

Regular Meeting  
City Hall Council Chambers

Tuesday, June 2, 2020  
6:00 p.m.

The regular meeting was called to order by Chairman Jerry Goss. The City Clerk called the roll:

Councilor Morelli-absent	Councilor Ferris-present
Councilor Phanthay-present	Chairman Goss-present
Councilor Daniels-present	

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

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

Chairman Goss read the notice for the regular meeting.

TO: Joseph Ferris, Jerry Goss, Thomas Morelli, Michele Daniels and Soubanh Phanthay MEMBERS OF THE BREWER CITY COUNCIL you are hereby notified a regular meeting of the City Council will be held on Tuesday, June 2, 2020 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/Jerry Goss  
 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
Jerry Goss	James, Ryan	Off.	05/29/20	17:47
Thomas Morelli	R. Hogan	C.C.	05/29/20	2:30 pm
Joseph L. Ferris	R. Hogan	C.C.	05/29/20	3:00 pm
Michele Daniels	James, Ryan	Off.	05/29/20	17:20
Soubanh Phanthay	James, Ryan	Off.	05/29/20	17:42

\*\*\*

# CITY COUNCIL REGULAR MEETING

Tuesday, June 2, 2020 6:00 P.M.

Brewer City Hall Council Chambers

**Virtual Meeting via Zoom due to the ongoing COVID-19 pandemic  
Physical attendance by the public at City Hall is not permitted**

**General Public Link:** [https://us02web.zoom.us/webinar/register/WN\\_YPWBLek0TZemdTDjhz4Cdw](https://us02web.zoom.us/webinar/register/WN_YPWBLek0TZemdTDjhz4Cdw)

- I. **Call to Order** (Mayor Goss)
- II. **Roll Call** (City Clerk)
- III. **Pledge of Allegiance to the Flag of the United States of America** (Mayor Goss)
- A. **Minutes of May 26, 2020 Special Meeting** (Councilor Phanthay)
- B. **Awards, Petitions and Public Comments**
  1. Proclamation: Juneteenth Day (Mayor Goss)
- IV. **Public Hearing**
  1. Ronco's Enterprises, d/b/a Ronco's Sports Bar & Grill, 30 Clisham Road, Brewer, Maine for a State of Maine Class I, II, III and IV (malt liquor, wine & spirits) liquor license and City of Brewer Amusement License.
- C. **Consent Calendar**
  1. (2020-B015) RESOLVE Approve City and School budget appropriations for fiscal year 2021 (Councilor Morelli)
  2. (2020-B016) RESOLVE Approve Water Pollution Control Facility budget for fiscal year 2021 (Councilor Daniels)
  3. (2020-B017) RESOLVE Approve Water Department budget for fiscal year 2021 (Councilor Phanthay)
  4. (2020-B018) RESOLVE Approve school budget appropriation for fiscal year 2021 (Councilor Ferris)
  5. (2020-B019) RESOLVE Approve regional vocational high school operating budget (Councilor Morelli)
  6. (2020-B020) RESOLVE Approve regional vocational high school budget on adult education (Councilor Daniels)
  7. (2020-A052) ORDER Authorize the Brewer School Department to expend such other funds that may be received from Federal or State Grants or programs (Councilor Phanthay)
  8. (2020-A053) ORDER Set tax due date and interest rate (Councilor Ferris)
  9. (2020-A054) ORDER Accept advance payments on FY2022 taxes (Councilor Morelli)
  10. (2020-A055) ORDER Set FY2021 interest rate for late payment of sewer bills (Councilor Daniels)
  11. (2020-A056) ORDER Set interest rate paid on abatements and overpayments of taxes (Councilor Phanthay)
  12. (2020-A057) ORDER Authorize set off against unpaid taxes (Councilor Ferris)
  13. (2020-A058) ORDER Authorize application of interest earnings to reserve fund (Councilor Morelli)

14. (2020-A059) ORDER Authorize funding of abatement expense (Councilor Daniels)
15. (2020-A060) ORDER Authorize extension of the City's curbside collection contract (Councilor Phanthay)
16. (2020-A061) ORDER Authorize write-off of uncollectible tax, water and sewer balances (Councilor Ferris)
17. (2020-A062) ORDER Accept insurance refund from Maine Municipal Association (Councilor Morelli)
18. (2020-A063) ORDER Accept donations to the City of Brewer Business Personal Protective Equipment Program (Councilor Daniels)
19. (2020-A064) ORDER Issue Amusement License to Ronco's Enterprises, D/B/A Ronco's Sports Bar & Grill, 30 Clisham Road (Councilor Phanthay)
20. (2020-B021) RESOLVE Approve State of Maine Restaurant (Class I, II, III, IV) Liquor License to Ronco's Sports Bar & Grill, 30 Clisham Road, Brewer, ME (Councilor Ferris)
21. (2020-A065) ORDER Authorize the purchase of a Wachs Trav-L-Vac 300 for the Environmental Services Department (Councilor Morelli & Councilor Daniels)

**D. Monthly Reports (Councilor Morelli)**

**E. Nominations, Appointments, Elections**

1. (2020-A066) ORDER Set polling hours for July 14, 2020 State of Maine Primary/Special Referendum (Councilor Phanthay)
2. (2020-B022) RESOLVE Prescribe Registrar of Voters hourly schedule for the July 14, 2020 State of Maine Primary/Special Referendum and (Councilor Ferris)

**F. Unfinished Business**

**G. New Business**

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

**H. New Items with Leave of Council**

**I. ADJOURN**

\*\*\*

**A. Minutes of the May 26, 2020 Special Meeting**

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

\*\*\*

**B. Awards, Petitions and Public Comments**

**PROCLAMATION  
Juneteenth Celebration Day**

**WHEREAS**, On June 19, 1865, the Union soldiers finally arrived in Galveston, Texas with the news that the war had ended and that slaves were now free, a declaration that took nearly two and a half years after the Emancipation Proclamation to reach Texas; and

**WHEREAS**, The Emancipation Proclamation declared “that all persons held as slaves” within the rebellious states “are, and henceforward shall be free”; and

**WHEREAS**, Juneteenth is a celebration of the spirit of self-empowerment, and a commemoration of the long, and arduous fight for freedom by African- Americans in the United States; and

**WHEREAS**, During Juneteenth, people of all cultures from Brewer, Penobscot County and the United States take time to truthfully acknowledge a period in our history that still shapes our country today; honor the diversity of our great country; and learn more about African-American heritage, contributions and customs.

**NOW, THEREFORE, I, JERRY GOSS**, Mayor of the City of Brewer, do hereby proclaim the nineteenth day of June two thousand twenty as

**JUNETEENTH CELEBRATION DAY**

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Brewer to be imprinted this second day of June Two Thousand and Twenty.

*Signed this second day of June, 2020*

---

**Jerry Goss, Mayor**

\*\*\*

#### **IV. Public Hearing**

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

The City Clerk called the roll:

Councilor Ferris – Present

Councilor Phanthay – Present

Councilor Morelli – Absent

Councilor Daniels - Present

Chairman Goss - Present

Chairman Goss read the notice for the public hearing.

### **CITY OF BREWER PUBLIC NOTICE**

Notice is hereby given that the Brewer City Council will hold a virtual public hearing on Tuesday, the 2<sup>nd</sup> day of June, 2020 at 6:00 p.m. via Zoom to consider the application of:

1. Ronco's Enterprises, d/b/a Ronco's Sports Bar & Grill, 30 Clisham Road, Brewer, Maine for a State of Maine Class I, II, III and IV (malt liquor, wine & spirits) liquor license and City of Brewer Amusement License.

These applications are available for public inspection by contacting the Brewer City Clerk (989-7050) and this notice is posted on the bulletin board at Brewer City Hall.

Any person may attend this virtual public hearing and speak on this application. Written comments may also be submitted. The deadline for submission of written comments is 4:00 p.m. on the date of the hearing. Written comments should be addressed to Brewer City Council, c/o City Clerk, 80 No. Main Street, Brewer, Maine 04412 or emailed to [rhogan@brewermaine.gov](mailto:rhogan@brewermaine.gov).

Ronda J. Hogan  
City Clerk

Published May 23<sup>rd</sup>, 25<sup>th</sup> & 26<sup>th</sup>  
in the Bangor Daily News

Chairman Goss asked the City Clerk if any written comments had been received for the public hearing. The City Clerk did not receive any written comments pertaining to the public hearing and all the City Inspectors approve the issuance of these licenses.

Chairman Goss adjourned the public hearing and said the regular meeting would resume at this time.  
\*\*\*

#### **C. Consent Calendar**

**ACTION:** Councilor Ferris moved that the orders on the consent calendar have passage and the resolves be adopted. The motion was seconded and passed with a 4-0 vote; Councilor Morelli was absent.

2020-B015

June 2, 2020

**TITLE:** RESOLVE, APPROVE CITY AND SCHOOL BUDGETS APPROPRIATION FOR FISCAL YEAR 2021

Filed May 27, 2020  
By Thomas Morelli

RESOLVED, that the sum of **\$17,994,968** which sum constitutes the estimated requirements of the City for the fiscal year 2021 (commencing July 1, 2020 and terminating June 30, 2021) based upon the budget submitted by the City Manager as provided by the City Charter, be raised by assessments upon the estates of the Inhabitants of the City of Brewer and upon the estates of the non-resident proprietors within the City for the present municipal year and the sum is hereby appropriated, in addition sums otherwise provided, the amount for each purpose being specified in the schedule hereto attached:

**Statement of Fact**

This annual order authorizes the levy of \$17,994,968 in property taxes in support of the FY 2021 City and School budgets and authorizes expenditures for FY 2021 as outlined in the accompanying schedules. It also approves non property tax funding to support those expenditures.

\*\*\*

2020-B016

June 2, 2020

**TITLE:** RESOLVE, APPROVE WATER POLLUTION CONTROL FACILITY BUDGET FOR FISCAL YEAR 2021

Filed May 27, 2020  
By Michele Daniels

RESOLVED, that the City Council herewith approves the Brewer Water Pollution Control Facility budget for City Fiscal Year of July 1, 2020 through June 30, 2021, as follows:

Total Cash Operating Expenses	\$ 2,059,839
Total Debt Service	\$ 844,367
Total Depreciation	\$ 610,000
Total Other Non-Operating Expenses	\$ 0
SUBTOTAL	\$ 3,514,206
Total Capital Improvements	\$ 217,000
GRAND TOTAL EXPENDITURES	\$ 3,731,206
Total Operational Revenues	\$ 2,879,618
Total Use of Retained Earnings	\$ 610,000

Other non-operational Revenue	\$ <u>24,588</u>
SUBTOTAL	\$ 3,514,206
Total Capital Funding	\$ <u>217,000</u>
GRAND TOTAL REVENUES	\$ 3,731,206

**Statement of Fact**

This annual order authorizes the Water Pollution Control Facility expenditures for FY 2021 and approves funding to support those expenditures. The budget proposes a modest adjustment of \$0.37 per 100 cubic feet, or 4.1%, to the current sewer rate.

\*\*\*

2020-B017

June 2, 2020

TITLE: RESOLVE, APPROVE WATER DEPARTMENT BUDGET FOR FISCAL YEAR 2021

Filed May 27, 2020  
By Soubanh Phanthay

RESOLVED, that the City Council herewith approves the Water Department budget, as presented, for the City’s Water System for the Fiscal Year of July 1, 2020 through June 30, 2021 as follows:

Total Cash Operating Expenses	\$ 1,628,653
Total Debt Service	\$ 899,906
Total Depreciation	\$ 51,261
Total Other Non-Operating Expenses	\$ <u>2,280</u>
SUBTOTAL	\$ 2,582,100
Total Capital Improvements	\$ <u>720,000</u>
GRAND TOTAL EXPENDITURES	\$ 3,302,100
Total Operational Revenues	\$ 2,582,100
Total Use of Retained Earnings	\$ 0
Other non-operational Revenue	\$ <u>0</u>
SUBTOTAL	\$ 2,582,100
Total Capital Funding	\$ <u>720,000</u>
GRAND TOTAL REVENUES	\$ 3,302,100

**Statement of Fact**

This annual order authorizes the Water Department expenditures for FY2021 and approves funding to support those expenditures. The budget maintains the current water rates.

\*\*\*

2020-B018

June 2, 2020

TITLE: RESOLVE, APPROVE SCHOOL BUDGET APPROPRIATION FOR FISCAL

YEAR 2021

Filed May 27, 2020  
By Joseph L. Ferris

BE IT RESOLVED, that the following school budget articles be adopted and approved for fiscal year 2021:

1. That **\$9,635,410** be authorized to be expended for Regular Instruction.
2. That **\$4,586,428** be authorized to be expended for Special Education.
3. That **\$0** be authorized to be expended for Career and Technical Education.
4. That **\$1,190,889** be authorized to be expended for Other Instruction.
5. That **\$1,499,135** be authorized to be expended for Student and Staff Support.
6. That **\$565,198** be authorized to be expended for System Administration.
7. That **\$1,104,995** be authorized to be expended for School Administration.
8. That **\$641,100** be authorized to be expended for Transportation and Buses.
9. That **\$2,084,809** be authorized to be expended for Facilities Maintenance.
10. That **\$2,651,917** be authorized to be expended for Debt Service and Other Commitments.
11. That **\$8,053** be authorized to be expended for All Other Expenditures.; and

BE IT FURTHER RESOLVED, that **\$17,846,867** be appropriated for the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that **\$5,923,956** be raised as the municipality's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, M.R.S.A. Section §15688; and

*Explanation: The school administrative unit's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.*

BE IT FURTHER RESOLVED, that **\$186,842** be raised and appropriated for the annual payments on debt service previously approved by the municipality's legislative body for non-state-funded school construction projects, or non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the municipality's contribution to the total cost of funding public education from pre-kindergarten to grade 12; and



*Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the municipality's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.*

BE IT FURTHER RESOLVED, that **\$1,767,916** be raised and appropriated in additional local funds for school purposes under Maine Revised Statutes, Title 20-A §15671-A. The school committee recommends **\$1,767,916** for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by **\$1,852,412**: The Essential Programs and Services funding model does not fully fund a number of educational costs in the school administrative unit such as special education needs, extra and co-curricular costs and local voter approved debt service; and

*Explanation: The additional local funds are those locally raised funds over and above the school administrative unit's local contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the (municipality/district) budget for educational programs.*

BE IT FURTHER RESOLVED, that the school committee be authorized to expend **\$23,967,934** for the fiscal year beginning July 1, 2020 and ending June 30, 2021 from the municipality's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section §15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools; and

BE IT FURTHER RESOLVED, that the school committee be authorized to accept and expend any and all categories of funds as provided by the Maine State Legislature or the United States Congress (Examples of some of these funds and estimated amounts based on funds received last year are listed below)

<u>Category</u>	<u>Estimated Amounts</u>
Title IA	397,000
Title IIA	79,000
Title IV	36,000
Local Entitlement	395,000
School Lunch Subsidy	300,000
C.A.R.E.S.	244,000
Title V	17,000

AND BE IT FURTHER RESOLVED, that the Regional Vocational Budget as approved by the Cooperative Board for the year July 1, 2020 to June 30, 2021 be approved in the amount of **\$3,422,130**.  
\*\*\*

2020-B019

June 2, 2020

TITLE: RESOLVE, APPROVE REGIONAL VOCATIONAL HIGH SCHOOL OPERATING BUDGET

Filed May 27, 2020  
By Thomas Morelli

RESOLVED, that the Brewer City Council herewith approves the regional vocational high school budget, as approved by the cooperative board, for the year July 1, 2020 – June 30, 2021 in the amount of **\$3,105,184**.

**Statement of Fact**

The budget for 2019-2020 was \$2,981,842.

\*\*\*

2020-B020

June 2, 2020

TITLE: RESOLVE, APPROVE REGIONAL VOCATIONAL HIGH SCHOOL BUDGET ON ADULT EDUCATION

Filed May 27, 2020  
By Michele Daniels

RESOLVED, that the Brewer City Council herewith approves the regional vocational high school budget for adult education, as approved by the cooperative board, in the amount of **\$316,946** for the year July 1, 2020 – June 30, 2021.

**Statement of Fact**

The budget for 2019-2020 was \$322,354.

\*\*\*

2020-A052

June 2, 2020

TITLE: ORDER, AUTHORIZE THE BREWER SCHOOL DEPARTMENT TO EXPEND SUCH OTHER FUNDS THAT MAY BE RECEIVED FROM FEDERAL OR STATE GRANTS OR PROGRAMS

Filed May 27, 2020  
By Soubanh Phanthay

ORDERED, that the City Council authorizes the Brewer School Department to expend such other sums as may be received from federal or state grants or programs or other sources during the 2021 fiscal year for school purposes provided such grants, programs or other sources do not require the expenditure of other funds not previously appropriated.

\*\*\*

2020-A053

June 2, 2020

TITLE: ORDER, SET TAX DUE DATE AND INTEREST RATE

Filed May 27, 2020

By Joseph L. Ferris

ORDERED, that taxes for the municipal year commencing July 1, 2020 and which shall expire on June 30, 2021 are due and payable semi-annually on the following dates:

A. 1/2 of total taxes due  
and payable on or before September 8, 2020

and if the same are not paid on or before September 8, 2020 they shall bear interest at the rate of 9.0% per annum from September 9, 2020 until paid.

B. 1/2 of the total taxes due  
and payable on or before March 9, 2021

and if the same are not paid on or before March 9, 2021 they shall bear interest at the rate of 9.0% per annum from March 10, 2021 until paid.

**Statement of Fact**

This is an annual order. Brewer taxes are always due on the second Tuesday of September and March. The City uses the maximum rate of interest that can be charged per Title 36, M.R.S.A. Section 505.4. This rate is set annually by the Office of the State Treasurer.

\*\*\*

2020-A054 June 2, 2020

TITLE: ORDER, ACCEPT ADVANCE PAYMENTS ON FY2022 TAXES

Filed May 27, 2020  
By Thomas Morelli

ORDERED, that the Brewer Tax Collector and Treasurer be permitted to accept payments in advance when offered at 0% interest, to be applied to FY2022 taxes that have not been committed or billed.

**Statement of Fact**

In accordance with Title 36 MRSA §506-A, Municipalities should vote annually on the acceptance of advance payments.

\*\*\*

2020-A055 June 2, 2020

TITLE: ORDER, SET FY2021 INTEREST RATE FOR LATE PAYMENT OF SEWER BILLS.

Filed May 27, 2020  
By Michele Daniels

ORDERED, that in accordance with City of Brewer Charter, Codes and Ordinance, Chapter 31, Section 1208, the interest rate on unpaid sewer bills is set at nine percent (9.0%) per annum for Fiscal Year 2021.

**Statement of Fact**  
This is an annual order.

\*\*\*

2020-A056

June 2, 2020

TITLE: ORDER, SET INTEREST RATE PAID ON ABATEMENTS AND  
OVERPAYMENTS OF TAXES

Filed May 27, 2020  
By Soubanh Phanthay

ORDERED, that pursuant to Title 36 MRSA §506-A, interest on previously paid taxes that are abated, or which have been overpaid, for Fiscal Year 2021 shall be paid at the rate of five percent (5.0%) per annum from the date of payment by the taxpayer to the date of abatement or refund by the City.

**Statement of Fact**  
This is an annual order.

\*\*\*

2020-A057

June 2, 2020

TITLE: ORDER, AUTHORIZE SET OFF AGAINST UNPAID TAXES

Filed May 27, 2020  
By Joseph L. Ferris

WHEREAS, Title 36, M.R.S.A., Section §905, requires the governing body to specifically authorize the Treasurer and other disbursing officers to withhold payment of any money due a taxpayer whose taxes are due and wholly or partially unpaid.

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the Finance Director/Treasurer and Deputy Finance Director to withhold monies, excluding the payroll check of any employee, due and payable by the City of Brewer to any taxpayer to an amount not in excess of the unpaid taxes together with interest and costs.

**Statement of Fact**  
This is an annual order.

\*\*\*

2020-A058

June 2, 2020

TITLE: ORDER, AUTHORIZE APPLICATION OF INTEREST EARNINGS TO RESERVE  
FUND

Filed May 27, 2020  
By Thomas Morelli

WHEREAS, in keeping with PUC regulations, the City maintains a dedicated reserve account for the Water fund called the Standpipe Maintenance and Repair Reserve account; and

WHEREAS, this reserve fund earns interest, but this interest has not been taken into account when determining the level of reserve account funding each year.

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the appropriation and expenditure of these interest earnings to supplement the regular annual funding of this reserve account.

**Statement of Fact**

This is an annual order.

\*\*\*

2020-A059

June 2, 2020

TITLE: ORDER, AUTHORIZE FUNDING OF ABATEMENT EXPENSE

Filed May 27, 2020  
By Michele Daniels

WHEREAS, state law requires the governing body to specifically authorize the use of overlay funds, even in the case of tax abatements; and

WHEREAS, tax abatements to date for which funding has not yet already been authorized total approximately \$12,148.

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the appropriation and expenditure of \$12,148 from the tax abatement account (0100100-300004) to be funded from budgeted FY20 overlay funds (0119901-509810).

**Statement of Fact**

This an annual order appropriates overlay to fund expense associated with FY20 tax abatements, as required by state law.

\*\*\*

2020-A060

June 2, 2020

TITLE: ORDER, AUTHORIZE EXTENSION OF THE CITY'S CURBSIDE  
COLLECTION CONTRACT

Filed May 27, 2020  
By Soubanh Phanthy

WHEREAS, the City’s current contract with Pine Tree Waste Services, Inc. for weekly curbside all-in-one commingled trash and recycling collection expires on June 30, 2020; and

WHEREAS, on that date, the City will be altering its curbside collection program to return to traditional service and no longer requiring Brewer trash tags be affixed to each bag; and

WHEREAS, Pine Tree has offered to work with the City on an extension of the current contract given its impending expiration; and

WHEREAS, the City intends to conduct a full bid process for a longer-term contract next year when more data is available regarding the program change and its impact on tonnage and volumes; and

WHEREAS, the City understands that collection costs will increase due to the increase in trash volume that will result from the program change, possibly requiring a return to four day a week collection, and that funds were included in the FY21 budget in anticipation of this increase.

NOW THEREFORE BE IT ORDERED, that the City Council hereby authorizes the City Manager or his designee to negotiate and execute a contract extension with Pine Tree Waste, Inc. of Hermon, Maine, to provide curbside residential waste collection services as would be in the best interests of the residents and taxpayers of the City of Brewer.

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 this purchase of contractor services.

**Statement of Fact**

The City’s contract with Pine Tree Waste Services for curbside collection of household waste expires June 30, 2020. Given the curbside waste change just adopted, this order authorizes the City’s negotiation of a contract extension with the understanding that a full bid process will be undertaken when more data is available regarding the program change and its impact on tonnage and volumes.

\*\*\*

2020-A061

June 2, 2020

TITLE: ORDER, AUTHORIZE WRITE-OFF OF UNCOLLECTIBLE TAX, WATER AND SEWER BALANCES

Filed May 27, 2020

By Joseph L. Ferris

WHEREAS, by virtue of foreclosed tax, water and sewer liens, the City has acquired ownership of the property at 33 South Brewer Drive, Map 22, Lot 53; and

WHEREAS, the family of the former owner declined the opportunity to regain ownership of the parcel; and

WHEREAS, the City solicited bids on the property, receiving a high bid of \$2,500; and

WHEREAS, the proceeds of the sale were not sufficient to extinguish all of the outstanding tax, water and sewer balances owed on the property; and

WHEREAS, the remaining water, sewer, and real estate taxes listed below should, thus, be declared uncollectible and written off.

NOW THEREFORE BE IT ORDERED, that in accordance with Title 36, M.R.S.A. §841(3) the following real estate taxes and sewer balances, which according to the Tax Collector cannot be collected due to being uncollectible, are herewith abated:

	Map 22, Lot 53
Taxes	\$1,688.11
Water	\$30.09
Sewer	\$803.28
Total	\$2,521.48

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of \$1,688.11 of Undesignated Fund Balance (0109800-300901) to the Adjustments/Writeoffs account (0105504-300499) to fund this real estate tax writeoff expense, \$30.09 from the Water Adjustment/Writeoff Account (0700004-300499), and \$803.28 of Sewer Fund Balance (0800006-300999) to the Sewer Adjustments/Writeoff account (0800003-300499) to fund the sewer balance writeoff.

**Statement of Fact**

This order authorizes the use of fund balance to write off \$1,688.11 in real estate taxes, \$30.09 in water balances, and \$803.28 in sewer balances related to the property at 33 South Brewer Drive the City acquired through the automatic foreclosure of tax and sewer liens.

\*\*\*

2020-A062

June 2, 2020

TITLE: ORDER, ACCEPT INSURANCE REFUND FROM MAINE MUNICIPAL ASSOCIATION

Filed May 27, 2020  
By Thomas Morelli

WHEREAS, the City has received \$8,788 in dividends from the Maine Municipal Association's Property and Casualty insurance pool in recognition of the fund's and the City's positive performance in 2019; and

WHEREAS, the City has incurred more than that amount in unanticipated worker's compensation insurance premium and unemployment expense and would like to apply this unexpected dividend revenue to help offset these costs.

NOW THEREFORE BE IT ORDERED, that the Brewer City Council hereby accepts the \$8,788 in property and casualty dividends and directs that they be deposited into the City's Miscellaneous Revenue account (0106904-300490) and authorized for expenditure on unanticipated expenses in the Workers Compensation (0116900-500800) and Unemployment (0116900-500810) accounts.

**Statement of fact:**

This order accepts \$8,788 in insurance dividends and authorizes their application to offset unanticipated expenses incurred related to workers compensation insurance and unemployment costs.

\*\*\*

2020-A063

June 2, 2020

TITLE: ORDER, ACCEPT DONATIONS TO THE CITY OF BREWER BUSINESS PERSONAL PROTECTIVE EQUIPMENT PROGRAM

Filed May 27, 2020  
By Thomas Morelli

WHEREAS, the City of Brewer Economic Development Department has created a program to grant personal protective equipment (PPE) supplies to Brewer businesses who are otherwise unable to fund or source the supplies necessary to reopen or remain open, and

WHEREAS, certain businesses receiving supplies from this grant program wish to donate back to the program in order to assist the City in the purchase of additional PPE supplies to help more Brewer businesses with PPE grants.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its council herewith accepts the donations and directs that the funds be deposited in the Economic Development Miscellaneous Revenue account (0105704-300490) Economic Development Miscellaneous Professional Services account; and

FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from the Economic Development Miscellaneous Professional Services account (0115701-501070) for the purchase of Personal Protective Equipment for donation to Brewer Businesses that have been affected by Covid-19 and are in need of assistance.

**Statement of Fact**

The City of Brewer Economic Development Office received donations from Brewer Businesses to purchase Personal Protective Equipment to donate to Brewer Businesses in need of receiving supplies in order to maintain or reopen their business related to COVID-19.

\*\*\*

2020-A064

June 2, 2020

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO RONCO'S ENTERPRISES, D/B/A RONCO'S SPORTS BAR & GRILL, 30 CLISHAM ROAD



Filed March 19, 2019  
By Soubanh Phanthay

WHEREAS, Ronco's Enterprises, application for a City of Brewer Amusement License for Ronco's Sports Bar & Grill, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on June 2, 2020 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- a. Conviction of the applicant of any Class A, Class B or Class C crime;
- b. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- c. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- d. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- e. A violation of any provision of the Maine Liquor Laws;
- f. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- g. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request.

NOW THEREFORE BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Ronco's Sports Bar & Grill, Ronco's Enterprises, for the City's licensing year commencing May 1, 2020 and expiring May 4, 2021.

\*\*\*

2020-B021

June 2, 2020

TITLE: RESOLVE, APPROVE STATE OF MAINE RESTAURANT (CLASS I, II, III, IV) LIQUOR LICENSE TO RONCO'S SPORTS BAR & GRILL, 30 CLISHAM ROAD, BREWER, ME

Filed March 19, 2020

By Joseph L. Ferris

WHEREAS, Ronco's Sports Bar & Grill, 30 Clisham Road, Brewer, Maine has applied to the State of Maine, Bureau of Liquor Enforcement, for a Class I, II, III, IV, liquor license; and

WHEREAS, the Brewer City officials have reviewed this application and conducted background checks on the applicant and have submitted recommendations to the City Council on this application; and

WHEREAS, after considering their recommendations the City Council finds as follows:

1. The applicants have not been convicted of any Class A, Class B, or Class C crime;
2. The licensed premises and its use are in compliance with all local zoning ordinances and other land use ordinances not directly related to liquor control;
3. There is no record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by person patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises which unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
4. There is no record of repeated incidents of record of breaches of peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; and
5. There is no record of the applicants having a violation of any provisions of Title 28-A, M.R.S.A. (Liquor Laws).
6. A determination by the municipal officers or county commissioners that the purpose of the application is not to circumvent the provisions of Section 601.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council approves the application of Ronco's Sports Bar & Grill, 30 Clisham Road, Brewer, Maine, for a State of Maine, Bureau of Liquor Enforcement, for a Class I, II, III, IV liquor license.

\*\*\*

2020-A065

June 2, 2020

TITLE: ORDER, AUTHORIZE THE PURCHASE OF A WACHS TRAV-L-VAC 300 FOR THE ENVIRONMENTAL SERVICES DEPARTMENT

Filed May 29, 2020  
By Thomas Morelli & Michele Daniels

WHEREAS, the Trav-L-Vac will be used to clean the rock tank and Raptor at the Septage Receiving Station and to remove debris from catch basins in areas where we can't access them with the Vactor Truck such as Dougherty Athletic Complex, cross-country lines and on private residential properties.

NOW, THEREFORE, BE IT ORDERED, that the City Manager or his designee, is authorized to sign a purchase order with E.H. Wachs in the amount of \$19,624.78 for the purchase of a Wachs Trav-L-Vac 300, and

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 this piece of equipment.

BE IT FURTHER ORDERED, that the cost of this purchase shall be charged to account number, 0581003-583021 Reserve Machinery and Equipment.

**Statement of Fact**

The purchase of a travel vac was approved in the FY20 budget.

\*\*\*

**D. Monthly Reports**

**ACTION:** Councilor Daniels moved that the monthly reports from city departments be accepted and placed on file. The motion was seconded and passed, 4-0.

\*\*\*

**E. Nominations, Appointments, Elections**

2020-A066

June 2, 2020

TITLE: ORDER, SET POLLING HOURS FOR JULY 14, 2020 STATE OF MAINE PRIMARY/SPECIAL REFERENDUM ELECTION

Filed May 20, 2020  
By Soubanh Phanthay

WHEREAS, the State of Maine Primary/Special Referendum Election will be held on Tuesday, July 14, 2020; and

WHEREAS, Title 21-A, M.R.S.A., Section 626(1) provides that the polls must be opened no earlier than 6:00 a.m. and no later than 8:00 a.m. on election day; and

WHEREAS, Title 21-A, M.R.S.A., Section 626(1) further provides that the municipal officers shall determine the time of opening the polls within the time limits of 6:00 a.m. to 8:00 a.m.; and

WHEREAS, a poll opening time of 7:00 a.m. will, in the judgment of the municipal officers, meet the needs of the municipality for the July 14, 2020 election.

NOW, THEREFORE, BE IT ORDERED, that the municipal officers herewith set the time of 7:00 a.m. for opening the polls and a time of 8:00 p.m. for closing the polls for the July 14, 2020 State of Maine Primary/Special Referendum Election.

**ACTION:** Councilor Phanthay moved that the order have passage. The motion was seconded and passed with a vote of 4-0.

\*\*\*

2020-B022

June 2, 2020

TITLE: RESOLVE, PRESCRIBE REGISTRAR OF VOTERS HOURLY SCHEDULE FOR THE JULY 14, 2020 STATE OF MAINE PRIMARY/REFERENDUM

Filed May 20, 2020

By Joseph L. Ferris

WHEREAS, the State of Maine Primary/ Special Referendum Election will be held on Tuesday, July 14; and

WHEREAS, Title 21-A M.R.S.A., Section 122 (6)(A)(2) provides in part, that in a municipality with a population of more than 2,500, the Registrar of Voters shall accept registrations on the last 5 business days before election day, during the hours that the city clerk's office is open (8:00 a.m. – 4:00 p.m.) and for 2 hours in the evening between 5:00 p.m. and 9:00 p.m. on at least 3 of these days; and

WHEREAS, the City of Brewer has a population greater than 2,500 according to the 2010 federal census; and

WHEREAS, Title 21-A M.R.S.A., Section 122 (8) provides that the hourly schedule may be changed by the municipal officers according to the needs of the municipality; and

WHEREAS, the Registrar of Voters suggests that the needs of the municipality are sufficiently met with the 8:00 a.m. to 4:00 p.m. daily schedule and with election day voter registration so that it is not necessary for the Registrar of Voters to hold office hours and accept registrations during evening hours between 5:00 p.m. and 9:00 p.m. on at least 3 of the days during the last 5 business day period prior to the election; and

WHEREAS, the municipal officers concur with this assessment by the Registrar of Voters.

NOW, THEREFORE, BE IT RESOLVED, that the municipal officers herewith prescribe the hours of registration as 8:00 a.m. to 4:00 p.m. on the five business days next prior to the State Elections to be held on July 14, 2020.

**ACTION:** Councilor Ferris moved that the resolve be adopted. The motion was seconded and passed with a vote of 4-0.  
\*\*\*

**F. Unfinished Business**

There was none.  
\*\*\*

**G. New Business**

2020-C001

June 2, 2020

**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 May 27, 2020  
By Soubanh Phanthay

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, ~~2019~~ 2020 billing, the following rates shall apply:

For the first 1,000 cu. ft. per quarter: ~~\$90.50~~ \$94.20 minimum charge for Residential customers classified in the billing system as User Type 9.

For the first 1,200 cu. ft. per quarter: ~~\$108.60~~ \$113.04 minimum charge for all other users not otherwise classified as a Residential customer.

Effective beginning with the period covered by the September, ~~2019~~ 2020 billing, the following rates shall apply:

For all in excess of 1,000 cu. ft. per quarter: ~~\$9.05~~ \$9.42 per 100 cu. ft.

**Statement of Fact**

The FY2021 budget the Brewer City Council is considering anticipates 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.

**ACTION:** Councilor Ferris moved that the amendment be certified and filed with the City Clerk for posting. The motion was seconded and passed by a vote of 4-0; Councilor Morelli absent.  
\*\*\*

2020-C002

June 2, 2020

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

Filed May 27, 2020  
By Michele Daniels

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.

~~Theft, misappropriation, defacement, and/or counterfeiting of an official City of Brewer Pay As You Throw tag shall be punishable by a penalty of Two Hundred Fifty Dollars (\$250) for each occurrence.~~

## **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 (#5)**

The City of Brewer or its contractor shall provide weekly curbside trash collection services for all residential properties in the City.

~~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 40 pounds. The price of the tags shall be established by the City Council.~~

### **Section 2.4 Prohibited Materials (#5)**

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. White goods such as stoves, refrigerators, washers and other large appliances,
2. 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,
3. Grass clippings, weeds, plants, shrubs, leaves, brush or branches unless they are in a bag affixed with an official City of Brewer tag,
4. Bulky items such as mattresses and box springs, couches, chairs and carpets
5. Abandoned or junk vehicles and car parts
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. Biological Waste, including dead animals or portions thereof or other pathological wastes
9. 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.,
10. Human fecal waste;
11. Animal fecal waste which is not contained in a plastic bag;
12. Flammable waste; liquid waste; sludge
13. Waste oil, lubricants or fuels, including gasoline and propane;
14. Powder and liquid pesticides, herbicides and fungicides;
15. Paint waste and pigments;
16. Construction and demolition debris,
17. Electrical capacitors: Contain oils that may contain P.C.B.'s;



18. Special waste as defined by state law, including but not limited to,
19. Asbestos,
20. Laboratory chemicals;
21. Biohazard materials;
22. Plated metal parts;
23. Electrical transformers or parts;
24. Stove and fire ash,
25. Tree stumps and logs,
26. Tires.

### **ARTICLE 3 RECYCLING – (REPEALED) (#5)**

### **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 4.3.0 Handling and Amount**

Residential waste must be placed in containers or bags, with the exception of cardboard as long as it is broken down and neatly bundled. Trash cans and bags shall not exceed 32 gallons in capacity. Cans and bags shall not exceed 40 pounds in weight. No more than five cans and/or bags, each not to exceed 32 gallons in capacity and/or 40 pounds in weight, may be placed curbside weekly for collection per single family residence and per each unit of a multifamily residential property (four units or fewer).

Containers must be in good condition with handles and covers and of a shape and dimension that allows the free and unhindered emptying of their contents. Refuse that is jammed in containers will not be collected since collection personnel are not required to reach into containers. Waste that does not comply with the standards of this Chapter may not be collected.

##### **Subsection 4.3.0.1 Excess Waste**

Residential waste in excess of the five bag / container limit will be collected if each item is affixed with an official orange City of Brewer trash tag. The price of the tags shall be established by the City Council.

##### **Subsection 4.3.1 Placement of waste**

Residential 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 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 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, 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 materials.

### **Section 5.3 Services**

The work to be performed shall consist of the complete curbside collection of all acceptable waste materials in the City of Brewer, the operation and maintenance, and disposal thereof. The Contractor shall provide 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 foul 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 COASTAL RESOURCES OF MAINE, LLC**

**Section 8.0 Term**

The effective date of this Article shall be April 1, 2018.

**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 Coastal Resources of Maine, LLC and/or its assignees (the “Coastal Facility”) relative to inconsistent materials from solid waste which may be deposited at

the Coastal 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 Coastal 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 Coastal 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 Coastal 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 Coastal 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 (31<sup>st</sup>) 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 Coastal.

### **Section 8.10 Hauler Licensed Required**

Coastal 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 Coastal, for all acceptable waste generated within the limits of the City of Brewer by the user and collected therein and delivered to the 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 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 of 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 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 Coastal requires the City of Brewer to pay directly for all acceptable solid wastes delivered to the 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 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 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 Coastal for all acceptable solid waste generated within the limits of the City of Brewer and delivered by such hauler or user to the 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 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 date.

### **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 (#5)**

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.*

*\*Each Brewer household shall be eligible to dispose of up to four passenger car or pick-up truck tires without rims per year for no fee.*

#### **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 box spring 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 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, chairs, 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.

---

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

**Coastal Facility** shall mean the waste processing facility owned by Coastal Resources of Maine, LLC and located at 92 Harold Bouchard Way, Hampden, Maine 04444.

**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 state, 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 Coastal constitutes a form of recycling, turning municipal solid waste into energy product commodities.

(c) The Coastal 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 Coastal facility is the option that best satisfies the statutory priorities for disposal of non-recycled waste.

(e) Disposal at Coastal of solid waste generated in communities within range of the Coastal 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 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** shall mean a plastic bag maximum weight not exceed forty (40) 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 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



# City Council Minutes

June 2, 2020

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 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 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 Coastal Facility.

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

## 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)     |
| 4. | Enacted | July 9, 2019      | Effective | July 14, 2019 (2019-C002)     |
| 5. | Enacted | October 8, 2019   | Effective | October 13, 2019 (2019-C008)  |

**ACTION:** Councilor Daniels moved that the amendment be certified and filed with the City Clerk for posting. Councilor Ferris expressed that the 32-pound bag size in his opinion was not large enough. Discussions led the Council to make an amendment to remove the bag size and focus on the weight of the five bags. Councilor Daniels moved that Section 4.3 is replaced with the following:

## Section 4.3 Municipal Collections

### Subsection 4.3.0 Handling and Amount

Residential waste must be placed in bags, with the exception of cardboard as long as it is broken down and neatly bundled. Trash bags shall not exceed 40 pounds in weight. No more than five bags, each not to exceed 40 pounds in weight, may be placed curbside

# City Council Minutes

June 2, 2020

weekly for collection per single family residence and per each unit of a multifamily residential property (four units or fewer).

Bags may be placed in containers as long as the weight of the container does not exceed 40 pounds. Containers should be in good condition with handles and covers and of a shape and dimension that allows the free and unhindered emptying of their contents. Refuse that is jammed in containers will not be collected since collection personnel are not required to reach into containers. Waste that does not comply with the standards of this Chapter may not be collected.

### **Subsection 4.3.0.1 Excess Waste**

Residential waste in excess of the five bag limit will be collected if each bag is affixed with an official orange City of Brewer trash tag. The price of the tags shall be established by the City Council.

The motion was seconded. Councilor Ferris questioned the 7:00 am start time, requiring you to have your trash on the curb. Finance Director, Karen Fussell, explained that the 7:00 am start time allows the contractor to set up the routes in such a fashion that it is cost effective for them. Not all routes start at 7:00 but this gives some flexibility to the contractor to get the task accomplished. No changes were made to this concern. Chairman Goss called for a vote on the amendment of the bag size, the vote passed 4-0.

The motion was seconded and passed by a vote of 4-0; Councilor Morelli absent.

\*\*\*

## **H. New Items with Leave of Council**

2020-A067

June 2, 2020

TITLE: ORDER, ACCEPT GRANT FROM THE MAINE ARTS COMMISSION TO THE BREWER PUBLIC LIBRARY

Filed June 2, 2020  
By Thomas Morelli &  
Michele Daniels

WHEREAS, the City of Brewer Public Library has received a Bicentennial Project Grant 2 of \$300 from the Maine Arts Commission; and

WHEREAS, it is the wish of the donor and the recommendation of the Library Director that these funds be used to support the Library's summer Maine author series;

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts this grant of \$300 from the Maine Arts Commission and authorizes its deposit in account 0600072-360000-72026 (Maine Arts Commission Bicentennial Grant Revenue) and expenditure from account 0600072-560000-72026

City Council Minutes  
June 2, 2020

(Maine Arts Commission Bicentennial Grant Expense).

*NOTE: The Brewer Public Library sends a letter of acknowledgement and appreciation on behalf of the City Council and the Library to all who contribute to the library.*

**Statement of Fact**

This order accepts a Bicentennial Project Grant 2 of \$300 from the Maine Arts Commission to support the summer 2020 Maine author series at the City of Brewer Public Library.

**ACTION:** Chairman Goss made a motion to accept the order on the agenda. The Clerk called the role for a vote. The vote was 4-0 to take up the item with leave of Council.

Councilor Ferris made a motion that the order have passage, the motion was seconded. The order passed 4-0.

**H. ADJOURN**

**ACTION:** Chairman Goss said he would accept a motion for adjournment. Councilor Ferris moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting was adjourned at 6:29 p.m.

ADJOURNED, ATTEST: \_\_\_\_\_ Ronda J. Hogan  
City Clerk

A TRUE COPY, ATTEST: \_\_\_\_\_ Brewer, Maine