

City Council Minutes
August 11, 2020

Regular Meeting
City Hall Council Chambers

Tuesday, August 11, 2020
6:00 p.m.

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

Councilor Ferris-present
Councilor Phanthay-present
Councilor Daniels-present
Mayor Goss-present

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

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

Mayor Goss read the notice for the regular meeting.

TO: Jerry Goss, Joseph Ferris, 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, August 11, 2020 at 6:00 p.m. via Zoom to consider and act on the items on the attached agenda.

s/Jerry Goss
Mayor 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	Cummings	Off.	08/07/20	19:05
Joseph L. Ferris	Rines	Off.	08/07/20	18:50
Michele Daniels	Rines	Off.	08/07/20	16:00
Soubanh Phanthay	Cummings	Off.	08/07/20	19:00

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With the shift to remote meetings, we have modified how we receive public comments. At this time, the Brewer City Council is accepting written public comments in place of in-person participation. Written public comments must be e-mailed to City Clerk, Ronda Hogan at rhogan@brewermaine.gov or mailed to City Clerk, Ronda Hogan (Public Comments), City Hall 80 Main Street, Brewer, ME 04412. Public Comments must be received in writing by 4:00 PM on the date of the Council meeting in order to be provided to the City Council in advance of the meeting. Any public comments received will become part of the permanent record of the meeting. If e-mailing, please note "Public Comment" and the meeting date in the subject field.

CITY COUNCIL REGULAR MEETING
Tuesday, August 11, 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_79kf0s1DQCKx2m2Wb9NNDg

- 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 July 14, 2020 Regular Meeting** (Councilor Ferris)
- B. Awards, Petitions and Public Comments**
 - 1. (2020-B026) RESOLVE Resolution of Respect for Russell G. Van Arsdale, Jr. (Mayor Goss)
 - 2. (2020-B027) RESOLVE Resolution of Respect for Woodrow Cross (Councilor Ferris)
- C. Consent Calendar**
 - 1. (2020-A082) ORDER Accept donations to the City of Brewer Business Personal Protective Equipment Program (Councilor Ferris)
 - 2. (2020-A083) ORDER Authorizing Issuance of the City's General Obligation Bonds to Finance the City's FY2021 Capital Improvement Plan and a Tax Levy Therefor (Councilor Daniels)
 - 3. (2020-A084) ORDER Set tax due date and interest rate (Councilor Phanthay)
 - 4. (2020-A085) ORDER Set FY2021 interest rate for late payment of sewer bills (Councilor Ferris)
 - 5. (2020-A086) ORDER Set interest rate paid on abatements and overpayments of taxes (Councilor Daniels)
 - 6. (2020-A087) ORDER Authorize waiver of interest expense (Councilor Phanthay)
 - 7. (2020-A088) ORDER Award annual contract for resurfacing of city streets (Councilor Ferris)
 - 8. (2020-A089) ORDER Authorize contract with APEX Corporation for phase two of ozone generation and application system replacement (Councilor Daniels)

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9. (2020-A090) ORDER Authorize the auction and/or disposal of unclaimed bicycles (Councilor Phanthay)
10. (2020-A091) ORDER Award contract for slipline installation on a failed 48" drainage culvert on edgewood drive (Councilor Ferris)
11. (2020-A092) ORDER Authorize the purchase of one replacement vehicle for the Brewer Police Department (Councilor Daniels)
12. (2020-A093) ORDER Discontinuance of a portion of Colonial Circle (Councilor Phanthay & Councilor Ferris)
13. (2020-A094) ORDER Hold public hearing on the discontinuance of a portion of Colonial Circle (Councilor Daniels & Councilor Phanthay)

D. Monthly Reports (Councilor Phanthay)

E. Nominations, Appointments, Elections

1. (2020-B028) RESOLVE, Declare results of the July 14, 2020 State of Maine Primary and Special Referendum Election (Councilor Ferris)
2. (2020-A095) ORDER Appoint members of the Planning Board to full time positions to fill vacancies and appoint a new associate member (Councilor Daniels)

F. Unfinished Business

G. New Business

1. (2020-C003) Amend Chapter 24, entitled "Land Use Code" of the City of Brewer Charter, Codes and Ordinances, Article 1, General, to amend Section 104.1 Permits (Councilor Daniels)
2. (2020-C004) Amend Chapter 24, entitled "Land Use Code" of the City of Brewer Charter, Codes and Ordinances, Article 4, Performance Standards, to add section 442 Solar Energy Systems, and Article 14, Definitions (Councilor Phanthay)
3. (2020-C005) Amend Chapter 20, entitled "Licenses and Permits" of the City of Brewer Charter, Codes and Ordinances, Article 2, Licenses (Councilor Ferris)
4. (2020-C006) Amend the City of Brewer Schedule of Fees (Councilor Daniels)

H. New Items with Leave of Council

I. ADJOURN

A. Minutes of July 14, 2020 Regular Meeting

ACTION: Councilor Ferris moved that the minutes be accepted and placed on file. The motion was seconded and passed with unanimous vote.

B. Awards, Petitions and Public Comments

2020-B026

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TITLE: RESOLVE, RESOLUTION OF RESPECT FOR RUSSELL G. VAN ARSDALE, JR.

Filed July 27, 2020

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By Jerry Goss

WHEREAS, on the 10th Day of June 2020 death brought to a close the full and active life of Russell G. Van Arsdale, Jr. a longtime Brewer resident; and

WHEREAS, Russ began his broadcasting career at the University of Maine at the student radio station in the late 60's before reporting the news to the Greater Bangor area at both WABI and WLBZ; and

WHEREAS, Russ put his writing skills to use as he penned the Consumer Forum columns for the Bangor Daily News as executive director of Northeast CONTACT, Maine's Grassroots Consumer group; and

WHEREAS, besides being an avid golfer, Russ had a love for singing. He was a member of the Barbershop Harmony Society for 40 years, directed the Mainely Music Chorus of Bangor and participated in many quartets over the years; and

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

BE IT FURTHER, RESOLVED, that this resolution be spread upon the permanent records of the City of Brewer and that copies thereof be distributed to members of his family in testimony to the high esteem held for Russell G. Van Arsdale, Jr. by the citizens and officials of the City of Brewer, Maine.

ACTION: Mayor Goss moved that the Resolve be adopted. The motion was seconded. Mayor Goss spoke favorably on memories of Russell G. Van Arsdale, Jr., as did Councilor Daniels. The Resolve was adopted by a unanimous vote.

2020-B027

August 11, 2020

TITLE: RESOLVE, RESOLUTION OF RESPECT FOR WOODROW CROSS

Filed July 26, 2020
By Joseph L. Ferris

WHEREAS, on the 26th day of July 2020 death brought to a close the full and active life of Woodrow Cross; and

WHEREAS, Woodrow was born more than a century ago in December of 1916 in Bradford, Maine where his entrepreneurial skills were almost immediately apparent; Woodrow was selling seeds door-to-door to neighborhood farmers at the early age of six and by his teenage years he was raising chickens to sell; and

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WHEREAS, Woodrow attended school in a one room schoolhouse before enlisting in the U.S. Army and serving in WWII deployed in the Pacific where he spent three years. Woodrow was always proud of his country and military service and enjoyed marching in the Memorial Day Parade in Bangor for many years, including 2017 when he was 100 years old; and

WHEREAS, in September of 1943 he married his sweetheart, Janette Bean and they settled in Bradford where they started a family and Woodrow worked in the family store; and

WHEREAS, in 1954 Woodrow moved his family to Bangor where he started a new business selling insurance from his kitchen table, growing it into the largest independent insurance agency in New England and one of the largest in the nation; and

WHEREAS, Woodrow eventually moved to Brewer, and was a long-time supporter of countless Maine charities and the recipient of several awards and special recognitions including an honorary Doctorate of Business Administration from Husson University, Junior Achievement Maine Business Hall of Fame, the Key to the City of Bangor and the Norbert X. Dowd Award from the Bangor Chamber of Commerce.

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

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

ACTION: Councilor Ferris moved that the Resolve be adopted. Councilor Phanthay seconded. Councilor Ferris spoke favorably on memories of Woodrow Cross, as did Mayor Goss. The Resolve was adopted by a unanimous vote.

Public Comments

No public comments received by the City Clerk's Office as of 4:00pm on Tuesday, August 11, 2020

C. Consent Calendar

ACTION: Councilor Ferris moved that all of the Orders on the Consent Calendar have passage. Councilor Daniels Seconded. The Orders passed by a unanimous vote.

2020-A082

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TITLE: ORDER, ACCEPT DONATIONS TO THE CITY OF BREWER

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BUSINESS PERSONAL PROTECTIVE EQUIPMENT
PROGRAM

Filed July 21, 2020
By Joseph L. Ferris

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); 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-A083

August 11, 2020

TITLE: ORDER, AUTHORIZING ISSUANCE OF THE CITY'S GENERAL
OBLIGATION BONDS TO FINANCE THE CITY'S FY2021 CAPITAL
IMPROVEMENT PLAN AND A TAX LEVY THEREFOR

Filed July 28, 2020
By Michele Daniels

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

THAT the City Treasurer/ Finance Director be and hereby is authorized, in the name of and on behalf of the City, to borrow up to One Million Five Hundred Fifty Thousand Dollars (\$1,550,000) to finance costs related to the City's FY2021 Capital Improvement Plan as more specifically listed on Attachment A hereto (the "Projects").

THAT pursuant to 30-A M.R.S.A. §5772 and all other authority thereto enabling, to evidence such borrowing, there is hereby authorized the issue and sale of the City's general obligation bonds at

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one time and from time to time in an amount not to exceed One Million Five Hundred Fifty Thousand Dollars (\$1,550,000) aggregate principal amount, the proceeds of which, including premium, if any, and investment earnings thereon, may be used and are hereby appropriated to pay the costs of the Projects.

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

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

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

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

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

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

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

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

THAT upon each exchange or transfer of bonds or notes, the City and transfer agent shall make a charge sufficient to cover any tax, fee, or other governmental charge required to be paid with respect to such transfer or exchange, and subsequent to the first exchange or transfer, the cost of which shall be borne by the City, the cost of preparing new bonds or notes upon exchanges or transfers thereof shall be paid by the person requesting the same.

THAT in lieu of physical certificates of the bonds and notes hereinbefore authorized, the City Treasurer/ Finance Director be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such bonds and notes in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing paragraphs

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regarding physical transfer of bonds, and the City Treasurer/ Finance Director be and hereby is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in her opinion, appropriate in order to qualify the bonds or notes for and participate in the Depository Trust Company Book-Entry Only System.

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

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

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

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

THAT the term "cost" or "costs" as used herein and applied to the Projects, or any portion thereof, includes, but is not limited to: (1) the cost to design, construct, renovate, refurbish, improve, acquire, replace, furnish and equip the Projects; (1) the cost of land, easements and other real property interests, landscaping and site preparation, utility extensions, all appurtenances and other fixtures, facilities, buildings and structures either on, above, or under the ground which are used or usable in connection with the Projects; (3) the cost of feasibility studies, surveys, environmental studies and assessments, engineering, plans and specifications, legal and other professional services associated with the Projects; (4) issuance costs, including premiums for insurance, capitalized interest and other financing charges, fees and expenses relating to the financing transaction.

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

1. To any costs of the Projects listed on Attachment A;
2. If the bonds or notes are issued on a tax exempt basis, in accordance with applicable terms and provisions of the Arbitrage and Use of Proceeds Certificate delivered in

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connection with the sale of the bonds or notes including, to the extent permitted thereunder, to the City's General Fund;

3. To pay debt service on the bonds or notes.

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

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

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

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

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

THAT during the term any of the bonds are outstanding, the City Treasurer/ Finance Director is hereby authorized, in the name and in the name of and on behalf of the City, to issue and deliver

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

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Attachment A

FY2021 Capital Improvement Program

ACCOUNTING SYSTEM (SERVER)	\$40,000
ACCOUNTING SYSTEM (SOFTWARE)	8,000
NETWORK IMPRVMTS--CITY & POLICE	7,500
POLICE CRUISER	41,500
POLICE UNMARKED/ADMIN VEHICLES	45,000
POLICE COMPUTER SERVERS	20,000
POLICE FORENSICS SYSTEM	13,000
INTERNATIONAL TRACTOR #445	20,000
HYUNDAI HL757-9 LOADER #435	140,000
TRACKLSS MT5 SIDEWLK PLOW #420	160,000
TRAFFIC SIGNALS - Wilson/Dirigo Intersection (10% share)	
WIN 23575	25,000
KUBOTA TRACTOR/LOADER	26,000
PUBLIC SAFETY BLDG IMPROVEMNTS	15,000
AUDITORIUM GENERATOR	55,000
PAVING	350,000
LAMBERT RD/EATON BROOK BRIDGE REHAB	15,000
CITY HALL INFRASTRUCTURE	5,000
STORMWATER DRAINAGE-EDGEWOOD CULVERT	
REPLACE	60,000
SEWER FUND PROCESS PUMPS PROJECT	500,000
CIP BOND FINANCING COST	4,000
Total	\$1,550,000

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2020-A084

August 11, 2020

TITLE: ORDER, SET TAX DUE DATE AND INTEREST RATE

Filed July 31, 2020
By Soubanh Phanthay

WHEREAS, the order adopted at the June 2, 2020 Council meeting included an incorrect interest rate submitted by the State;

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 8.0% 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 8.0% 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. The Office of the State Treasurer, which sets this rate annually, sent out the incorrect interest rate to municipalities.

2020-A085

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

Filed July 31, 2020
By Joseph L. Ferris

WHEREAS, the order adopted at the June 2, 2020 Council meeting included an incorrect interest rate submitted by the State;

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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 eight percent (8.0%) per annum for Fiscal Year 2021.

Statement of Fact

This is an annual order.

2020-A086

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

Filed July 31, 2020
By Michele Daniels

WHEREAS, the order adopted at the June 2, 2020 Council meeting included an incorrect interest rate submitted by the State;

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 four percent (4.0%) 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-A087

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TITLE: ORDER, AUTHORIZE WAIVER OF INTEREST EXPENSE

Filed July 31, 2020
By Soubanh Phanthay

WHEREAS, Brent Lockhart moved his mobile home to 27 White Tail Road in the 2017 tax year and has maintained current taxes since that time; and

WHEREAS, upon trying to move his mobile home off the property he discovered the previous owner to have a trailer in this location left seven years of unpaid taxes that must be cleared before the moving company will agree to move Mr. Lockhart's trailer off the property; and

WHEREAS, Mr. Lockhart has offered to pay the \$1,905.45 in principal and demand fees due for tax years 2010 through 2016; and

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WHEREAS, trailers in mobile home parks are taxed as real estate but have no land associated with them as they sit on land leased from the park owner, which effectively limits the City from being able to lien the property in the traditional sense to secure payment of back taxes.

NOW THEREFORE BE IT ORDERED, that the City Council hereby agrees to accept payment of the principal and demand fees due for tax years 2010 through 2016 on 27 White Tail Road, Map 10, Lot 25-11, and to waive the interest charges that have accrued on those unpaid balances.

Statement of Fact

This order authorizes the City to accept \$1,905.45 in principal and fees due on the property at 27 White Tail Road as payment in full, thus waiving approximately \$731 in interest that has accrued. The current owner, Mr. Lockhart, is willing to pay the \$1,905.45 in principal and demand fees due for tax years 2010 thru 2016 even though the taxes were not assessed to him or to his trailer. Mr. Lockhart is trying to get his trailer moved and, because he is dealing with a reputable company, they are requiring he show proof that all taxes on the property have been paid before they will move it. When the previous owner moved their trailer off, they did not adhere to this standard.

2020-A088

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TITLE: ORDER, AWARD ANNUAL CONTRACT FOR RESURFACING OF
CITY STREETS

Filed July 22, 2020
By Joseph L. Ferris

WHEREAS; bids were publicly solicited, received and reviewed for the City's 2020 Paving Contract.

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to execute a contract with Hopkins Paving, the lowest acceptable bidder, in an amount not to exceed \$520,000 for the Annual Paving of City Streets; and

BE IT FURTHER ORDERED, that charges to this contract shall be to the approved CIP account (0510113-551311) Paving (General).

Statement of Fact

This order awards the annual contract for paving City Streets and authorizes spending of all currently approved and available FY 2020 and FY 2021 CIP funding. The paving is expected to be completed summer/fall of 2020 and spring of 2021. The bid tabulation for the project is attached.

2020-A089

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TITLE: ORDER, AUTHORIZE CONTRACT WITH APEX CORPORATION FOR
PHASE TWO OF OZONE GENERATION AND APPLICATION
SYSTEM REPLACEMENT

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Filed August 3, 2020
By Michele Daniels

WHEREAS; Brewer Water Department’s, Hayes Treatment Plant ozone equipment has surpassed its intended life and is being phased out of support by the vendor; and

WHEREAS, Ozone is the primary treatment used by Hayes Treatment Plant; and

WHEREAS, the Ozone generation and application system replacement project was included and approved in the Water Department’s FY2019 and FY 2020 CIP; and

WHEREAS, the Brewer Water Department applied for and has been approved for DWSRF loan in the amount of \$3,246,140 to fund the Design, Construction and Purchasing of equipment for the replacement of the ozone system.

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to enter into a contract for the amount of \$514,300 with Apex Corporation for the purchasing of equipment and construction of Phase 2.

BE IT FURTHER ORDERED, that the costs of these services be charged to account 0571003-573038 (Ozone generation and application system replacement) to be funded from the CIP approved for FY2019 & 2020.

Statement of Fact

The Hayes Treatment Plants ozone treatment equipment has surpassed its useful life and vendor support is limited to the parts currently on their shelf. This order is for the funding for phase two of the project which is the installation and removal of the new and old ozone generation equipment. We received two bids for this project. We are recommending Apex Corporation which is the lowest bidder for this project.

Base Bid Items				Apex Construction, Inc.		TBuck Construction, Inc.	
No.	Description	Unit	Estimated Quantity	Unit Price	Value	Unit Price	Value
1	Administration (Mobilization/Demobilization)	LS	1	\$ 25,000.00	\$ 25,000.00	\$ 100,000.00	\$ 100,000.00
2	Ozone System Installation	LS	1	\$ 489,300.00	\$ 489,300.00	\$ 641,468.00	\$ 641,468.00
				TOTAL BASE BID	\$ 514,300.00	TOTAL BASE BID	\$ 741,468.00

2020-A090

August 11, 2020

TITLE: ORDER, AUTHORIZE THE AUCTION AND/OR DISPOSAL OF UNCLAIMED BICYCLES

August 3, 2020
By Soubanh Phanthay

WHEREAS, the Brewer Police Department collects abandoned bicycles and stores these bicycles if the owner cannot be found; and

City Council Minutes
August 11, 2020

WHEREAS, the Engineering Department has prepared specifications and bid documents for the replacement of this culvert and has requested bids by invitation from three reputable, local contractors; and

WHEREAS, Bids were received on 8/5/2020 and all received bids were above the budget for this project (bid tabulation attached); and

WHEREAS, The Engineering and Public Works Departments solicited a quote from a Contractor to perform a slipline installation inside the culvert; and

WHEREAS, this culvert is in poor condition and likely will not last another year; and

WHEREAS, the quote for sliplining the culvert did come in below the budget (proposal attached); and

WHEREAS, Public Works has agreed to complete the other work needed in association with the culvert with the remaining budget.

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to execute a sole source contract with Everett J. Prescott, Inc. of Gardiner, Maine in the amount of \$45,500 for the Slipline Installation on the Edgewood Drive 48” Culvert Replacement Project; and

BE IT FURTHER ORDERED, that the City Council herewith exercises its authority under Chapter 36, Section 404 of the City’s Purchasing Ordinance for the provision of these specialty construction services; and

BE IT FURTHER ORDERED, that the cost of this project shall be charged to CIP account 0510113-551600.

Statement of Fact

This order authorizes a slipline installation in a failed culvert on Edgewood Drive. We put out to bid by invitation for a complete replacement of the existing 48” culvert, but the bids came in higher than the budget. Due to the tight time frame for replacement, we are requesting approval to sole source the sliplining of the existing culvert.

2020-A092

August 11, 2020

TITLE: ORDER, AUTHORIZE THE PURCHASE OF ONE REPLACEMENT
 VEHICLE FOR THE BREWER POLICE DEPARTMENT

Filed August 3, 2020
By Michele Daniels

WHEREAS, the FY2021 approved Capital Improvement Program included funding for replacement of a police vehicle for primary patrol use; and

City Council Minutes
August 11, 2020

WHEREAS, a bid (sole source for all Brewer Police marked vehicles) was solicited for one new vehicle to be placed in service from Darling's Ford in Bangor; and

WHEREAS, the bid for the primary patrol vehicle consisted of one 2020 Ford Utility Police Interceptor with a lighting and siren package, at a cost of \$36,330 with a trade in allowance on the 2016 Ford Utility Police Interceptor valued at \$5,500, for a total purchase price for the new patrol vehicle of \$30,830 which does not include the cost to equip the vehicle; and

WHEREAS, the surplus vehicle to be traded in (VIN#1F5K8AR3GGC26414) is a 2016 Ford Utility Police Interceptor; and

WHEREAS, the vehicle will be equipped using a portion of the remaining \$10,670 of the total \$41,500 budgeted for vehicle replacement.

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

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure from CIP account 0510132-511200 (Police Vehicles) the funding necessary to cover the cost of equipping the vehicle. However, such expenditures shall not exceed funding available as approved in the FY2021 CIP budget; and

FURTHER ORDERED, the City Council hereby declares the Police Department's 2016 Ford Utility Police Interceptor surplus and authorizes the City Manager or his designee to dispose of the vehicle by allowing for trade-in to offset the purchase price of the new police vehicle; 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 goods and supplies for this project.

Statement of Fact

The order authorizes the purchase of one marked police vehicle as approved in the FY2021 CIP budget. One vehicle from the Police Department fleet will be used for trade-in to offset the purchase price of the new vehicle. Additionally, authorizing the purchase of necessary equipment and equipping of the aforementioned vehicle as standard for marked Police vehicles.

MRSP of 2020 Ford Utility Police Interceptor: \$43,379.00

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

City Council Minutes
August 11, 2020

TITLE: ORDER, DISCONTINUANCE OF A PORTION OF COLONIAL CIRCLE

Filed August 6, 2020
By Soubanh Phanthay &
Joseph L. Ferris

WHEREAS, Brewer Housing Authority has requested that a portion of Colonial Circle be discontinued, said portion being shown on Exhibit A, attached hereto and made part hereof; and

WHEREAS, the Brewer Housing Authority, as the sole abutter, has agreed to waive damages, if any would even result, if a portion of Colonial Circle is discontinued pursuant to Title 23 M.R.S. § 3026-A; and

WHEREAS, the City Assessor has determined if the portion of Colonial Circle shown in Exhibit A is discontinued that there will be no damages to the abutter, the Brewer Housing Authority; and

WHEREAS, the above abutting property owner, Brewer Housing Authority, will still have access to a public way even if the portion the portion of Colonial Circle shown in Exhibit A is discontinued; and

WHEREAS, the City Engineer has recommended discontinuance of the portion of Colonial Circle as shown in Exhibit A, with a public easement and utility easement retained by the City of Brewer; and

WHEREAS, notice of this proposed discontinuance of a portion of Colonial Circle has been provided to the abutting owner, the Brewer Housing Authority.

NOW, THEREFORE, BE IT ORDERED, that City Council hereby adopts this Order as an Order of Discontinuance of a portion of Colonial Circle, the location of which is described in Exhibit A; and

FURTHER, BE IT ORDERED, that the City Council hereby makes the following determination on the amount of damages for each abutting owner as a result of discontinuing the portion of Colonial Circle described in Exhibit A:

Brewer Housing Authority = \$0.00

FURTHER, BE IT ORDERED, that the City of Brewer hereby retains a public easement and utility easement regarding the discontinued portion of Colonial Circle described in Exhibit A; and

FURTHER, BE IT ORDERED, that upon adoption the City Council shall cause this Order of Discontinuance to be filed with the City Clerk; and

FURTHER, BE IT ORDERED, that the City Clerk shall send a copy of this Order to the abutters of that portion of Colonial Circle to be discontinued, as well as a notice of the public hearing to be held by the City Council at a time and location to be separately established by Council Order; and

City Council Minutes
August 11, 2020

FURTHER, BE IT ORDERED, that the City Engineer, or his designee, shall post an attested copy of this Order in the area of that portion of Colonial Circle to be discontinued.

Statement of Fact

This Order constitutes an Order of Discontinuance for a portion of Colonial Circle. Brewer Housing Authority approached the City to look at possible ways to improve the parking situation off Colonial Circle. This seems to be the best option and the most beneficial to both parties. On the City side this section of road is basically just a burden and on the Housing side it will provide needed space to expand their parking.

2020-A094

August 11, 2020

TITLE: ORDER, TO HOLD PUBLIC HEARING ON THE DISCONTINUANCE OF A PORTION OF COLONIAL CIRCLE

Filed August 6, 2020
By Michele Daniels &
Soubanh Phanthay

WHEREAS, the City Council issued an Order of Discontinuance of a portion of Colonial Circle as described in Order No. 2020-A093; and

WHEREAS, the City Council made the following determination on the amount of damages for each abutting owner as a result of discontinuing that portion of Colonial Circle:

Brewer Housing Authority = \$0.00

WHEREAS, the City of Brewer will retain a public easement and utility easement regarding the discontinued portion of Colonial Circle; and

WHEREAS, the Order of Discontinuance will be filed with the City Clerk; and

WHEREAS, the City Clerk will provide a copy of the Order of Discontinuance to the abutters of that portion of Colonial Circle to be discontinued, as well as a notice of the public hearing to be held by the City Council; and

WHEREAS, the City Engineer, or his designee, will post an attested copy of the Order of Discontinuance in the area of that portion of Colonial Circle to be discontinued;

WHEREAS, the City Council desires to set a public hearing date for the purposes of receiving public comment regarding the proposed discontinuance of a portion of Colonial described above.

NOW, THEREFORE, BE IT ORDERED, that the City Council will hold a public hearing on September 8, 2020 at 6:00 p.m. in Council Chambers to hear public comments on the Order of Discontinuance for a portion of Colonial Circle; and

City Council Minutes
August 11, 2020

FURTHER, BE IT ORDERED, that the Order of Discontinuance of will take effect when and if it is approved by a vote of the Brewer City Council at a later date following the September 8, 2020 public hearing.

Statement of Fact

This Order schedules a Public Hearing on the Order of Discontinuance for a portion of Colonial Circle to help facilitate parking lot renovations of the Brewer Housing Authority.

D. Monthly Reports

ACTION: Councilor Phanthay moved that the monthly reports from department heads be accepted and placed on file. Councilor Ferris Seconded. The motion passed by a unanimous vote.

E. Nominations, Appointments, Elections

2020-B028

August 11, 2020

TITLE: RESOLVE, DECLARE THE RESULTS OF THE JULY 14, 2020 STATE OF MAINE PRIMARY AND SPECIAL REFERENDUM ELECTION

Filed July 17, 2020

By Joseph L. Ferris

WHEREAS, the State of Maine Primary and Special Referendum Election were held on July 14, 2020; and

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

NOW, THEREFORE, BE IT RESOLVED, that the City Council declares the results for the State of Maine Primary and Special Referendum Election as follows:

City Council Minutes
August 11, 2020

STATE OF MAINE RETURN OF VOTES CAST - REPUBLICAN

MUNICIPALITY: BREWER - 1 (1-1)

UNITED STATES SENATOR

838 COLLINS, SUSAN MARGARET
24 COLTER, AMY (Declared Write-In)
47 BLANK

STATE SENATOR (District 8)

405 LOCKMAN, LAWRENCE EARL
450 ROSEN, KIMBERLEY C.
54 BLANK

REP. TO THE LEGISLATURE (District 128)

785 CRAIG, GARREL R.
79 BLANK

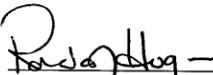
REP. TO THE LEGISLATURE (District 129)

37 LYFORD, PETER A.
8 BLANK

REP. TO CONGRESS (District 2)

301 BENNETT, ADRIENNE
155 BRAKEY, ERIC L.
385 CRAFTS, DALE JOHN
68 BLANK

Certified by the Municipal Clerk:



Signature of Clerk

07/16/2020

Date

City Council Minutes
August 11, 2020

STATE OF MAINE RETURN OF VOTES CAST - DEMOCRATIC

MUNICIPALITY: BREWER - 1 (1-1)

REP. TO CONGRESS (District 2)

765 GOLDEN, JARED F.

67 BLANK

STATE SENATOR (District 8)

186 SCEE, TRUDY IRENE

601 UHLENHAKE, BEVERLY B.

45 BLANK

REP. TO THE LEGISLATURE (District 128)

723 O'CONNELL, KEVIN J.M.

56 BLANK

REGISTER OF PROBATE

739 STUPAK, RENEE M.

93 BLANK

COUNTY COMMISSIONER (District 1)

771 BALDACCI, PETER K.

61 BLANK

UNITED STATES SENATOR

569 GIDEON, SARA I.

38 KIDMAN, BRE

164 SWEET, ELIZABETH A.

61 BLANK

UNOFFICIAL

*

* NO "TOTAL VOTES" LINE IN CUR

* "TOTAL VOTES" LINE IS TOTALING BOTH CONTESTS IN CUR

Ronald Hogan — 07-16-2020
RONALD HOGAN
BREWER CITY CLERK

City Council Minutes
August 11, 2020

STATE OF MAINE RETURN OF VOTES CAST

MUNICIPALITY: BREWER - 1 (1-1)

QUESTION 1: BOND ISSUE

1,367 YES
614 NO
24 BLANK

QUESTION 2: BOND ISSUE

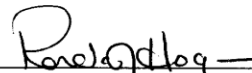
1,472 YES
521 NO
12 BLANK

PENOBSCOT COUNTY REFERENDUM QUESTION

QUESTION 1: PENOBSCOT COUNTY REFERENDUM QUESTION

1,446 YES
539 NO
20 BLANK

Certified by the Municipal Clerk:


Signature of Clerk

07/16/2020
Date

City Council Minutes
August 11, 2020

ACTION: Councilor Ferris moved that the Resolve be adopted. Councilor Phanthay Seconded. The Resolve was adopted by a unanimous vote.

2020-A095

August 11, 2020

TITLE: ORDER; APPOINT MEMBERS OF THE PLANNING BOARD TO FULL TIME POSITIONS TO FILL VACANCIES AND APPOINT A NEW ASSOCIATE MEMBER

Filed July 28, 2020
By Michele Daniels

ORDERED, that Samantha Baker, 34 Clover Lane and Tim Daniels, 28 School Street are herewith appointed from associate members to full-time members to fill vacancies on the Brewer Planning Board; and

ORDERED, that Lisa Sturgeon, 19 Night Road, is herewith appointed as an associate member to the Brewer Planning Board to fill a vacancy; and

BE IT FURTHER ORDERED, that Ms. Baker's, and Ms. Sturgeon's terms will commence August 1, 2020 and expire March 31, 2022, and Mr. Daniels term will commence August 1, 2020 and expire March 31, 2021.

ACTION: Councilor Daniels moved that the Order have passage. The motion was seconded by Councilor Ferris. The Order passed unanimously.

F. Unfinished Business

There was none.

G. New Business

2020-C003

August 11, 2020

TITLE: AMEND CHAPTER 24, ENTITLED "LAND USE CODE" OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ARTICLE 1, GENERAL, TO AMEND SECTION 104.1, PERMITS

Filed August 5, 2020
By Michele Daniels

City Council Minutes
August 11, 2020

Be it ordained by the City of Brewer in City Council assembled that Chapter 24, of the Charter, Codes and Ordinances of the City of Brewer, entitled “Land Use Code” shall be amended by revising the following subsection to Article 1, Section 104.1:

ARTICLE 1 GENERAL

104 JURISDICTION

The provisions of this Land Use Code shall apply to all land areas within the City of Brewer unless otherwise specified by specific Articles of this Land Use Code.

104.1 PERMITS. (#34)

No license, ~~or~~ permit, or approval shall be issued pursuant to this Chapter under the following circumstances:

- All real estate and personal property taxes, sewer user fees and other charges owed to the City by the applicant have not been paid in full, if any of them are two (2) years or more years overdue.
- All assessments for real estate taxes, sewer user fees and other charges owed to the City against the property on which the licensed or permitted activity is to take place have not been paid in full, if any of them are two (2) years or more years overdue.
- Any and all approved projects or land use permits within the City of Brewer (ie. site plans, subdivisions, fill & grading plans, and building permits) by the applicant are not in compliance with their local approvals except as noted below.
- Any and all approved projects or land use permits on the same parcel of land (ie. site plans, subdivisions, fill & grading plans, and building permits) in which the applicant is seeking a land use approval are not in compliance with their local approvals. The Brewer Code Officer may make an exception if the applicant is proposing changes in order to bring the property into compliance.
- Any and all activities on the same parcel of land and/or activities having a common scheme of development in which the owner and/or occupant has failed to obtain any necessary license, permit, or approval pursuant to this Chapter. The Brewer Code Officer may make an exception if the applicant is proposing changes in order to bring the activities into compliance.

Statement of Fact

This ordinance amendment is proposed in order to more efficiently regulate and enforce land use permits.

The Planning Board held a public hearing on August 3, 2020 and unanimously made the recommendation to adopt this amendment.

City Council Minutes
August 11, 2020

ACTION: Councilor Daniels moved that the amendment be certified and filed with the City Clerk for posting. The motion was seconded by Councilor Ferris. The motion passed unanimously.

2020-C004

August 11, 2020

TITLE: AMEND CHAPTER 24, ENTITLED "LAND USE CODE" OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ARTICLE 4, PERFORMANCE STANDARDS, TO ADD SECTION 442 SOLAR ENERGY SYSTEMS, AND ARTICLE 14, DEFINITIONS

Filed August 5, 2020
By Soubanh Phanthay

Be it ordained by the City of Brewer in City Council assembled that Chapter 24, of the Charter, Codes and Ordinances of the City of Brewer, entitled "Land Use Code" shall be amended by adding the following subsection to Article 4 and adding the following definitions to Article 14:

ARTICLE 4 PERFORMANCE STANDARDS

442. SOLAR ENERGY SYSTEMS

442.1 Regulations pertaining to all solar energy systems.

442.1.1 Notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, the requirements of this Article shall apply to all pending proceedings regarding building-integrated, roof-mounted, pole-mounted, and small- and large-scale ground-mounted solar energy systems.

442.1.2 All solar energy systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and standards.

442.1.3 All solar energy system installations shall be installed in compliance with the photovoltaic systems standards of the latest edition of National Fire Protection Association (NFPA) 1, Fire Prevention Code, unless otherwise authorized by the Brewer Code Enforcement Office.

442.1.4 All wiring for solar energy systems shall be installed in compliance with the photovoltaic systems standards of the latest edition of the National Electrical Code (NFPA 70).

442.1.5 No solar energy system or device shall be installed or operated within the City of Brewer except in compliance with this Article and all other local codes and ordinances.

442.2 Permitting and Allowed Locations.

City Council Minutes

August 11, 2020

442.2.1 Building-integrated, roof-mounted, and small-scale ground- or pole-mounted solar energy systems are permitted in all zoning districts subject to the dimensional standards in Article 3, section 307. All such systems must obtain building permits and all other required permits from the Brewer Code Enforcement Office after consultation with the City Engineer and Brewer Fire Department. Small solar panels generating 100 watts or less to service individual items, such as but not limited to, signs, lights, or electric fences, are not considered a solar energy system and are therefore exempt from these requirements.

442.2.2 Large-scale ground- or pole-mounted solar energy systems are allowed in all zoning districts subject to dimensional standards and performance standards contained in this section as well as the dimension standards in Article 3, section 307 and the performance standards in this Article. All such systems must receive major site plan approval from the Brewer Planning Board plus obtain building permits and all other required permits from the Brewer Code Enforcement Office. The applicant shall submit documentation that demonstrates the project satisfies the requirements of the utility, electrical and structural plans that have been stamped by a Maine licensed engineer, and any required approvals from the Maine Department of Environmental Protection. Site plan technical review escrow money from the applicant may be used by the City to retain expert evaluation, evaluate additional project requirements, and information submitted or conduct studies that it finds necessary in order to determine whether requirements are met.

442.3 Dimensional Standards.

442.3.1 Height.

- a) Roof-mounted and building-integrated solar energy systems shall meet the building height regulations for the zoning district in which they are located. For the purposes of this height dimensional standard, the solar energy system shall be included for the purposes of measuring the vertical distance.
- b) Ground-mounted solar energy systems shall be a maximum of 30 feet in height when oriented at maximum tilt. For the purposes of this height determination, height shall mean the vertical distance measured from the mean elevation of the finished grade to the highest point of the ground-mounted solar energy system.
- c) Pole-mounted solar energy systems shall be a maximum of 30 feet in height. For the purposes of this height determination, height shall mean the vertical distance measured from the mean elevation of the finished grade to the highest point of the pole-mounted solar energy system.

442.3.2 Setbacks.

- a) Building-integrated and roof-mounted solar energy systems shall meet the building setbacks of the zoning district in which they are located.

City Council Minutes
August 11, 2020

b) Small-scale ground- or pole-mounted solar energy systems shall meet the building setbacks of the zoning district in which they are located. Small-scale solar energy systems may be considered an accessory structure for the purpose of setbacks.

c) Large-scale ground- or pole-mounted solar energy systems shall meet the building setbacks of the zoning district in which they are located and/or be fifty (50) feet from any property line (including the road right-of-way), whichever is greater.

442.3.3 Dimensional Requirements. Aside from the setbacks listed in section 442.3.2 above, all solar energy systems shall comply with the dimensional requirements contained in Article 3, section 307 of this Brewer Land Use Code including, but not limited to, minimum lot size and minimum road frontage. The “maximum building or structure coverage percentage” applies to buildings and structures. For the purposes of this coverage calculation, solar panels raised above the ground shall not be included.

442.4 Glare. Solar panels are designed to absorb (not reflect) sunlight; and, as such, solar panels are generally less reflective than other varnished or glass exterior housing pieces. However, solar panel placement or materials should be prioritized to minimize or negate any solar glare onto nearby properties or roadways, to the extent practical.

442.5 All solar energy systems shall comply with the Performance Standards contained in Article 4 of this Brewer Land Use Code, including but not limited to, stormwater management and erosion control.

442.6 Standards for Building-Integrated, Roof-Mounted, and Small-Scale Ground- or Pole-Mounted Solar Energy Systems.

442.6.1 Building-integrated and roof-mounted solar energy systems and equipment shall be permitted only if they are determined by the Brewer Code Enforcement Officer, with review from the City Engineer and the Brewer Fire Department, not to present any unreasonable safety risks, including, but not limited to, the following:

- a) Weight load;
- b) Wind resistance;
- c) Ingress or egress in the event of fire or other emergency; and
- d) Proximity of a ground-mounted system relative to buildings.

All solar energy systems shall meet applicable National Fire Protection Association (NFPA) standards including, but not limited to, safe access for first responders and markings needed for identification of all shut off switches and handles.

The Brewer Code Enforcement Officer may require the applicant to supply certification from a structural engineer, licensed in the State of Maine, stating the condition of the structure and adequacy for the proposed solar energy system.

442.6.2 Prior to operation, electrical connections must be inspected and approved by the Electrical Inspector for the City of Brewer.

City Council Minutes
August 11, 2020

442.6.3 Any connection to the public utility grid must conform to the requirements of the appropriate public utility.

442.6.4 If the solar energy system ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment by no later than ninety (90) days after the end of the twelve-month period. The Brewer Code Enforcement Officer may grant an extension for good cause shown, at his or her discretion.

442.6.5 Each solar energy installation shall be maintained as necessary to ensure that it is operating safely and as designed over its useful lifetime.

442.7 Additional Standards for Large-Scale Ground- or Pole-Mounted Solar Energy Systems.

In addition to the standards in section 442.6, large-scale ground- or pole-mounted solar energy systems shall comply with the following:

442.7.1 Use – The applicant shall provide a written narrative describing the proposed solar energy system, including an overview of the project; the project location; the total rated capacity of the solar energy system; dimensions of all components and respective manufacturers; and a description of associated facilities and how the system and associated facilities comply with the standards of this ordinance.

The applicant shall provide written confirmation that the public utility company to which the solar energy system will be connected has been informed of the customer's intent to install a grid-connected system. The owner or operator shall provide a copy of the final inspection report and connection approval from the utility company to the Code Enforcement Officer prior to the issuance of a certificate of use and occupancy for the solar energy system. The Code Enforcement Officer shall be informed if the solar energy system is being used as an accessory use for a commercial/industrial activity on the same or another property.

442.7.2 Design – The solar energy system layout, design, and installation shall conform to applicable industry standards, such as those of the American National Standards (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), National Fire Protection Association (NFPA), and/or similar certifying organizations, and shall comply with the City of Brewer's Building Code, Life Safety Code, and all other applicable Brewer Codes and Ordinances. The manufacturer specifications for key components of the system shall be submitted as part of the application along with a statement noting that the project meets applicable electrical codes.

442.7.3 Utility Connections – The applicant shall provide information on any connections to the public utility grid including evidence of meeting the local electric utility's transmission and distribution interconnection requirements.

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Reasonable efforts, as determined by the Planning Board, shall be made to limit the visual impact of equipment required to connect the solar photovoltaic installation to the utility. Equipment shall be located underground where applicable and as allowable based upon site conditions, equipment performance requirements, and requirements of the utility provider.

442.7.4 Operations and Maintenance Plan – The applicant shall submit a plan for the operation and maintenance of the solar energy system, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as other general procedures for operational maintenance of the installation.

442.7.5 Safety and Emergency Services – The solar energy system owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Brewer Code Enforcement Officer and Fire Department for review and comment. The owner or operator shall cooperate with the City in developing an emergency response plan. All means of shutting down the system shall be clearly marked. The owner or operator shall provide to the Code Office the name and contact information of a responsible person for public inquiries throughout the life of the installation.

All critical controls and any areas that would be hazardous to humans and/or animals shall be completely enclosed by chain link fencing that is a minimum eight-foot high fence with a locking gate, or as designated by the Code Enforcement Officer. A Knox box lock or similar device, approved by the Brewer Fire Department, shall be provided and installed by the operator to allow emergency service personnel continuous access.

A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the solar energy system informing individuals of potential voltage hazards.

442.7.6 Access – Access drives shall be constructed and maintained to allow for maintenance and emergency vehicles.

442.7.7 Visual Impact – Reasonable efforts, as determined by the Planning Board, shall be made to minimize visual impacts by preserving natural vegetation, screening abutting properties, or other appropriate measures. Solar energy systems shall be screened from view of any adjacent property that is residentially zoned or used for residential purposes. Screening measures shall include, but are not limited to, the following: preserving natural vegetation and/or planting new vegetation, particularly in the setback area for the solar energy system; installing a raised berm and appropriate plantings; and installing a solid fence. All required screening shall be located on the same property as the solar energy system and also within the leased parcel, if land is leased.

442.7.8 Lighting – Lighting shall be consistent with local, state, and federal law. Lighting of other parts of the installation, such as accessory structures, shall be limited to that required for safety and operational purposes, and shall be shielded from interference with abutting properties. Lighting of the solar energy system shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

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August 11, 2020

442.7.9 Environmental – Negative environmental impacts, including, but not limited to, wetland disturbance, rare or endangered plant species disturbance, and sensitive wildlife habitat impacts, shall be minimized to the maximum extent possible. All disturbed areas must be graded and seeded/landscaped with native vegetation. The owner or operator shall prepare a vegetation management plan associated with the operation of the system. The plan shall identify measures it will use to effectively manage vegetation, including methods such as, but not limited to, vegetating the solar array area in a pollinator-friendly manner for bees, butterflies, and allowing the area for the grazing of farm animals.

442.7.10 Signage and E911 Addressing – Solar energy systems shall be assigned an E911 address which shall be prominently displayed at the site per E911 sign standards of the Brewer E911 Director. In addition, a sign shall be required to identify the rated nameplate capacity, owner/operator, and provide a 24-hour emergency contact phone number. All signage shall comply with City of Brewer sign regulations and permits. Solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy system.

442.7.11 Installation Conditions – The owner or operator shall maintain the facility in good condition. Maintenance shall include, but is not limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Department. The owner or operator shall be responsible for the cost of maintaining the solar energy system and any access road(s), unless accepted as a public way.

442.7.12 Decommissioning Plan – The applicant shall submit a plan for decommissioning the solar energy system. Decommissioning shall consist of:

- a) Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site.
- b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Code Enforcement Officer may allow the owner or operator to leave landscaping or designated below-ground foundations in order to minimize erosion and disruption to vegetation.

The decommissioning plan, prepared by a Maine licensed Professional Engineer, shall outline in detail the methods for decommissioning and following information, including, but not limited to:

- a) The anticipated life of the project.
- b) The anticipated present value cost of decommissioning. Decommissioning, salvage value, and land restoration costs shall be included in the decommissioning cost calculation.
- c) An explanation of the calculation of the cost of decommissioning.
- d) The physical plan for decommissioning.
- e) A surety to cover the cost of decommissioning.

City Council Minutes
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The owner or operator shall update the decommissioning plan and cost estimate every five years. Said update shall be reviewed by the Brewer Code Officer after consultation with the City Engineer.

442.7.13 Decommissioning Surety Guarantee -As part of the site plan application, the applicant shall submit a draft financial security instrument to the City. Allowable security instruments shall be one of the following: performance surety bond; an irrevocable letter of credit; a guarantee by an investment grade entity or another acceptable security. The surety bond and Letter of Credit must be issued by a federally insured or equivalent financial institution.

Said surety guarantee instrument shall be approved by the City Solicitor, in the amount of 120% of the estimate demolition cost of the system. Such cost to be submitted by the applicant and reviewed by the City Engineer and Brewer Finance Director, or their duly designated person. Said guarantee shall become effective prior to receiving a building permit.

The surety guarantee instrument shall be adjusted every five years based on the updated decommissioning plan and cost estimate. Said adjustment shall be approved by the Brewer Code Officer after consultation with the City Engineer and the Brewer Finance Director, or their duly designated person.

The applicant may apply to the Planning Board for release of the guarantee at such time that it or its assigns remove the system and associated abandoned structures, and such completed removal is found to be satisfactory by the City Engineer.

442.7.14 Modifications – Any material modifications, as determined by the Brewer Code Enforcement Officer, to the solar energy system made after issuance of the required City permit(s) shall require approval by the Code Enforcement Officer and/or Planning Board as required.

442.7.15 Removal – Any solar energy system which has reached the end of its useful life or has been abandoned consistent with this ordinance shall be removed. The owner or operator shall physically remove the installation no more than one hundred fifty (150) days after the date of discontinued operations. The owner or operator shall notify the Code Enforcement Officer by certified mail of the proposed date of discontinued operations and plans for removal.

442.7.16 Abandonment – Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar energy system shall be considered abandoned when it fails to operate for more than one year without having first obtained the written consent of the Code Enforcement Officer.

If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within one hundred fifty (150) days of abandonment or the proposed date of decommissioning, the City retains the right to use the decommissioning surety guarantee and all other available means to cause an abandoned, hazardous, or decommissioned solar energy system to be removed.

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442.7.17 Reactivate a discontinued solar energy system – An owner or operator may submit a written request to the Brewer Planning Board to reactive a solar energy system that has been discontinued or abandoned due to extenuating circumstances. The Brewer Planning Board shall be responsible for the review and approval or denial of any written request to reactivate a solar energy system, subject to applicable review criteria for a new permit to operate the system. Unless the Board approves a request to reactivate the system, the solar energy system shall be considered abandoned.

ARTICLE 14 DEFINITIONS

Solar Energy System – a system for transforming solar energy into another form of energy for heating, cooling, water heating, or electrical generation purposes.

Solar Energy System, Building-Integrated – A solar energy system that is an integral part of a principal or accessory building, and includes, but is not limited to, photovoltaic or hot water systems that are contained within roofing materials, windows, walls, skylights, and awnings.

Solar Energy System, Ground-Mounted – a solar energy system which is structurally mounted to the ground independent of other structures.

Solar Energy System, Large-Scale – a solar energy system with a rated nameplate capacity of greater than 25 kilowatts, including, without limitation, any type of solar energy system whether or not defined herein.

Solar Energy System, Pole-Mounted – a solar energy system that is installed on specialized solar racking systems, which are attached to pole, affixed to a foundation in the ground, and wired underground and/or above ground to an attachment point at the building's meter. Pole-mounted systems can be designed to track the sun (with single-axle or dual-axle tracking motors) and to help maximize solar output throughout the year.

Solar Energy System, Rated Nameplate Capacity. The maximum rated alternating current (AC) output of the solar energy system based on its design output.

Solar Energy System, Roof-Mounted – a solar energy system which is mounted on the roof of a building or structure; may be of any size.

Solar Energy System, Small-Scale – a solar energy system with rated nameplate capacity of 25 kilowatts or less. A small-scale system typically is an accessory use to a principal use on the property.

Solar Glare – The reflection of sunlight from, with an intensity sufficient to cause annoyance, discomfort, loss in visual performance or visibility, or a public safety hazard, such as but not limited to, airport operations.

Solar Panel (or module) – A device that converts sunlight into usable energy, including electricity and heat.

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Solar Related Equipment – Any structure and/or equipment used to support a solar energy system including, but not limited to, a photovoltaic cell, module, array; solar hot air or water collector devices; lines (such as distribution); pipes; pumps; batteries; mounting brackets; framing; and foundations or other similar structures or equipment structures used or intended to be used for solar energy systems.

Statement of Fact

These ordinance amendments are proposed in order to allow solar energy systems to operate within the City of Brewer under specific regulations.

The Planning Board held a public hearing on August 3, 2020 and unanimously made the recommendation to adopt these amendments.

ACTION: Councilor Phanthay moved that the amendment be certified and filed with the City Clerk for posting. The motion was seconded by Councilor Ferris. The motion passed unanimously.

2020-C005

August 11, 2020

TITLE: AMEND CHAPTER 20, ENTITLED “LICENSES AND PERMITS” OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ARTICLE 2, LICENSES

Filed August 5, 2020
By Joseph L. Ferris

Be it ordained by the City of Brewer in City Council assembled that Chapter 20, of the Charter, Codes and Ordinances of the City of Brewer, entitled “Licenses and Permits”, Article 2 shall be amended as follows:

ARTICLE 2. LICENSES

SECTION 221. SOLAR ENERGY SYSTEMS.

No person, partnership, corporation or other legal entity shall operate a large-scale solar energy system within the City of Brewer without obtaining a license from the City in accordance with this chapter. A large-scale solar energy system shall have the meaning ascribed in the Land Use Code of the City of Brewer Code of Ordinances. Said license shall be required for each new operator and every five years thereafter. The fee for said license shall be in accordance with Article 4 of this Chapter.

SECTION 221.1. LICENSE APPLICATION. Application for a City license shall include the following:

1. All required forms provided by the City Clerk.

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2. The name and contact information of the responsible person for public inquiries.
3. A written statement from the operator stating they meet and follow their City of Brewer site plan as approved.
4. A written statement from the operator stating they meet and follow their approved Operations and Maintenance Plan.
5. A written statement from the operator stating they meet and follow their approved Vegetation Management Plan.
6. An updated Decommissioning Plan and cost estimate as detailed in Article 4 of the Brewer Land Use Code.
7. The status of their surety guarantee including any adjustment based on the updated Decommissioning Plan and cost estimate as detailed in Article 4 of the Brewer Land Use Code.

SECTION 221.2. LICENSE APPROVALS. No license shall be issued unless the application has been reviewed and found acceptable by the Brewer Code Enforcement Officer, City Engineer, Finance Director, and Fire Department.

Statement of Fact

This ordinance amendment is proposed in order to correspond with the proposed amendments to the Brewer Land Use Code. These amendments allow solar energy systems to operate within the City of Brewer under specific regulations and licensing requirements.

ACTION: Councilor Ferris moved that the amendment be certified and filed with the City Clerk for posting. The motion was seconded by Councilor Daniels. The motion passed unanimously.

2020-C006

August 11, 2020

TITLE: AMEND THE CITY OF BREWER SCHEDULE OF FEES

Filed August 5, 2020
By Michele Daniels

ORDERED, that Chapter 20 of the Charter, Codes and Ordinances of the City of Brewer, Article 4 Licensing and Permit Fee Schedule, requires the City Council to establish fees for City licenses and permits;

NOW, THEREFORE, BE IT ORDERED, that the Schedule of Fees shall be amended by adding the following:

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SCHEDULE OF FEES

CODE ENFORCEMENT

- Building permits
 - New construction & remodel of existing (min fee \$50.00 & max \$25,000)
 - Finished space .50¢ per square foot
 - Unfinished space .25¢ per square foot

(Note: For solar energy systems – unfinished space will be assessed per sq. ft. of each panel.)

CITY CLERK

- License & permits (see Chapter 20)
 - Solar Energy Systems \$500.00 (five years)

Statement of Fact

This Schedule of Fees amendment is proposed in order to correspond with the proposed amendments to the Brewer Land Use Code and Chapter 20. These amendments allow solar energy systems to operate within the City of Brewer under specific regulations and licensing requirements.

ACTION: Councilor Daniels moved that the amendment be certified and filed with the City Clerk for posting. The motion was seconded by Councilor Phantay. The motion passed unanimously.

H. New Items with Leave of Council

ACTION: Mayor Goss made a motion to add Order 2020-C007 on the agenda. The Clerk called the role: the vote was unanimous to take up the item with leave of Council.

2020-C007

August 11, 2020

TITLE: AMEND CHAPTER 15, ENTITLED “PARKS, CONSERVATION AND RECREATION” OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ARTICLE 5, PARKS

Filed August 10, 2020
By Michele Daniels &

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Be it ordained by the City of Brewer in City Council assembled that Chapter 15, of the Charter, Codes and Ordinances of the City of Brewer, entitled "Parks, Conservation and Recreation", Article 5 shall be amended as follows:

ARTICLE 5 PARKS

SECTION 501 DEFINITIONS For the purpose of this Article, the following words shall have the meaning ascribed to them in this section:

1. "Major Park" is any of the following named, or unnamed, Public Parks:
 - a. Indian Trail Park
 - b. Eastern Ball Park
 - c. Fling Park
 - d. Sunset Memorial Park
 - e. Brewer Community Playground (a/k/a/ Brewer Creative Playground) and the Brewer Swimming Pool, being designated as Parcel 12 on Map 50, according to the tax assessing maps prepared by James W. Sewall Company, placed on file in the City Tax Assessor's office and may be amended from time to time.
 - f. Maple Street Park

2. "Minor Park" is any public park or public land not listed as a major park with the exception of Doyle Field and lands owned by the Brewer High School District Trustees.

SECTION 502 USE OF PARK FACILITIES

SECTION 502.1 GENERAL All major and minor parks under the care and supervision of the Recreation Director shall be utilized for the recreational, cultural and social benefit of the citizens of Brewer under such rules and regulations as are contained in this Article or as established by the Recreation Director, as herein provided. In addition, Fling Park shall be open to all citizens of the United States of America.

SECTION 502.2 DISPOSAL OF REFUSE PROHIBITED No person shall place, discard or deposit in any manner, offal, garbage, litter or any refuse in any park, except in proper containers placed for rubbish collection.

SECTION 502.3 CERTAIN ACTS PROHIBITED No person shall commit any disorderly, obscene, indecent or unlawful act, commit any

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nuisance or abandon any personal property at any park.

SECTION 502.4 PRESERVATION OF PROPERTY No person shall destroy, injure, deface or disturb, tamper with or attempt to destroy, injure, deface, including graffiti of any kind, or disturb, any building, sign, fence, tree, shrubbery, lawn, walkway or any other structure or property at any park.

SECTION 502.5 CERTAIN GATHERINGS PROHIBITED No mass demonstrations shall take place in any park.

SECTION 502.6 VEHICLES RESTRICTED No person shall operate any snowmobile, mini bike or any unregistered motorized vehicle in any park. No motorized vehicle shall be operated in any park except on designated roadways or parking areas.

SECTION 502.7 OPEN FIRES PROHIBITED No open fires shall be permitted in any park except in the confines of fireplaces or grills provided for the cooking of food or upon written approval of the Recreation Director.

SECTION 503 PARKS AND REGULATIONS Except as herein specifically provided, the Recreation Director, with the advice of the Parks and Recreation Advisory Commission, shall establish rules and regulations governing the care and use of all parks. These rules and regulations shall be posted in at least two (2) locations within each major park by the Recreation Director. In addition, copies of said rules and regulations shall be on file in the Recreation Director's office and in the City Clerk's office. These rules and regulations shall be open for inspection during regular city office hours.

SECTION 504 TRESPASSING Whoever enters upon any major park between the hours that such park is closed and opened, shall be guilty of trespass. The City Council shall be primarily responsible for establishing the opening and closing times for all major parks; however, the Recreation Director shall have the authority to alter and amend the opening and closing times of said major parks to accommodate the recreational programs and needs of his or her department. The Recreation Director shall be responsible for posting at least two (2) signs at each major park listing the current opening and closing hours of said park. The sign shall be no smaller than two (2) feet by two (2) feet and shall be lettered with no smaller than one hundred twenty (120) point letters.

SECTION 504.1 PENALTY FOR TRESPASSING Whoever trespasses upon any park shall be punished by a fine of not more than Twenty Dollars (\$20.00).

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SECTION 505 VIOLATIONS Any person who shall violate any provisions of this Article, upon conviction thereof, shall be punished by a fine of not more than one hundred (\$100.00) dollars. Each and every violation of the provisions of this Article shall constitute a separate offense. The City Shall also be entitled to its reasonable attorney fees and costs for prosecuting any violation of this Article.

SECTION 506 ENFORCEMENT The Recreation Director shall be responsible for prosecuting any violations under this Article.

ACTION: Councilor Daniels moved that the amendment be certified and filed with the City Clerk for posting. The motion was seconded by Councilor Ferris. The motion passed unanimously.

L. ADJOURN

ACTION: Councilor Daniels moved to adjourn. Councilor Ferris seconded. The meeting was adjourned.

ADJOURNED, ATTEST: _____ Ronda J. Hogan
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine