities of scrap metal from various vehicle repair projects and, occasionally, construction projects in FY20 that will result in new revenues; and

WHEREAS, the Public Works Department will dedicate all proceeds from the sale of such scrap metal to supplement the Public Works vehicle maintenance budget.

NOW THEREFORE BE IT ORDERED, that the Brewer City Council herewith declares such scrap metal surplus, authorizes the sale of the surplus property and the receipt of the proceeds to 0106604-300490 (Public Works Miscellaneous Revenue) and authorizes the appropriation and expenditure of funds received from recycling this scrap metal in FY20 from account 0116641-504200 (PW Vehicle Maintenance and Repair).

NOTE: This is an annual order.

Statement of Fact

Scrap metal is generated at the Public Works facility from discarded parts, including, but not limited to, brake pads, disk and drums; exhaust parts; damaged wheels; plow cutting edges and shoes; along with other miscellaneous items. Cost to replace these items comes out of the vehicle maintenance budget; hence, Public Works requests these funds be rolled back into the vehicle maintenance budget.

2019-A107

July 9, 2019

TITLE: ORDER, AUTHORIZE APPROPRIATION OF FUNDS FOR THE
WATER ENTERPRISE ACCOUNT WELLNESS PROGRAM

Filed July 2, 2019
By Thomas Morelli

WHEREAS, the Water Department anticipates small quantities of scrap metal from various construction projects in FY20 that will result in new revenues; and

WHEREAS, the Water Department would like to dedicate all proceeds from the sale of such scrap metal to fund and support water wellness program initiatives.

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NOW THEREFORE BE IT ORDERED, that the Brewer City Council herewith declares such scrap metal surplus, authorizes the sale of the surplus property and the receipt of the proceeds in account 0670001-300410 (Water Wellness Sale of Assets) and authorizes the appropriation and expenditure of funds received from recycling scrap metal in FY20, from account 0670001-500844 (Water Wellness Expense) to support the water wellness program which shall be funded by the proceeds from the sale of such surplus city property.

NOTE: This is an annual order.

Statement of Fact

This annual order anticipates collection of small amounts of scrap metal from various water construction projects throughout the year and authorizes their sale. The proceeds are deposited into the Water Wellness account and used to support employee wellness purchases.

2019-A108

July 9, 2019

TITLE: ORDER, AUTHORIZE APPROPRIATION OF FUNDS FOR THE SEWER ENTERPRISE ACCOUNT WELLNESS PROGRAM.

Filed July 2, 2019

By Kevin J.M. O'Connell

WHEREAS, the Sewer Department anticipates small quantities of scrap metal from various construction projects in FY20 that will result in new revenues; and

WHEREAS, the Sewer Department will dedicate all proceeds from the sale of such scrap metal to fund and support sewer wellness program initiatives.

NOW THEREFORE BE IT ORDERED, that the Brewer City Council herewith declares such scrap metal surplus, authorizes the sale of the surplus property and the receipt of the proceeds in 0680001-300410 (Sewer Wellness Sale of Assets) and authorizes the appropriation and expenditure of funds received from recycling scrap metal in FY20 from account 0680001-500844 (Sewer Wellness Expense) to support the sewer wellness program which shall be funded by the proceeds from the sale of such surplus city property.

NOTE: This is an annual order.

Statement of Fact

This annual order anticipates collection of small amounts of scrap metal from various sewer construction projects throughout the year and authorizes their sale. The proceeds are deposited into the Sewer Wellness account and used to support employee wellness purchases.

2019-A109

July 9, 2019

TITLE: ORDER, ACCEPT DONATIONS OF BOOKS AND MATERIALS AND

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AUTHORIZE SALE OF SURPLUS BOOKS AND MATERIALS

Filed July 2, 2019

By Jerry Goss

WHEREAS, from time to time the Brewer Public Library receives donations of books and materials; and

WHEREAS, some of the books and materials received are ones the Library already has or does not need; and

WHEREAS, from time to time the Library reviews its collection and retires books that are no longer in use; and

WHEREAS, the library would like to offer such unneeded books and materials to the public in exchange for a donation to the Library.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts the donations of books and materials it may receive throughout the year; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the Library Director to identify throughout the year books and materials that are unneeded and Council declares such items to be surplus and further authorizes the Library to offer the items to the public in exchange for a donation to the Library; and

FURTHER ORDERED, that the Council hereby directs that these proceeds be deposited in revenue account 0107204-300410 (Library Sale of Assets) and that these proceeds be appropriated for expenditure from expense account 0117201-502750 (Books) for the purpose of replenishing Library inventory with the more current and requested items.

NOTE: This is an annual order.

Statement of Fact

This annual order anticipates the sale of surplus books and materials throughout the year and authorizes the use of the sale proceeds to fund the purchase of new books.

2019-A110

July 9, 2019

TITLE: ORDER, ACCEPT FY2020 DONATIONS TO THE BREWER
PUBLIC LIBRARY

Filed July 2, 2019

By Joseph L. Ferris

WHEREAS, the Brewer Public Library receives unrestricted monetary contributions from donors throughout the year; and

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WHEREAS, most donors wish their contributions to supplement and support either the programming budget or book budget at the Library; and

WHEREAS, it is the recommendation and request of the Library Director that the upcoming FY2020 donations be appropriated and expended as requested by donors.

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts all unrestricted FY2020 contributions and memorial donations to the City of Brewer Public Library and authorizes their deposit into account 0107204-300420 (Library Contributions/Donations); and

BE IT FURTHER ORDERED, that the Council authorizes the appropriation and expenditure of these accepted donations from account 0117201-502750 (Library Books) or account 0117201-506150 (Library Special Events) as specified by the donor.

Statement of Fact

This order is acceptance of unrestricted FY2020 contributions to the City of Brewer Public Library and authorizes the expenditure of these contributions to support the Library programming budget and the purchase of new books.

2019-A111

July 9, 2019

TITLE: ORDER, COMMIT WATER ASSESSMENT TO TREASURER
FOR COLLECTION

Filed July 3, 2019
Thomas Morelli

WHEREAS, under Chapter 40 of the Water Department of the City of Brewer, a water charge is assessed to water users.

NOW THEREFORE BE IT ORDERED, that the Brewer City Council does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of \$608,754.40 at the established rate, as provided by Title 30-A M.R.S. § 3406 and Title 38 M.R.S. § 1208) and as such sections may be amended from time to time; and

BE IT FURTHER ORDERED, that said charges are due and payable on the date of this commitment.

EVENT	COMMITMENT	COMMENTS
June 2019	\$603,518.02	

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March 2019	\$1,060.68	
April 2019	\$1,660.90	
May 2019	\$2,514.80	
TOTAL	\$608,754.40	

2019-A112

July 9, 2019

TITLE: ORDER, COMMIT SEWER ASSESSMENT TO TREASURER
FOR COLLECTION

Filed July 3, 2019
By Kevin J.M. O'Connell

WHEREAS, under Chapter 31 of the Sewer and Pre-treatment Ordinance of the City of Brewer, a sewer charge is assessed to users;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$514,643.04** at the established rate, as provided by Title 30-A M.R.S. § 3406 and Title 38 M.R.S. § 1208) and as such sections may be amended from time to time; and

BE IT FURTHER ORDERED, that said charges are due and payable on the date of this commitment.

EVENT	COMMITMENT	COMMENTS
June 2019	\$512,308.09	
March 2019	\$312.48	
April 2019	\$598.92	
May 2019	\$1,423.55	

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TOTAL	\$514,643.04	

2019-A113

July 9, 2019

TITLE: ORDER, GRANT APPROVAL TO DELANO G. MERRITT D/B/A CAP'S
 TAVERN TO ALLOW PATRONS TO CONSUME ALCOHOL
 AT A SPECIAL OUTDOOR EVENT ON THE
 ESTABLISHMENT'S PROPERTY

Filed July 3, 2019
By Jerry Goss

WHEREAS, Delano G. Merritt d/b/a Cap's Tavern, is licensed by the State of Maine, Bureau of Alcoholic Beverages, to sell liquor within the confines of its establishment at 494 South Main Street; and

WHEREAS, Cap's Tavern has submitted a request to the City Council for approval to allow consumption of alcohol in an outdoor area on its premises at 494 South Main Street on Sunday, July 21, 2019 from 12:00 noon to 11:00 p.m. with a live band; and

WHEREAS, it is the understanding of the City Council that the Bureau of Alcoholic Beverages may permit patrons of Cap's Tavern to consume alcohol in an outdoor area if the City Council approves of such activity; and

WHEREAS, it is the sense of the Brewer City Council that permitting patrons of Cap's Tavern to consume alcohol in an outdoor area at 494 South Main Street under conditions established by the Bureau of Alcoholic Beverages will not be detrimental to the peace, health and safety of the citizens of the City of Brewer.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith approves Delano G. Merritt d/b/a Cap's Tavern's request for permission to sell and allow patrons to consume alcohol in an enclosed and designated area at 494 South Main Street from 12:00 noon to 11:00 p.m. Sunday, July 21, 2019 with a live band; and

BE IT FURTHER, ORDERED, that the City Clerk inform the Bureau of Alcoholic Beverages of this approval of the Brewer City Council.

D. Monthly Reports

ACTION: Councilor Ferris moved that the monthly reports received from the City Departments be accepted and placed on file. The motion was seconded and passed by a unanimous vote.

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E. Nominations, Appointments, Elections

ACTION: Councilor O'Connell moved that the resolve be adopted. The motion was seconded and passed unanimously.

2019-B027

July 9, 2019

TITLE: RESOLVE, DECLARE RESULTS OF THE JUNE 11, 2019 CITY OF BREWER SCHOOL BUDGET APPROVAL ELECTION

Filed July 2, 2019
By Kevin J.M. O'Connell

WHEREAS, the City of Brewer School Budget Approval Election was held on June 11, 2019;
and

WHEREAS, Brewer election officials tabulated the results for the vote in the City of Brewer and the City Clerk has verified these results.

NOW, THEREFORE, BE IT RESOLVED, that the City Council declares the results for the City of Brewer School Budget Approval Election:

**CITY OF BREWER, MAINE
RETURN OF VOTES CAST**

At a legal meeting of the inhabitants of consolidated ward one in the City of Brewer, qualified by the Constitution and Laws of the State of Maine, voted in an election held on June 11, 2019 and the said inhabitants gave in their vote for the City of Brewer School Budget Approval questions and the same were received, sorted, counted, declared and registered in open ward meeting, by the Warden who presided, and in the presence of the Ward Clerk and City Clerk, who formed a list of the whole number of ballots given in, and of the persons voted for, and made a record thereof as follows:

ARTICLE 1

Do you favor approving the City of Brewer school budget for the upcoming school year that was adopted at the City Council meeting held June 4, 2019 and that includes locally raised funds that exceed the required local contribution as described in the Essential Programs and Services Funding Act?

YES

NO

73

17

BLANK BALLOTS 0

City Council Minutes

July 9, 2019

ARTICLE 2

Do you wish to continue the budget validation referendum process in the City of Brewer for an additional three years?

YES

NO

40

49

BLANK BALLOTS 1

TOTAL BALLOTS CAST: 90

A true copy, attest: _____

Ronda J. Hogan

City Clerk, City of Brewer, Maine

June 12, 2019

F. Unfinished Business

ACTION: Councilor Ferris moved that the ordinance have passage. The motion was seconded. City Finance Director Karen Fussell answered questions for Councilor Ferris regarding the size/weight of the bags. Councilor Ferris made a motion to amend the ordinance by removing any reference to "30 gallon" bag size. The motion was seconded and it passed unanimously. The amended ordinance passed unanimously.

City Council Minutes
July 9, 2019

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2019-C002

June 4, 2019

**ORDER AMEND CHAPTER 22, ENTITLED “SOLID WASTE & RECYCLING
ORDINANCE” OF THE CITY OF BREWER CHARTER, CODES AND
ORDINANCES.**

Filed May 31, 2019
By Joseph L. Ferris &
Thomas Morelli

Be it ordained by the City of Brewer in City Council assembled that Chapter 22, of the Charter, Codes and Ordinances of the City of Brewer, entitled “Solid Waste & Recycling Ordinance” shall be amended as follows:

CHAPTER 22 SOLID WASTE & RECYCLING ORDINANCE

ARTICLE 1 GENERAL

Section 1.1 Establishment:

Pursuant to the Constitution of the State of Maine, Title 30-A M.R.S.A. § 3001, and the Brewer City Charter, a Solid Waste and Recycling Ordinance is established.

Section 1.2 Purpose:

The purpose of this Chapter is to promote the general health and welfare of the citizenry of the City of Brewer by providing for the orderly disposal of solid waste, to upgrade the quality of human life and the environment, to control pollution and to ensure an adequate capacity for disposal of waste into the future.

Section 1.3 Conformity:

This Chapter shall conform to all applicable Federal and State laws.

Section 1.4 Conflicts:

In the event of a conflict with the provisions of this Chapter with other Codes and Ordinances of the City of Brewer, the more stringent provisions shall apply.

Section 1.5 Severability:

In the event any portion of this Chapter or Article herein is held to be invalid, the balance of this Chapter or said Article shall remain unaffected thereby.

Section 1.6 Amendments:

This Chapter may be amended by the Brewer City Council from time to time, as deemed appropriate.

Section 1.7 Liens:

Charges assessed pursuant to this Chapter shall be enforceable by lien for the benefit of the City.

Section 1.8 Violations and Penalties:

A violation of this Chapter shall be enforced in accordance with the provisions of 30-A M.R.S.A. § 4452, or the same that may be amended from time to time, as a land use violation. The penalties set forth in 30-A M.R.S.A. § 4452 shall apply to violations of this Chapter, except where expressly provided herein. The City of Brewer shall be entitled to its attorney fees and costs for successfully prosecuting any violation of this Chapter.

ARTICLE 2 GARBAGE AND TRASH COLLECTION

Section 2.1 Authority:

It shall be the general responsibility of the Director of Environmental Services or his designee to enforce the provisions of this Article.

Section 2.2 Scope:

This Article applies to all residential properties in the City of Brewer.

Section 2.3 Services:

The City of Brewer or its contractor shall provide weekly curbside trash collection services for all residential properties in the City. ~~All Through August 31, 2019, all~~ residential waste must be placed in City-approved plastic bags acquired from an approved vendor. The price of the bags shall be established by the City Council.

Effective September 1, 2019, all residential waste must be placed in bags, each affixed with a City of Brewer tag, with the exception of cardboard as long as it is neatly stacked. Bags cannot exceed 30 gallons or 40 pounds. The price of the tags shall be established by the City Council.

Section 2.4 Prohibited Materials:

The following rubbish, by way of example and not limitation, shall be considered unacceptable for curbside collection. These materials will not be picked up curbside:

1. Through August 31, 2019, Mmaterials not in a City-approved plastic bag, with the exception of not more than two personal passenger vehicle tires per household per week. Effective September 1, 2019, materials not in a bag affixed with an official City of Brewer tag (with the exception of neatly stacked cardboard) or not meeting the size and weight limitations.;
2. White goods such as stoves, refrigerators, washers and other large appliances,
3. Material from the major repair of, excavation for, construction, or destruction of buildings or structures, such as piping, earth, plaster, mortar, bricks, building blocks, septic tanks, trees or tree stumps over six inches in diameter, and any other similar materials, commonly called demolition debris,
4. Grass clippings, weeds, plants, shrubs, leaves, brush or branches unless they are in a City-approved plastic bag prior to August 31, 2019 or, after September 1, 2019, in a bag affixed with an official City of Brewer tag,
5. Mattresses and box springs,
6. Hazardous waste: All hazardous waste as defined by federal and state regulatory

agencies,

7. Hospital waste: All contaminated hospital waste as defined by federal and state laws, i.e., “red bag” pathological anatomical waste,
8. Infectious waste: Wastes which are hazardous by reason of their contamination with infection materials i.e., “red bag” waste body parts, pathology lab waste, etc.,
9. Human fecal waste;
10. Animal fecal waste which is not contained in a plastic bag;
11. Flammable liquids;
12. Powder and liquid pesticides, herbicides and fungicides;
13. Paint waste and pigments;
14. Construction and demolition debris,
15. Electrical capacitors: Contain oils that may contain P.C.B.'s;
16. Special waste as defined by state law, including but not limited to,
17. Asbestos,
18. Laboratory chemicals;
19. Biohazard materials;
20. Plated metal parts;
21. Electrical transformers or parts;
22. ~~Hot~~ Hot ashes;
23. Tree stumps and logs.

ARTICLE 3 RECYCLING

Section 3.0 Term:

This article shall remain in effect through August 31, 2019.

Section 3.1 Authority:

It shall be the general responsibility of the Director of Environmental Services or his designee to enforce the provisions of this Article.

Section 3.2 Scope:

This Article applies to all residential properties in the City of Brewer.

Section 3.3 Services:

The City of Brewer or its contractor shall provide curbside collection of acceptable recyclable materials for all residential properties in the City. Collection shall be done biweekly (every other week) on the same day and route that municipal waste is collected.

Section 3.4 Disposal of Recyclables:

The City's Contractor shall take all recyclables to a location of their choosing.

Section 3.5 Public Awareness:

The Contractor and the City will work together to prepare a flyer twice per year for Public Awareness. The City and the Contractor will share equally the cost of developing, publishing and distributing the flyer.

Section 3.6 Monthly Reports:

The Contractor shall provide monthly reports by the 15th of the following month and will include:

- (a) Discussion of Problems, successful experiences in the program and complaints.
- (b) Number of stops collected on each day of the week.
- (c) Weights of material collected each day of the week. Weights of materials can be determined by utilizing the "weight to volume ration method" currently used by many contractors.

Section 3.7 Prohibited Items:

The following materials are considered Not Acceptable:

- No plastic bags/film, plastic grocery bags, or stretch wrap
- No food waste
- No foam packaging or Styrofoam
- No ceramics, window glass, mirrors, light bulbs, dishes, Pyrex
- No recyclables containing food waste, paint, oils
- No hazardous materials or universal wastes

Section 3.8 Acceptable Material:

The following recycle materials may be mixed together and placed in one or more containers or clear plastic bags:

- Newspaper, Magazines, Catalogs
- Telephone Books; Soft and Hard cover books
- Direct Mail Envelopes (all types)
- Paper (all colors-staples and paperclips are okay)
- Paperboard (cereal/shoeboxes)
- Cardboard, Brown Paper Bags
- Milk/Juice Containers, Milk Jugs
- Food Containers (cottage cheese/margarine/yogurt)
- Landscape Trays, Plastic Plant Pots
- Laundry Baskets, Small Plastic Trash Bins (up to 5 gallons)
- Plastic Containers and bottles #1 through #7
- Plastic Clamshell containers (produce, take-out)
- Soda/Juice/Water Bottles (glass and plastic)
- Bleach/Detergent and Shampoo Bottles
- Glass Bottles/Jars (any color)
- Aluminum (pie plates/trays/foil)
- Metal cans (tin/steel/aluminum)
- 1 and 5 gallon buckets (handle attached OK)
- Kitty Litter Buckets
- Milk/Soda crates
- Plastic Toys, Children Size Rigid Pools

ARTICLE 4 CITIZEN RESPONSIBILITIES

Section 4.1 Authority:

It shall be the general responsibility of the Director of Environmental Services or his designee to enforce the provisions of this Article.

Section 4.2 Scope:

It shall be the individual responsibility of each citizen to ensure compliance with the following:

Section 4.3 Municipal Collections:

Subsection 4.3.1 Placement of waste:

Residential ~~trash and recycling~~ materials shall be placed at a designated site on the curb or on the esplanade between the sidewalk and gutter and in accordance with the rules and regulations established by the Director of Director of Environmental Services or his designee and approved by the City Council.

Subsection 4.3.2 Day of Collection:

Residential materials ~~trash and recycling~~ shall not be placed out at the designated pick-up site until the night before the day designated for collection along the designated collection route and shall not be placed out after 7:00 a.m. of the same day. Residential materials ~~trash and recycling~~ placed out after this time will not be picked up.

Subsection 4.3.3 Collection Restricted:

No person, partnership, corporation, association or other legal entity, not licensed or contracted to do so by the City of Brewer, shall take any solid waste or recyclable item placed by any resident for pick-up and removal by the City of Brewer, its licensee and/or contractors. Each removal or taking of such items from each separate collection pile shall constitute a separate and distinct violation.

Subsection 4.3.4 Dumpsters Prohibited:

The placement of dumpsters at residential properties for other than temporary use is prohibited.

Subsection 4.3.5 Styrofoam Collection:

Due to the bulky nature of Styrofoam, Brewer residents shall be allowed to place Styrofoam curbside for municipal collection in clear plastic bags during the first two weeks on the month of January for free disposal.

Section 4.4 Non-Municipal Collections:

The owners or authorized agents of every property that has more than four (4) units and every commercial property shall place such suitable containers in a place convenient for the removal of the contents by the persons authorized to collect the same. Such owners or authorized agents shall place such containers only on the premises occupied or owned by them. No other person except the owner or authorized agent of the premises or an authorized collector shall remove, take or otherwise disturb the waste matter, or any waste matter, or any portion thereof so placed for the removal.

Section 4.5 Adequate Storage:

It shall be the duty of every resident, tenant, lessee or occupant of every single family residential property; or the owner or owner's agent of every multi-family property; or the occupant and/or owner or owner's agent of every commercial property to provide and keep within the building or upon the lot where the building is situated suitable and sufficient storage to receive the accumulation of solid waste-

and recycling, as applicable, on the premises during the interval between collections. Suitable and sufficient storage shall:

- Be rodent proof, leak proof and essentially air tight.
- Be kept clean.
- Not consist of metal 55 gallon drums.

Section 4.6 Responsibilities not Transferable:

No contract or agreement between the owner or operator and occupant relating to compliance with the terms of this Chapter shall be effective in relieving any person of the responsibility for compliance with the provisions of this Chapter as set forth herein.

Section 4.7 Penalties:

Any Person, firm, corporation, or other legal entity found to be in violation of any of the provisions of Subsection 4.3.3 or 4.3.4 of this Chapter shall be subject to a civil penalty of Five Hundred Dollars (\$500.00) for each initial violation. Additional violations of Subsection 4.3.3 or 4.3.4 of this Chapter within a one (1) year period from the initial violation shall be subject to an additional civil penalty of Two-Hundred Fifty-Dollars (\$250.00) for each additional violation thereafter.

ARTICLE 5 CONTRACTED SERVICES FOR THE CITY OF BREWER

Section 5.1 Authority:

It shall be the general responsibility of the Director of Environmental Services or his designee to enforce the provisions of this Article.

Section 5.2 Scope:

This Article applies to the contractor or contractors the City hires to provide curbside collection of residential ~~material~~ trash and recyclables.

Section 5.3 Services:

The work to be performed shall consist of the complete curbside collection of all acceptable ~~garbage, refuse and recyclables~~ waste materials in the City of Brewer, the operation and maintenance, and disposal thereof. The Contractor shall provide ~~refuse and recycling~~ curbside collection services to all residential properties within the City of Brewer.

Subsection 5.3.1 Hours of Collection:

The hours of collection shall be Monday thru Saturday 7:00 a.m. to 5:00 p.m. Collections will be allowed on Saturday when a holiday falls within the preceding week.

Subsection 5.3.2 Holidays:

When a holiday occurs on a scheduled collection day, that day's collection shall be performed the following day.

Subsection 5.3.3 Public Notice:

The Contractor, after notifying the City, shall be responsible for placing a newspaper advertisement which shall notify the general public of the holiday collection schedule.

Section 5.4 Commercial Collection:

Commercial establishments shall be responsible for providing for the proper collection and disposal of commercial trash and/or recycling materials from their respective properties.

Section 5.5 Mixing of Collectable Materials:

All materials collected pursuant to these specifications shall be collected by vehicles, which shall be emptied and void of all materials prior to the commencement of a day's collection route. No non-residential or commercial materials shall be mixed with city materials by the Contractor unless prior approval has been granted by the Brewer City Council.

Section 5.6 Disposal of Materials:

All materials collected by the Contractor, shall be transported the same day it is collected by the Contractor, unless permission is received from the Director Environmental Services. Permission shall only be granted under extreme and rare circumstances. The Contractor shall comply with applicable Federal and State laws, rules and regulations and all applicable City Ordinances.

Section 5.7 Public Bid Required:

The City of Brewer shall require a public bid issued through a Request for Proposal (RFP) process a minimum of every 6 years. The City shall use a variety of means to advertise the bid.

Section 5.8 Written Contracts Required:

It shall be the responsibility of the City of Brewer to enter into a written contract with the bidder most qualified and offering the greatest benefit of services to the City of Brewer.

Section 5.9 Reporting of Violations:

It shall be the Contractors duty to report, in writing, any violations of the City's Ordinances in respect to the condition and location of collection containers, detachable containers and garbage units to the Director of Environmental Services or his designee. The Director of Environmental Services or his designee shall be the final judge as to such conditions and locations.

Section 5.10 Damage to Property:

The Contractor shall be responsible for any damaged collection containers. The Contractor shall replace any collection container if, in the opinion of the Director of Environmental Services or his designee, the collectors did not exercise sufficient care.

ARTICLE 7 HEALTH NUISANCES

Section 7.1 Authority:

The Code Enforcement Officer, Public Safety Director, Health Officer or an authorized designee shall be empowered to enforce the provisions of this Article as a Health Enforcement Officer.

Section 7.2 Trash in Public Places Prohibited:

No person, partnership, corporation, association, or other legal entity from inside or outside the boundaries of the City of Brewer shall throw, deposit or leave any garbage, yard waste, waste matter, bulky waste, construction demolition debris, universal waste, hazardous waste, dead animals, biological waste, rubbish or any other related solid waste or cause the same to be thrown, deposited or left upon any street, alley, gutter, park, or other public space, or throw or deposit the same in or upon any private premise or vacant lot or in any water, or to store or keep the same except in suitable containers as required by this Article.

Section 7.3 Polluting of Bodies of Water Prohibited:

No person, partnership, corporation, association, or other legal entity from inside or outside the boundaries of the City of Brewer shall throw, deposit or leave any dead animal or any could or offensive matter in any waters in the City of Brewer. Nor shall any person throw, cast or place any living animal with the intent to drown or harm the same in any waters in the boundaries of the City of Brewer.

Section 7.4 Illegal Dumping:

Any person, partnership, corporation, association or other legal entity who with or without authority from the owner of a premises who shall throw, dump, or deposit any refuse, rubbish, bulky waste, construction demolition debris, universal waste, hazardous waste, dead animal(s), biological waste or waste matter of a similar nature upon any premises, after notice by an authorized Health Enforcement Officer to remove such refuse, rubbish, waste matter and material so thrown, dumped or deposited on such premises to a designated dumping ground within forty–eight (48) hours after receiving such notice, and upon failure to do so the offender shall be guilty of an offense.

Section 7.5 Incineration is Prohibited:

It shall be unlawful for any person to burn or incinerate any solid waste within the City of Brewer.

Section 7.6 Compliance is Mandatory:

If, in the opinion of an authorized Health Enforcement Officer it shall be for the health or comfort of the inhabitants of the City of Brewer that any particular substance should be removed forthwith and without delay, it shall be his or her duty to cause the same to be removed accordingly. Whenever any person shall have been duly notified to remove any of the substances mentioned in this Article, or to perform any other act or thing which it may be their duty to perform for the preservation of the public health and safety of the residents of the City of Brewer and the time limit for the performance of such duty shall have elapsed without compliance with such notice, by an authorized Health Enforcement Officer shall forthwith cause such substance to be removed at the expense of the person so notified. The Code Enforcement Officer or their designee shall cause all persons who shall violate or disobey any provision of the Article to be prosecuted and punished to the greatest extent possible by law.

Section 7.7 Emptying of Collection Vehicle:

No waste shall be emptied or partially emptied or load transferred from any vehicle or trailer in or on any street in the City or in any other place within the City boundary unless prior approval is granted by the Director of Environmental Services, or his designee.

Section 7.8 Penalties:

Any Person, firm, corporation, or other legal entity found to be in violation of any of the provisions of Article 7 of this Chapter shall be subject to a civil penalty of Five Hundred Dollars (\$500.00) for each

initial violation. Additional violations of Article 7 of this Chapter within a one (1) year period from the initial violation shall be subject to an additional civil penalty of Two-Hundred Fifty-Dollars (\$250.00) for each additional violation thereafter.

ARTICLE — 8 — PERC

Section 8.0 — Term:

~~The provisions of this article shall remain in effect until the expiration of the City's waste disposal contract with PERC.~~

Section 8.1 — Authority:

~~The Director of the Environmental Services shall establish rules and regulations governing the availability and use of PERC inconsistent materials from solid waste which may be deposited at PERC and any other rules or regulations that the Director determines are needed to implement this Article. These excluded materials may include junk auto bodies and such other bulky waste as may require special processing prior to disposal; trees and tree trunks and limbs; burning materials or materials containing hot or live coals; hazardous waste, and other materials which the Director of Environmental Services or his designee deems necessary to exclude. Hazardous waste shall be handled in accordance with Title 38 M.R.S.A., as amended.~~

Section 8.2 — Scope:

~~The provisions of this Article shall apply to any contractor operating within the geographic boundaries of the City of Brewer and the same is engaged in the collection and disposal of solid waste.~~

Section 8.3 — Purpose:

~~The purpose of this Article is to promote the public health, safety and welfare; to gain management control over solid waste and enable the reclamation of resources, including energy therefrom; to provide for the orderly operation of a solid waste disposal facility pursuant to Title 38 M.R.S.A. § 1305 (1), to allow the City to contract with the Penobscot Energy Recovery Company hereinafter referred to as PERC, and to control commercial haulers, non-commercial haulers and users which generate and/or collect solid waste within the limits of the City of Brewer.~~

Section 8.4 — Disposal Required:

~~The accumulation, collection, transportation and disposal of acceptable solid waste generated by users within the City of Brewer shall be regulated by this Article. All acceptable solid waste generated within the City of Brewer shall be deposited at the PERC facilities in Orrington, Maine, by licenses commercial and non-commercial haulers in accordance with the provisions of this Article.~~

Section 8.5 — Facility Designated:

~~In accordance with the provisions of Title 38 M.R.S.A. § 1304 B, the City hereby designates the Penobscot Energy Recovery Company facility located in Orrington, Maine, (PERC) as the energy recovery facility and disposal facility for acceptable waste.~~

Section 8.6 — Alternate Designation:

~~Should circumstances require it, the City reserves the right to designate an alternate disposal facility for a specified time period for acceptable waste and only upon a majority vote of the Brewer City Council.~~

Section 8.7 — Regulated Activities:

The accumulation, collection, transportation, delivery and disposal of acceptable waste and unacceptable waste generated within the City of Brewer shall be regulated in the following manner:

- (a) — All acceptable wastes generated within the municipality shall be deposited at the energy recovery facility (PERC).
- (b) — All unacceptable waste generated within the municipality shall be deposited only at a suitable disposal facility, which is designed for the express purpose of handling such unacceptable waste.

Section 8.8 — Annual License:

January 1 of each year, all commercial haulers must obtain an annual license from the office of the Brewer City Clerk. The license shall end on the thirty first (31st) day of December of each year.

Section 8.9 — License Notifications:

A copy of each commercial haulers license issued and of each application therefore shall be sent by the City to PERC.

Section 8.10 — Licensed Required:

PERC is authorized and directed to admit waste generated in the City for processing in its facilities only from Brewer commercial haulers who are licensed.

Section 8.11 — Transferability:

All licenses are non-transferable.

Section 8.12 — Fees:

Commercial haulers shall pay One Hundred Dollars (\$100.00) plus an additional Ten Dollars (\$10.00) for each vehicle licensed for an annual non-refundable vehicle fees to the City of Brewer for their licenses.

All fees must be paid to the City Clerk when the application is made for the annual license and shall not be prorated.

Section 8.13 — Records:

All commercial haulers shall provide a current and accurate record of all vehicles used by them, including make, model, serial number, vehicle identification number and vehicle license plate number.

The City of Brewer may require all commercial haulers to provide the City Clerk the following information on an accurate basis:

- (a) — Name, address and telephone number of the commercial hauler or commercial hauler filing the report;
- (b) — Name and address of all users serviced by the hauler;
- (c) — Frequency of pick up;
- (d) — Size of container, if a container is used;
- (e) — List of new users or users deleted from prior report;
- (f) — Location of disposal of the solid waste;

- (g) ~~Such other information as the Director of Environmental Services or his designee may require relating to users and amount of solid waste picked up.~~
- (h) ~~The amount of solid waste tonnage collected and transported per haul during the preceding twelve (12) months.~~

Section 8.14 — Inspection of Records:

~~The Director of Environmental Services or his designee shall have the right, upon reasonable notice, to inspect the records of any commercial hauler and non-commercial hauler as to solid waste generated and collected within the limits of the City of Brewer as it may relate to users and the quantities generated by them.~~

Section 8.15 — Credit for Tonnage:

~~It shall be the responsibility of the commercial hauler, non-commercial hauler and users to see the City of Brewer is provided complete and accurate records and is given credit, by PERC, for all acceptable waste generated within the limits of the City of Brewer by the user and collected therein and delivered to the PERC facility by the commercial hauler and/or non-commercial hauler.~~

Section 8.16 — Comingling Prohibited:

~~Acceptable solid waste collected by a commercial hauler and/or non-commercial hauler in the City of Brewer shall not be comingled in a vehicle with any other solid waste collected in any other municipality provided however, the City Council by Council order may authorize the Director of Environmental Services or his designee to enter into a reciprocal arrangement, as the same is permitted by law, with other municipalities, which allows the comingling of acceptable solid waste collected by licensed commercial haulers if there is a means recommended by the Director of Environmental Services or his designee and approved by the City Council to allocate the relative share of each load to the municipality where the original solid waste was generated.~~

Section 8.17 — Failure to Comply:

~~Users who fail to use a licensed hauler or fail to see that acceptable solid waste generated by them is delivered to the PERC facilities in Orrington, Maine, shall be subject to the penalties set forth in this Article.~~

Section 8.18 — Delivery Required:

~~Within the city, the dumping or disposal by any person including, but not limited to, any commercial or non-commercial hauler at any place other than at PERC of any acceptable waste is prohibited.~~

Section 8.19 — Misrepresentation:

~~It shall be a violation of this Article for a person disposing of solid waste at a public disposal facility to misrepresent to PERC that the solid waste is chargeable to the city.~~

Section 8.20 — Conformity:

~~The operation of any disposal facility shall conform to all pertinent provisions of this Article and applicable regulations or directives of all state or federal agencies, which may have jurisdiction.~~

Section 8.21 — Ratification:

~~Any rules and regulations promulgated by the Director of Environmental Services, or his designee, prior to the enactment of this section are hereby ratified and given the full effect of law.~~

~~Section 8.22 — Prohibition of Operation:~~

~~No commercial hauler or non-commercial hauler shall operate within the limits of the City of Brewer without a license as herein before provided. Any commercial hauler found operating shall be subject to a temporary restraining order, preliminary injunction and permanent injunction issued by a court of competent jurisdiction at the request of the City and the penalties set forth under this Article.~~

~~Section 8.23 — Payment of Tipping Fee and Administration Fees:~~

~~In the event that PERC requires the City of Brewer to pay directly for all acceptable solid wastes delivered to the PERC facilities by commercial and non-commercial haulers the City of Brewer shall bill the commercial and non-commercial haulers for the acceptable solid waste at the City's agreed upon tipping fee, any administrative fees charged to support multi-jurisdictional solid waste activities and a City of Brewer administration fee.~~

~~Section 8.24 — Automatic Adjustment:~~

~~The fee shall be automatically adjusted on the first day of each quarter thereafter (September 1, January 1, April 1, and June 1) to reflect the fees charged and/or assessed to the City on the first day of each quarter by PERC, or its successor, the Municipal Review Committee and the Penobscot Valley Regional Disposal District.~~

~~Section 8.25 — Authority to Adjust Fees:~~

~~The Brewer City Council shall also have the authority to establish by City Council Order additional fees on a quarterly basis, if it deems it necessary.~~

~~Section 8.26 — Failure to Pay:~~

~~Failure to pay the City within thirty (30) days shall result in an interest penalty being applied to the outstanding balance at the same maximum rate as specified by the State of Maine for unpaid real estate taxes. Failure to pay any bill within ninety (90) days shall result in an automatic revocation of any license.~~

~~Section 8.27 — Responsibility of Haulers:~~

~~As part of the application for a license, commercial and noncommercial haulers shall agree to assume liability for and reimburse the City for any expenses incurred, and/or remove immediately any unacceptable solid waste delivered to the PERC facilities in violation of the contract between PERC and the City of Brewer. Repeated deliveries of unacceptable solid waste may result in forfeiture of the hauler's license by the Brewer City Council, after notice and hearing.~~

~~Section 8.28 — Penalties & License Revocation:~~

~~Any Commercial hauler who fails to obtain a license as provided by this Article and picks up solid waste within the limits of the City of Brewer shall be subject to a fine of Two Hundred Fifty Dollars (\$250.00) per day, with each date of collection being considered a separate offense.~~

~~Section 8.29 — Failure to Correct:~~

~~In the event a commercial hauler shall have violated the licensing provision of this Article for five (5) days or more, the City Council shall, after notice and hearing, have the right to revoke any existing license and refuse to grant a license in the future.~~

~~Section 8.30 — Other Violations:~~

~~Users who violate any other provisions of this Article shall be subject to a penalty of One Hundred Fifty Dollars (\$150.00) per day, with each day being a separate violation.~~

~~Section 8.31 — Failure to Provide Credit for City:~~

~~In addition to any penalty, injunction and/or license violation any commercial hauler, non-commercial hauler and user who has failed to insure that the City of Brewer has been given credit by PERC for all acceptable solid waste generated within the limits of the City of Brewer shall be jointly and severally liable to the City for any penalties, fees or expenses incurred by the City in failing to meet the City's minimum annual solid waste tonnage requirements under the City's contract with PERC. The percentage of penalties, fees and expenses to be paid by the commercial hauler, non-commercial, hauler and user shall be calculated by multiplying the penalty, fees and expenses incurred by the percentage of tonnage the commercial hauler, non-commercial hauler and user failed to report to PERC in relation to all other non-reported tonnage known by the City.~~

ARTICLE 8-A FIBERIGHTCOASTAL RESOURCES OF MAINE, LLC

Section 8.0 Term:

The effective date of this Article shall be April 1, 2018. ~~the Commercial-Operation Date as defined in the Master Waste Supply Agreement between the Municipal Review Committee and Fiberight.~~

Section 8.1 Authority:

The Director of the Environmental Services shall establish rules and regulations governing the availability and use of the waste processing facility located in Hamden, Maine owned by FiberightCoastal Resources of Maine, LLC and/or its assignees (the "FiberightCoastal Facility") relative to inconsistent materials from solid waste which may be deposited at the FiberightCoastal Facility and any other rules or regulations that the Director determines are needed to implement this Article. These excluded materials may include junk auto bodies, tires, and such other bulky waste as may require special processing prior to disposal; trees and tree trunks and limbs; burning materials or materials containing hot or live coals; hazardous waste, and other materials which the Director of Environmental Services or his designee deems necessary to exclude. Hazardous waste shall be handled in accordance with Title 38 M.R.S.A., as amended.

Section 8.2 Scope:

The provisions of this Article shall apply to any contractor operating within the geographic boundaries of the City of Brewer and the same is engaged in the collection and disposal of solid waste.

Section 8.3 Purpose:

The purpose of this Article is to promote the public health, safety and welfare; promote consistency with State of Maine Legislative Findings; to gain management control over solid waste and enable the reclamation of resources, including energy therefrom; to provide for the orderly operation of a solid waste processing facility pursuant to Title 38 M.R.S.A. § 1305 (1), to allow the City to contract with the Municipal Review Committee, Inc. under an executed Joinder Agreement to make a long term commitment beginning April 1, 2018 for delivery of MSW to the FiberightCoastal Facility; and to control commercial haulers, non-commercial haulers and users that generate and/or collect solid waste

within the limits of the City of Brewer.

Section 8.4 Disposal Required:

The accumulation, collection, transportation and disposal of acceptable solid waste generated by users within the City of Brewer that is disposed of within the State of Maine shall be regulated by this Article.

All acceptable solid waste generated within the City of Brewer shall be deposited at the ~~Fiberight~~FiberightCoastal Facility in Hampden, Maine, by licensed commercial and non-commercial haulers in accordance with the provisions of this Article. Nothing in this provision shall be deemed to regulate or prohibit the disposal of any waste generated within Brewer that is to be disposed of outside of the State of Maine.

Section 8.5 Facility Designated:

In accordance with the provisions of Title 38 M.R.S.A. § 1304-B, the City hereby designates the ~~Fiberight~~FiberightCoastal Facility located in Hampden, Maine, as the solid waste processing facility for acceptable waste.

Section 8.6 Alternate Designation:

Should circumstances require it, consistent with City of Brewer contractual obligations, the City reserves the right to designate an alternate disposal facility for a specified time period for acceptable waste and only upon a majority vote of the Brewer City Council.

Section 8.7 Regulated Activities:

The accumulation, collection, transportation, delivery and disposal of acceptable waste and unacceptable waste generated within the City of Brewer shall be regulated in the following manner:

- (c) All acceptable wastes generated within the municipality that is to be disposed of within the State of Maine shall be deposited at the ~~Fiberight~~FiberightCoastal Facility.
- (d) All unacceptable waste generated within the municipality shall be deposited only at a suitable disposal facility, which is designed for the express purpose of handling such unacceptable waste.

Section 8.8 Annual License Required for All Haulers:

January 1 of each year, all commercial haulers must obtain an annual license from the office of the Brewer City Clerk. The license shall end on the thirty-first (31st) day of December of each year.

Section 8.9 License Notifications:

A copy of each commercial haulers license issued and of each application therefore shall be sent by the City to ~~Fiberight~~FiberightCoastal.

Section 8.10 Hauler Licensed Required:

~~Fiberight~~FiberightCoastal is authorized and directed to admit waste generated in the City for processing in its facilities only from Brewer commercial haulers who are licensed.

Section 8.11 Transferability:

All licenses are non-transferable.

Section 8.12 Fees:

Commercial haulers shall pay One-Hundred Dollars (\$100.00) plus an additional Ten Dollars (\$10.00) for each vehicle licensed for an annual non-refundable vehicle fees to the City of Brewer for their licenses.

All fees must be paid to the City Clerk when the application is made for the annual license and shall not be prorated.

Section 8.13 Records:

All commercial haulers shall provide a current and accurate record of all vehicles used by them, including make, model, serial number, vehicle identification number and vehicle license plate number.

The City of Brewer may require all commercial haulers to provide the City Clerk the following information on an accurate basis:

- (i)(a) Name, address and telephone number of the commercial hauler or commercial hauler filing the report;
- (j)(b) Name and address of all users serviced by the hauler;
- (k)(c) Frequency of pick up;
- (l)(d) Size of container, if a container is used;
- (m)(e) List of new users or users deleted from prior report;
- (n)(f) Location of disposal of the solid waste;
- (o)(g) Such other information as the Director of Environmental Services or his designee may require relating to users and amount of solid waste picked up.
- (p)(h) The amount of solid waste tonnage collected and transported per haul during the preceding twelve (12) months.

Section 8.14 Inspection of Records:

The Director of Environmental Services or his designee shall have the right, upon reasonable notice, to inspect the records of any commercial hauler and non – commercial hauler as to solid waste generated and collected within the limits of the City of Brewer as it may relate to users and the quantities generated by them.

Section 8.15 Credit for Tonnage:

It shall be the responsibility of the commercial hauler, non-commercial hauler and users to see the City of Brewer is provided complete and accurate records and is given credit, by ~~Fiberight~~ Coastal, for all acceptable waste generated within the limits of the City of Brewer by the user and collected therein and delivered to the ~~Fiberight~~ Coastal facility by the commercial hauler and/or non-commercial hauler.

Section 8.16 Comingling Prohibited:

Acceptable solid waste collected by a commercial hauler and/or non-commercial hauler in the City of Brewer shall not be comingled in a vehicle with any other solid waste collected in any other municipality provided however, the City Council by Council order may authorize the Director of Environmental Services or his designee to enter into a reciprocal arrangement, as the same is permitted by law, with other municipalities, which allows the comingling of acceptable solid waste collected by licensed commercial haulers if there is a means recommended by the Director of Environmental Services or his designee and approved by the City Council to allocate the relative share of each load to the municipality where the original solid waste was generated.

Section 8.17 Failure to Comply:

Users who fail to use a licensed hauler or fail to see that acceptable solid waste generated by them and to be disposed of within the State of Maine is delivered to the ~~Fiberight~~Coastal Facility in Hampden, Maine, shall be subject to the penalties set forth in this Article.

Section 8.18 Delivery Required:

The operation of any disposal facility shall conform to all pertinent provisions of this Article and applicable regulations or directives of all state or federal agencies, which may have jurisdiction.

Section 8.19 Misrepresentation:

It shall be a violation of this Article for a person disposing of solid waste at a public disposal facility to misrepresent to ~~PERC~~Coastal that the solid waste is chargeable to the city.

Section 8.20 Conformity:

The operation of any disposal facility shall conform to all pertinent provisions of this Article and applicable regulations or directives of all state or federal agencies, which may have jurisdiction.

Section 8.21 Ratification:

Any rules and regulations promulgated by the Director of Environmental Services, or his designee, prior to the enactment of this section are hereby ratified and given the full effect of law.

Section 8.22 Prohibition of Operation:

No commercial hauler or non-commercial hauler shall operate within the limits of the City of Brewer without a license as herein before provided. Any commercial hauler found operating shall be subject to a temporary restraining order, preliminary injunction and permanent injunction issued by a court of competent jurisdiction at the request of the City and the penalties set forth under this Article.

Section 8.23 Payment of Tipping Fee and Administration Fees:

In the event that ~~Fiberight~~Coastal requires the City of Brewer to pay directly for all acceptable solid wastes delivered to the ~~Fiberight~~Coastal Facility by commercial and non-commercial haulers, the City of Brewer shall bill the commercial and non-commercial haulers for the acceptable solid waste at the City's agreed upon tipping fee, any administrative fees charged to support multi-jurisdictional solid waste activities and a City of Brewer administration fee.

Section 8.24 Automatic Adjustment:

The fee shall be automatically adjusted annually on January 1 to reflect annual increases ~~consistant~~consistent with the Joinder Agreement to which the City of Brewer is a party.

Section 8.25 Authority to Adjust Fees:

The Brewer City Council shall also have the authority to establish by City Council Order additional fees on a quarterly basis, if it deems it necessary.

Section 8.26 Failure to Pay:

Failure to pay the City within thirty (30) days shall result in an interest penalty being applied to the outstanding balance at the same maximum rate as specified by the State of Maine for unpaid real estate

taxes. Failure to pay any bill within ninety (90) days shall result in an automatic revocation of any license.

Section 8.27 Responsibility of Haulers:

As part of the application for a license, commercial and noncommercial haulers shall agree to assume liability for and reimburse the City for any expenses incurred, and/or remove immediately any unacceptable solid waste delivered to the ~~Fiberight~~Coastal Facility in violation of the Joinder Agreement between the Municipal Review Committee and the City of Brewer. Repeated deliveries of unacceptable solid waste may result in forfeiture of the hauler's license by the Brewer City Council, after notice and hearing.

Section 8.28 Penalties & License Revocation:

Any commercial hauler who fails to obtain a license as provided by this Article and picks up solid waste within the limits of the City of Brewer shall be subject to a fine of Two Hundred Fifty Dollars (\$250.00) per day, with each date of collection being considered a separate offense.

Section 8.29 Failure to Correct:

In the event a commercial hauler shall have violated the licensing provision of this Article for five (5) days or more, the City Council shall, after notice and hearing, have the right to revoke any existing license and refuse to grant a license in the future.

Section 8.30 Other Violations:

Users who violate any other provisions of this Article shall be subject to a penalty of One Hundred Fifty Dollars (\$150.00) per day, with each day being a separate violation.

Section 8.31 Failure to Provide Credit for City:

In addition to any penalty, injunction and/or license violation any commercial hauler, non-commercial hauler or user who has failed to insure that the City of Brewer has been given credit by ~~Fiberight~~Coastal for all acceptable solid waste generated within the limits of the City of Brewer and delivered by such hauler or user to the ~~Fiberight~~Coastal Facility shall be jointly and severally liable to the City for any penalties, fees or expenses incurred by the City in failing to meet the minimum annual solid waste tonnage requirements under the City's contract with Municipal Review Committee. The percentage of penalties, fees and expenses to be paid by the commercial hauler, non-commercial, hauler or user shall be calculated by multiplying the penalty, fees and expenses incurred by the percentage of tonnage the commercial hauler, non-commercial hauler and user failed to report to ~~Fiberight~~Coastal in relation to all other non-reported tonnage known by the City.

ARTICLE 9 JUNKED VEHICLES

Section 9.1 Authority:

The Code Enforcement Officer, Public Safety Director, Health Officer or an authorized designee shall be empowered to enforce the provisions of this Article.

Section 9.2 Scope:

This Article shall apply to all properties public or private with the geographical boundaries of the City of

Brewer.

Section 9.3 Purpose:

The purpose of the Article is to protect the health, safety and general well-being of the citizens of Brewer; to enhance and maintain the quality of the environment through the removal of junked motor vehicles from the public way and/or private property; and the recovery of the costs of removal of such vehicles from the owners of the vehicles or the owners of private property, whose property values are improved by the removal of the junked motor vehicles.

Section 9.4 Streets and Public Places:

It shall be unlawful for any person to deposit, place, and leave or abandon any old, discarded worn out or junked motor vehicle, or parts thereof, on any public street or any public place in the city.

Section 9.5 Removal:

The City shall have the right to remove or cause to be removed any vehicle or part thereof in violation of this section from any public street or public place and dispose of it as it sees fit without any liability whatsoever and the city shall be entitled to recover all costs associated with the removal.

Section 9.6 Private Property:

It shall be unlawful for any person to deposit, place, leave or abandon any old, discarded, worn out or junked motor vehicle, or parts thereof, on any private property in the City, except in duly authorized locations.

Section 9.7 Notice to Remove from Private Property:

It shall be unlawful for any person owning or occupying private property in the City to keep or allow to accumulate any old, discarded, worn out or junked motor, vehicle, or parts thereof, on private property after having received written notice from the City, by the City Manager or by official designated by the City Manager, ordering the removal from the property upon not less than thirty (30) days from receipt of the order of the old, discarded, worn out or junked motor vehicle, or parts thereof.

Section 9.8 Delivery of Notice to Remove:

A copy of the order shall be hand delivered or sent by certified mail to the owner or occupant of the private property, or to the owner of the motor vehicle if the owner's identity is known.

Section 9.9 Appeals:

The order of removal may be appealed as provided for herein. Failure to appeal such order shall render the order final. In the event of an appeal, the time frames established for the removal of the vehicle shall be stayed during the pendency of the appeal.

Section 9.10 Appeals Procedure:

An appeal to the City Manager may be taken by a person in receipt of a notice to remove any old, discarded, worn out or junked motor vehicle, or parts thereof, by filing a notice of appeal within thirty (30) days of the mailing of notice of the order, or receipt of the order, whichever occurs first. The appeal shall be in writing and shall state the basis for appeal. The City Manager shall designate himself or any agent or employee to act as hearing officer in the appeal. The hearing officer shall provide such person with the opportunity to be heard and to demonstrate why the vehicle is not subject to removal within the terms of this article.

Section 9.11 Notice of Hearing:

Notice of the hearing shall be given by regular United States mail at least seven (7) days in advance of the hearing data.

Section 9.12 Action by Hearing Officer:

The hearing officer may affirm, modify or vacate the order of removal. The written decision of the hearing officer shall be issued to the appellant. Any person aggrieved by a decision of the hearing officer may obtain review available by law in the superior court in accordance with the Maine Rules of Civil Procedure 80-B.

Section 9.13 Final Determination:

If any person shall fail, within thirty (30) days after receipt of the order of within thirty (30) days of receipt of the decision of the hearing officer affirming order of removal of the vehicle, to remove any vehicle or parts thereof in violation of this Article, the City shall have the right by its duly authorized agent to remove the vehicle or part thereof from any private property and dispose of it as it sees fit without any liability whatsoever.

Section 9.14 Liability:

In addition to the fine provided for violation of this Article, the person depositing or keeping such vehicle or parts thereof on the public highways, public places or private property shall be jointly and severally liable along with the owner of the private property to the City for the cost of removal thereof and shall pay the costs within thirty (30) days from the date of mailing of a bill assessing the costs of removal. For purposes of this Article, there shall be a rebuttable presumption that the last owner of the vehicle deposited or kept the vehicle on the public way, public place or private property.

Section 9.15 Attorney Fees and Costs:

The City shall be entitled to its attorney fees and costs for the successful prosecution of all violations under this Article.

Section 9.16 Lien:

Assessments for the costs of removal shall be enforceable by lien against the owner of private property upon which junked vehicle was deposited, in the manner prescribed by this Article.

ARTICLE 10 CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL

Section 10.1 Authority:

The Brewer Landfill shall be under the general direction and control of the Director of Environmental Services or his designee.

Section 10.2 Scope:

This Article shall apply to all persons, partnerships, corporations, associations or other legal entities using or desiring to use the City of Brewer construction and demolition debris landfill.

Section 10.3 Purpose:

The purpose of this Article is to provide for the orderly disposal of construction demolition debris, bulky waste and the recycling of brush, leaves and metal at the Brewer Landfill.

Section 10.4 Intent:

It is the intent of the City to control and limit deposit of waste at the Landfill and to only accept wastes that are generated within the municipality.

Section 10.5 Agents:

The Director of Environmental Services, or his designee, shall appoint such agents as he deems necessary to act in his stead in carrying out and enforcing this Article. All such appointments shall be ratified by a majority of the Brewer City Council at the time the Director of Environmental Services, or his designee, makes the appointment and annually thereafter.

Section 10.6 Rules & Regulations:

The Director of Environmental Services shall establish rules and regulations relating to the use of the Brewer Landfill and Street Collection. All rules and regulations must be approved by a majority of the City Council

Section 10.7 Posting of Rules & Regulations:

All rules and regulations shall be posted at the entrance of the landfill and placed on file at the office of the City Clerk.

Section 10.8 Disposal Restricted:

The use of the Construction Demolition Debris Disposal Area is limited exclusively to Brewer Residents, Resident Businesses, and Commercial Haulers hauling Brewer waste, subject to this Article.

Section 10.9 Commercial Haulers:

Commercial haulers may use the Construction Demolition Debris landfill so long as they receive permission from the Brewer Administration and City Council prior to use.

Section 10.10 Permitted Users:

Permitted Users from Brewer are allowed to deposit Construction Demolition Debris related material at the Construction Demolition Debris landfill so long as the Construction Demolition Debris Material is derived from or associated with the occupancy of their dwellings exclusively within the City of Brewer.

Section 10.11 Permit Card Required:

Each applicant for a permit shall inform the Gate Attendant at the Landfill of the following:

- (a) Name of Applicant
- (b) Address of the Applicant
- (c) License # and/or
- (d) Vehicle registration number

Section 10.12 Display of Permit Card:

Each vehicle entering the Construction Demolition Debris Disposal Area shall have a permit card in their possession. Residents shall obtain their permit from the Brewer Gatehouse Attendant at the landfill gate house. Not more than one permit will be issued per resident household.

Section 10.13 Fee Schedule:

There shall be no waiver of construction or demolition debris fees for any disposal of material from any private property whether business or residential, or any publicly owned properties to be sold or transferred to private interests unless approved by formal vote of the City Council.

Subsection 10.13.1 Vehicle Permit

Resident Vehicles \$2.50 (One-Year)

Non-Resident Vehicle Not Permitted

**Commercial and businesses not permitted without permission.*

Subsection 10.13.2 Disposal of Tires

Three Dollars (\$3.00) for each passenger car or pick-up truck tire (no rims)

Seven Dollars (\$7.00) for each commercial truck tire (no rims)

**Tires shall be placed by the resident in the designated location for tire storage.*

Subsection 10.13.3 White Goods

Fifteen Dollars (\$15.00) per appliance.

**White goods shall be placed by the individual disposing of the item(s) in the designated location for white goods.*

Subsection 10.13.4 Propane Tanks

Five Dollars (\$5.00) per 20lbs propane tank

Twenty Dollars (\$20.00) per tank for all propane tanks larger than 20lbs.

**Propane tanks smaller than 20lbs will not be accepted.*

Subsection 10.13.5 Mattresses

Fifteen Dollars (\$15.00) per mattresses and boxspring set (or mattress only).

Subsection 10.13.6 Construction and Demolition Debris

The charge for dumping construction and demolition debris, and any additional acceptable materials, which the Maine Department of Environmental Protection would allow in a licensed demolition debris facility, shall be based on either of the following options except as provided for passenger vehicles and vans:

Residential Rates:

- Five Dollars (\$5.00) per passenger sedan.
- Seven Dollars (\$7.00) per station wagon or passenger van. (Excludes cargo vans)
- Twenty-five Dollars (\$25.00) per pick-up truck (1/2 or 3/4 ton).
- Twenty-five Dollars (\$25.00) per trailer. (not exceeding the size of a pickup body)
- Fifty dollars (\$50.00) per pick-up with sideboards.
- Fifty dollars (\$50.00) per trailers with sideboards.
- Fifty Dollars (\$50.00) per single axle dump trailer.
- Seventy Dollars (\$70.00) per dump truck.
- One-Hundred Five (\$105.00) per double axle dump truck.
- One-Hundred Fifty-five (\$155.00) per tri-axle dump truck.
- Two-Hundred Fifteen (\$215.00) per dump trailer.

Section 10.14 Hours of Operation:

Landfill hours, including the compost area, will be the first and third Saturday of each month from 7:30am to 2:00pm

The compost area only will be open every Tuesday from 7:00am to 11:30am for residents to drop off grass clippings and leaves.

Section 10.15 Prohibited Items:

The following materials will not be accepted at the disposal site.

- (a) Septage and sludge.
- (b) Industrial wastes.
- (c) Hazardous wastes, as that term may now or in the future be defined by federal or state law whichever definition is more encompassing.
- (d) Five gallon or larger drums or containers unless one end is open and the drums or containers are cleaned.
- (e) Any wastes found to be generated outside of the municipal boundaries except for contracted municipalities.
- (f) Motor vehicles.
- (g) Tires with rims
- (h) Recyclables – All recyclables must be recycled.
- (i) Garbage (food waste, market waste, produce waste, cooking waste), trash, refuse, paint, unusual waste, animal parts, infectious waste, pesticides, herbicides, mercury containing products, fluorescent light bulbs, fuel containing items, oil, kerosene, gas, diesel, propane tanks, tires with rims, equipment tiers medical waste, chemicals, batteries, stumps, logs.
- (j) Universal waste- televisions, computers, fluorescent light bulbs, rechargeable batteries, mercury containing products, ballast.
- (k) Household hazardous Waste

Section 10.16 Enforcement:

The Director of Environmental Services or his designee shall have the right to stop and inspect any vehicle, and inquire of any person entering the Construction Demolition Debris landfill to determine whether the provisions of this Article, or any rules and regulations adopted pursuant hereto, are being complicated with.

Subsection 10.16.1 Compliance and Cooperation Mandatory:

Any occupant of any vehicle who refuses to allow the Director of Environmental Service, or his designee, to inspect the vehicle or the Solid Waste contained therein, or refuses to answer questions pertinent to determining whether this Article or rules and regulations adopted pursuant hereto have been violated, may be refused access to the Construction Demolition Debris landfill by the Director of Environmental Services or his designee and shall not be allowed to deposit his Construction Demolition Debris material.

Subsection 10.16.2 Refusal:

The Director of Environmental Services or his designee shall have the right to deny any Resident, Resident Business, Commercial hauler or permitted user the right to dispose Waste at the Construction Demolition Debris landfill for violating any provision of this Article or the rules and regulations adopted pursuant hereto.

Subsection 10.16.3 Liability:

In the event a person, partnership, corporation, association or other legal entity willfully disposes of unacceptable waste at the Construction Demolition Debris in violation of this Article or rules and regulations adopted pursuant hereto, he shall remove the unacceptable waste deposited. If after being requested to do so he refuses, he shall be liable for the cost of disposal said removal.

Subsection 10.16.4 Legal Recourse:

The Environmental Services Director or his designee may prosecute any violations of this Article and seek such other legal remedies as may be required.

Section 10.17 Salvaging Restricted:

Salvaging of waste – Salvaging of any wastes at the Construction Demolition Debris landfill will not be allowed unless written permission has been issued by the City Manager.

Section 10.18 Penalties:

Any Person, firm, corporation, or other legal entity found to be in violation of any of the provisions of Article 10 of this Chapter shall be subject to a civil penalty of One Hundred Dollars (\$100.00) for each initial violation. Additional violations of Article 10 of this Chapter within a one (1) year period from the initial date of violation shall be subject to an additional civil penalty of Two-Hundred Fifty-Dollars (\$250.00) for each additional violation thereafter.

ARTICLE 11 UNIVERSAL WASTE & HOUSEHOLD HAZARDOUS WASTE

Section 11.1 Authority:

The collection of Universal Waste and Household Hazardous Waste shall be under the general direction of the Director of Environmental Services or his designee.

Section 11.2 Scope:

This Article shall apply to all persons, partnerships, corporations, associations or other legal entities disposing of universal or household hazardous waste in the City of Brewer.

Section 11.3 Universal Waste:

Universal Waste shall only be disposed of in accordance with applicable Federal, State and Local laws and only at an authorized facility. The Brewer Universal Waste Facility accepts universal waste from Brewer residents and or their participating communities by agreement. All residents from participating communities must receive a permit from their Town Hall prior to delivering material to the Brewer Facility. Each community is billed monthly for the universal waste delivered and they pay a \$50/quarter fee to the City to cover administration and billing costs. Fees may be adjusted in the future to cover increases in disposal and administration costs.

Subsection 11.3.1 Facility:

The authorized facility shall be the City of Brewer; Universal Waste Building is located at 37 Oak Street, Brewer, ME 04412.

Subsection 11.3.2 Schedule

The Universal Waste schedule is developed each October for the upcoming year and can be obtained on the City of Brewer website or by calling the Brewer Environmental Services Department.

Subsection 11.3.3 Fees:

- *Brewer Residents* - Free to Brewer residents only.
- *Participating Communities* - Disposal Cost will be the Actual Disposal Rate for each individual item as set by the City's Contractor

**Brewer residents must show identification (driver's license) to the building attendant prior to allowing disposal.*

**Residents from participating communities must present a permit to the building attendant prior to allowing disposal.*

Subsection 11.3.4 Salvaging Restricted:

Salvaging of waste – Salvaging of any wastes at the Universal Waste Facility will not be allowed unless written permission has been issued by the City Manager.

Section 11.4 Household Hazardous Waste:

Household Hazardous Waste shall only be disposed of in accordance with applicable Federal, State and Local laws and only at an authorized facility.

Subsection 11.4.1 Facility:

The location of the authorized facility can be obtained on the City of Brewer website or by calling the Brewer Public Works Department.

Subsection 11.4.2 Collection:

The collection of Household Hazardous Waste shall be offered to Brewer residents at least once per year.

Section 11.7 Illegal Disposal

Disposal of universal waste or household hazardous waste at the Universal Waste Building when it is not open is prohibited unless permission has been issued by the Director of Environmental Services or his designee.

Section 11.8 Penalties:

Any Person, firm, corporation, or other legal entity found to be in violation of any of the provisions of Subsection 11.3.4 and Section 11.7 of this Chapter shall be subject to a civil penalty of Five Hundred Dollars (\$500.00) for each initial violation. Additional violations of Subsection 11.3.4 and Section 11.7

of this Chapter within a one (1) year period from the initial violation shall be subject to an additional civil penalty of Two-Hundred Fifty-Dollars (\$250.00) for each additional violation thereafter.

ARTICLE 12 ADVISORY COMMITTEE (#2) REPEALED

ARTICLE 13 ENFORCEMENT

Section 13.1 Authority:

It shall be the duty of the Code Enforcement Officer, or the Public Safety Director, or their designee, to cause the enforcement of the provisions of this Chapter and to prosecute any and all person's violation of any such provisions.

Section 13.2 Presumption:

In the absence of evidence to the contrary, the owner of and/or any person having responsibility for the property abutting the area of the street or sidewalk where waste material has been deposited shall be presumed to have deposited the same and shall be liable for the violations of this Chapter.

Section 13.3 Removal Required:

Notwithstanding 14.2, any owner of and/or any person having responsibility for property abutting the public space where any garbage or waste material has been deposited in violation of this Chapter shall cause it to be removed within four (4) hours of the issuance of an order of removal issued by either the Code Enforcement Officer or Public Safety Director or their duly authorized representatives. Failure to remove such waste within the time specified shall be a violation of this Chapter.

Section 13.4 Owner of Record:

In the event that the Code Enforcement Officer or Public Safety Director has received no registration of the ownership or management interest of the property abutting the area where the waste material has been deposited, the Code Enforcement Officer or Public Safety Director shall arrange to have the waste material removed and shall provide written notice of such removal to the owner of record. The owner of record shall be responsible for the fee for collection the waste material.

Section 13.5 Removal of Trash from Public Places Required:

If any of the substances mentioned in this Article shall be thrown or carried into any street, sidewalk, court, square, lane, alley or public place from any house building, cellar, yard or any other place, the occupant of such house or place and the person who actually threw and carried the same therefrom shall severally be liable for such violation of this Chapter. All such substances shall be removed at the expense of the occupant of the house or other place from where the same were thrown or carried within twenty-four (24) hours after personal notice in writing to that effect is provided by an authorized Health Enforcement Officer.

Section 13.6 Removal from Buildings or Property:

All garbage, refuse, bulky waste, construction demolition debris, universal waste, hazardous waste, dead animals, biological waste, rubbish or any other related solid waste or filth of any kind in any house,

building, cellar, yard or any other place; which the health authority shall deem necessary for the health of the City to be removed, shall be carried therefrom by and at the expense of the owner or occupant of such house or other place where the same shall be found and removed to such place as directed within twenty-four (24) hours after notice in writing to that effect given by an authorized Health Enforcement Officer.

Section 13.7 Collection Fee

After the issuance of three (3) written order for removal during a twelve (12) month period starting on the date of the first written notice, a fee or charge for the removal of the material remaining after the expiration of the period of time provided for compliance with the order of removal shall be One Hundred Dollars (\$100.00) for up to one (1) cubic yard. In the event the material deposited exceeds one (1) cubic yard, the fee shall be One Hundred Dollars (\$100.00) plus the cubic yard cost to collect and dispose of the material at an approved facility. Such fees shall be charged for each subsequent time the City removes the material deposited in violation of this Chapter, whether additional notices have been provided or not.

DEFINITIONS

Specified Terms:

Acceptable Solid Waste shall mean all waste, which ~~Fiberight~~Coastal will accept at its facilities including ordinary household, municipal, institutional, commercial and industrial wastes.

Ashes shall mean that residue from the burning of wood, coal, coke or other combustible material.

Authorized collector shall mean employees of a private collector employed by the owner, occupant, agent or other person having custody of a building.

Biomedical waste shall mean waste that may contain human pathogens of sufficient virulence and in sufficient concentrations that exposure to it by a susceptible human host could result in disease or that may contain cytotoxic chemicals used in medical treatment.

Brewer waste shall mean solid waste generated by any person, corporation, partnership, association, or other legal entity within the City of Brewer except waste generated by the City government or school system, that is hauled by a commercial refuse collector or a refuse transporter.

Building shall mean any structure or vessel, whether public or private, that is adapted to or used: for dwelling occupancy; for the transaction of business; for the rendering of professional services; amusement; the display, or sale or storage of goods waste, merchandise, articles or equipment; for the performance of work or labor; for office buildings, stores, theatres, markets, restaurants, warehouses, grain processing factories, abattoirs, worship, garages, bakeries; or structures where domestic or other animals or fowl are kept; for sheds, barns, outbuildings, or other structures or premises used as accessory to any such use.

Bulky waste shall mean any items whose large size and weight precludes or complicates their handling by normal collection processing or disposal method. Examples include, but are not limited to furniture, mattresses, and carpeting.

Commercial Hauler shall mean a corporation, partnership or other legal entity, which hauls the solid waste for someone else within the city limits of the City of Brewer for compensation. Commercial haulers shall not include the City of Brewer or a commercial hauler who has a contract with the City of Brewer for curbside pickup, which is being collected and disposed of pursuant to the terms of a Contract.

Commercial property shall mean any property upon which is situated a structure used for commercial or business purposes including, but not limited to, Apartment buildings containing more than four (4) dwelling units, Business offices, Condominiums, Hotels, Motels, Restaurants, Warehouses, Manufacturing, Industrial, Markets, Bakeries, Grocery stores, Fruit stands or Trailer Parks.

Construction Demolition Debris Landfill (CDD) shall mean the landfill at 403 Elm St. belonging to the City where CDD related acceptable material can be disposed of by Brewer residents.

Contracting Municipality shall mean any municipality which contracts with the city of Brewer for waste related services shall be referred to as a contracting Municipality.

Contractor shall mean any person corporation partnership association or other legal entity under contract with the City to provide curbside garbage collection services.

Disposal shall mean the discharge, deposit, dumping, incineration, spilling leaking or placing of any solid waste, sludge or septage into or on any land, air or water so that the solid waste, sludge or septage or any constituent thereof may enter the environment, be emitted into the air or be discharged into any waters.

~~Fiberight Coastal~~ shall mean Fiberight Coastal Resources of Maine, LLC and its assignees.

~~Fiberight Coastal Facility~~ shall mean the waste processing facility owned by Fiberight Coastal Resources of Maine, LLC and located 92 Harold Bouchard Way, Hampden, Maine 04444 ~~off the Coldbrook Road in Hampden, Maine.~~

Fiscal year means July 1 to June 30 or any twelve – month period established as the city’s fiscal year by the city council.

Garbage shall mean all waste from the preparation, cooking and consumption of food, market refuse waste from the handling storage and sale of produce shall be referred as Garbage.

Hazardous waste shall mean a waste substance or material in any physical sate, designated as hazardous by the terms of a certain waste handling agreement between the municipality.

Household shall mean an occupied dwelling place not used for commercial purposes.

Householder shall mean the head of a family unit or his or her agent living in the dwelling place.

Infectious waste shall include those wastes so defined by the solid waste management regulations

promulgated by the Maine Department of Environmental Protection Pursuant to Title 38 M.R.S.A § 1304.

Joinder Agreement shall mean the agreement between the City of Brewer and the Municipal Review Committee, Inc. (MRC) made and executed on February 2, 2016.

State of Maine Legislative Findings.

(a) Municipalities, including the City of Brewer, have an obligation to protect the health, safety and general well being of their citizens, and to enhance and maintain the quality of the environment, conserve natural resources, and prevent water and air pollution by providing for a comprehensive, rational and effective means of regulating the collection, transportation and disposal of solid waste.

(b) , The Maine legislature has established a “Solid Waste Management Hierarchy,” embodied in 38 M.R.S.A. Section 2101, pursuant to which it is the policy of the State to implement an integrated approach to solid waste management and to prioritize waste management in accordance with the following hierarchy: (i) reduction of waste; (ii) reuse of waste; (iii) recycling of waste; (iv) composting of biodegradable waste; (v) processing of waste including incineration; and (vi) land disposal. Energy recovery accomplished by FiberightCoastal constitutes a form of recycling, turning municipal solid waste into energy product commodities.

(c) The FiberightCoastal facility in Hampden is an energy recovery facility which accepts and processes MSW to capture recyclables and convert organic matter into commodities including energy products and feedstock for the manufacture of new goods.

(d) Of the available waste disposal options within the State of Maine identified in the hierarchy at 38 M.R.S.A. § 2101, disposal at the FiberightCoastal facility is the option that best satisfies the statutory priorities for disposal of non-recycled waste.

(e) Disposal at FiberightCoastal of solid waste generated in communities within range of the FiberightCoastal facility, such as the City of Brewer, is the preferred in-state disposal option and best serves the interests of these communities in maintaining public health, safety, scenic values, resource conservation goals, etc., in accordance with the disposal priorities established by the Legislature in 38 MRSA § 2101.

Municipal Solid Waste. "Municipal solid waste" or "MSW" means solid waste emanating from household and normal commercial sources.

Non- Resident shall mean any person who lives outside of the City of Brewer shall be referred to as a Non- Resident except for a Permitted User from contracting municipalities.

Non-Commercial Hauler shall mean an individual, corporation, partnership or other legal entity who hauls solid waste for herself, himself, itself or another from within the limits of the City without compensation.

Non-Resident Business shall mean any commercial, professional, retail, wholesale or other business conducted by a person corporation partnership, association or other legal entity existing outside the City

of Brewer shall be referred to as a Non-Resident Business, except for Permitted User.

Occupant shall mean the person that has the use or occupancy of any building or a portion thereof, whether the actual owner or tenant. In the case of vacant buildings or any vacant portion of a building, the owner, agent or other person having the custody of the building shall have the responsibility of an occupant of the building or portion thereof.

Owner shall mean the actual owner of the building, whether individual, partnership or corporation, or the agent of the building, or other person having custody of the building or to whom the rent is paid.

Permitted User shall mean any Brewer Resident or Brewer Business and residents from municipalities, that have contracted with the City of Brewer for waste related services.

Pick-up truck body shall mean an area generally 8 feet long by 5 ½ feet wide and 1 ½ feet high

Public works authority shall mean the City of Brewer Public Works Department.

Recyclable material shall mean paperboard, newspaper, glass, magazines, junk mail, cardboard, #2 natural plastic and aluminum cans and foil, and any additional material so designated by the Public Works Department. Recyclable material shall be considered waste material for purposes of this Chapter.

Resident Business shall mean any commercial, professional retail, wholesale or other business conducted by a person, corporation, partnership, association or other legal entity, existing within the City of Brewer.

Resident shall mean any person who lives within the City of Brewer.

Residential properties shall mean any property upon which is situated a residential structure containing at least one dwelling unit but not more than four (4) dwelling units.

Resource recovery shall mean the recovery of materials or substances that still have useful physical or chemical properties after serving a specific purpose and can be reused or recycled for the same or other purpose.

Rubbish shall mean all combustible materials such as, but not limited to, paper cartons, boxes, barrels, wood and excelsior, tree branches, yard trimmings, wood furniture and bedding and non-combustible material such as, but not limited to metals, tin cans, plastic containers, dirt, glass, crockery, and other mineral refuse.

Solid Waste shall mean ~~useless, unwanted or~~ discarded solid material with insufficient liquid content to be free flowing, including, by way of example and not by limitation, rubbish, garbage, scrap materials, junk, refuse, inert fill material and landscape refuse, but shall not include septic tank sludge nor agricultural, biomedical or hazardous wastes; it shall also include acceptable waste, unacceptable waste and construction and demolition debris as defined herein. The fact that a solid waste or constituent of the waste may have value or other use, or may be recycled, or may be solid or exchanged does not

exclude it from this definition.

Suitable container for material other than recyclable material and yard waste shall mean a plastic bag of fifteen (15) gallon or thirty (30) gallon size. The maximum weight of any container shall not exceed thirty (30) pounds. Bags may be placed in watertight containers with handles, covered by a tight fitting cover free of sharp edges.

Unacceptable Solid Waste shall mean all waste that is not Acceptable Solid Waste and will not be accepted by ~~Fiberight~~Coastal at its Hampden, Maine facility.

Unacceptable waste shall mean that portion of solid waste, which is not acceptable waste for disposal at a CDD landfill (garbage, trash, refuse, paints, appliances, metal, kerosene, gas, diesel, propane tanks, tires, medical waste, hazardous chemicals, batteries, vehicles, vehicle parts, stumps, logs, mercury containing products, universal waste, animal parts, infectious waste pesticides, herbicides, etc.)

User shall mean an individual, corporation, partnership or other legal entity, which either resides in the City of Brewer and/or has a business in the City of Brewer, which produces solid waste that is disposed of by a commercial or non-commercial hauler and may or may not deliver CDD related material to the City of Brewer CDD landfill for disposal.

Vehicle (in Article 8 only) shall mean only vehicles which are capable of discharging their loads on the ~~Fiberight~~Coastal Facility tipping floor by mechanical means shall be licensed by the City of Brewer. Included within the category of vehicles permitted to tip are: standard solid waste packer trucks, transfer trailers and hydraulic dump trucks. In addition, all solid waste vehicles entering the ~~Fiberight~~Coastal Facility in Hampden, Maine, shall have their loads enclosed with a container or covered securely by means of a tarp. No pickup trucks, -or other vehicle, which requires manual unloading, either by design or by reason of malfunction, shall be permitted to haul solid waste to the ~~Fiberight~~Coastal Facility.

White Goods shall include only ordinary household appliances such as, but not limited to, refrigerators, air conditioners, freezers or hot water heaters.

Zero Sort Recycle shall mean a “collection efficiency” strategy where all recycled materials are Collected and combined in a single container, truck, compactor or trailer to be transported to a large centralized facility for separation and processing for marketing.

Unspecified Terms:

Any terms, phrases and words not defined herein shall have the generally accepted meaning or definition promulgated in *WEBSTER'S NEW WORLD COLLEGE DICTIONARY*, Third Edition, Copyright 1997, a copy of which is on file in the Brewer City Clerk's office.

END OF CHAPTER NOTATIONS

1.	Enacted	Feb. 8, 2005	Effective	Feb. 13, 2005	(2005-C003)
2.	Enacted	July 13, 2010	Effective	July 18, 2010	(2010-C010)
3.	Enacted	September 14, 2010	Effective	September 19, 2010	(2010-C016)

REPEALED

NEW ORDINANCE ENACTED

- | | | | | |
|----|---------|-------------------|-----------------------------|-------------|
| 1. | Enacted | November 15, 2010 | Effective November 20, 2010 | (2010-C018) |
| 2. | Enacted | June 7, 2011 | Effective June 12, 2011 | (2011-C003) |
| 3. | Enacted | July 25, 2017 | Effective July 30, 2017 | (2017-C010) |

City Council Minutes

July 9, 2019

G. New Business

There was none.

H. Items with Leave of Council

ACTION: The City Clerk called the role for a vote. The vote was unanimous to take up the item with leave of Council. Councilor O'Connell moved that the moved that the amendment be certified and filed with the City Clerk for posting, the motion was seconded and passed unanimously.

2019-C003

July 9, 2019

TITLE: AMEND CHAPTER 31, ENTITLED SEWER AND PRE-TREATMENT ORDINANCE, ARTICLE 12 "SCHEDULE OF SEWER RATES", SECTION 1200 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER.

Filed July 8, 2019
By Thomas Morelli &
Kevin O'Connell

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 31 of the Charter, Codes and Ordinances of the City of Brewer entitled "City of Brewer Sewer and Pre-Treatment Ordinance" be amended by changing Article 12, Section 1200 to read as follows:

ARTICLE 12 - SCHEDULE OF SEWER RATES

SECTION 1200. METER RATES

Rates based on water meter readings for the use of and for the services furnished, or to be furnished by the municipal sewer facility on property having water metered service, not including meters used exclusively for water not draining into sewers:

QUARTERLY

Effective beginning with and retroactive, the period covered by the September, ~~2017~~ 2019 billing, the following rates shall apply:

For the first 1,000 cu. ft. per quarter: ~~\$86.80~~ \$90.50 minimum charge for Residential customers classified in the billing system as User Type 9.

For the first 1200 cu. ft. per quarter: ~~\$104.16~~ \$108.60 minimum charge for all other users not otherwise classified as a Residential customer.

City Council Minutes

July 9, 2019

Effective beginning with the period covered by the September, ~~2017~~ 2019 billing, the following rates shall apply:

For all in excess of 1,000 cu. ft. per quarter: ~~\$8.68~~ \$9.05 per 100 cu. ft.

Statement of Fact

The FY2020 budget the Brewer City Council approved at its June 4, 2019 meeting anticipated an increase in the sewer rate of \$0.37 per 100 cubic feet, or about \$5 per quarter for the average residential sewer user. This order amends City Ordinance to reflect this change.

I. Adjourn

Chairman Uhlenhake said she would accept a motion for adjournment.

ACTION: Councilor O'Connell moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting was adjourned at 7:05 pm.

ADJOURNED, ATTEST: _____ Ronda J. Hogan
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine