

City Council Minutes
September 08, 2020

Regular Meeting
City Hall Council Chambers

Tuesday, September 08, 2020
6:00 p.m.

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

Councilor Phanthay-present
Councilor Daniels-present
Councilor Ferris-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, September 08, 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/James Smith
Deputy 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	Martin	Off.	09/04/20	19:22
Joseph L. Ferris	Tardiff	Cpl.	09/04/20	16:30
Michele Daniels	Martin	Off.	09/04/20	19:28
Soubanh Phanthay	Martin	Off.	09/04/20	19:19

CITY COUNCIL REGULAR MEETING
Tuesday, September 8, 2020 6:00 P.M.

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_CVmjRl6VSzexo1y0tipGA

- I. Call to Order** (Mayor Goss)
- II. Roll Call** (Deputy City Clerk Smith)
- III. Pledge of Allegiance to the Flag of the United States of America** (Mayor Goss)
- A. Minutes of August 11, 2020 Regular Meeting** (Councilor Ferris)
- B. Awards, Petitions and Public Comments**
 - 1. (2020-B029) RESOLVE Substance Use Recovery Month (Mayor Goss)
- IV. Recess for Public Hearing** Discontinuance of Portion of Colonial Circle
- V. Adjourn Public Hearing and Continue with Regular Meeting**

- C. Consent Calendar**
 - 1. (2020-A096) ORDER Authorize Purchase and Installation of emergency stand-by generator for the Joseph L. Ferris Community Center (Councilor Daniels)
 - 2. (2020-A097) ORDER Authorize Purchase of Winter Sand (Councilor Phanthay)
 - 3. (2020-A098) ORDER Authorize an Agreement with the City of Bangor for Design, Administration, and Construction Associated with the Penobscot Bridge Corridor Traffic Signal Improvement Project (Councilor Ferris)
 - 4. (2020-A099) ORDER Authorize Purchase of 2021 Chevrolet Silverado 1500 Pickup Truck for the Environmental Department to Replace Unit #708 (Councilor Daniels)
 - 5. (2020-A100) ORDER Authorize one-time use of fund balance to support Brewer Employees (Councilor Phanthay)
 - 6. (2020-A101) ORDER Commit Sewer Assessment to Treasurer for collection (Councilor Ferris)
 - 7. (2020-A102) ORDER Commit Water Assessment to Treasurer for collection (Councilor Daniels)
 - 8. (2020-A103) ORDER Approve the carry forward encumbrance of appropriated, but not expended, FY2020 funds for approved projects (Councilor Phanthay)

- D. Monthly Reports** (Councilor Ferris)
- E. Nominations, Appointments, Elections**
 - 1. (2020-A104) ORDER Appoint Vincent P. Migliore as City Clerk and Registrar of Voters of the City of Brewer (Councilor Ferris)
- F. Unfinished Business**

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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) (Posted 8/11/20)
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) (Posted 8/11/20)
3. (2020-C005) Amend Chapter 20, entitled “Licenses and Permits” of the City of Brewer Charter, Codes and Ordinances, Article 2, Licenses (Councilor Ferris) (Posted 8/11/20)
4. (2020-C006) Amend the City of Brewer Schedule of Fees (Councilor Daniels) (Posted 8/11/20)
5. (2020-C007) Amend Chapter 15, entitled “Parks, Conservation and Recreation” of the City of Brewer Charter, Codes and Ordinances, Article 5, Parks (Councilor Phanthay) (Posted 8/11/20)

G. New Business

H. New Items with Leave of Council

I. ADJOURN

A. Minutes of August 11, 2020 Regular Meeting

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

B. Awards, Petitions and Public Comments

2020-B029

September 8, 2020

TITLE: RESOLVE, PROCLAIMING SEPTEMBER SUBSTANCE USE RECOVERY MONTH

filed September 2, 2020
by Jerry Goss

WHEREAS, substance use disorders are a major public health problem that affect people of all ages and backgrounds due to its significant medical, societal, and economic costs;

WHEREAS, the economic impact of substance use disorders in Penobscot County is estimated at \$1,376 for every man, woman, and child each year;

WHEREAS, the coronavirus pandemic had led to increased isolation, depression, substance use, suicide and domestic violence;

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WHEREAS, during the first quarter of 2020, 127 Maine residents died from an opioid overdose, a 23% increase over the same period in 2019, and with an estimated 137 individuals during the second quarter, it is projected that there will be over 500 overdose deaths in 2020, the highest in Maine's history;

WHEREAS, substance use disorders are treatable and provide more than a \$7 return for every \$1 invested in prevention, intervention, treatment and recovery;

WHEREAS, the City of Brewer has been a partner with the Bangor Area Recovering Network (BARN) since its inception in 2008, and specifically in its support of its recovery community center located at 142 Center Street and its recovery residence for women located at 10 Holyoke Street in the City of Brewer;

WHEREAS, the BARN provides recovery support services at its recovery community center in Brewer, offering a variety of no barrier, accessible free recovery support services to the residents of Penobscot County;

WHEREAS, the BARN continues to develop technology to provide recovery support to the recovery community through a combination of virtual, telephone, and recovery coaching during the coronavirus pandemic;

NOW, THEREFORE, I, Jerry Goss, Mayor of the City of Brewer, on behalf of the City Council and citizens of Brewer, do hereby proclaim the month of September 2020 as SUBSTANCE USE RECOVERY MONTH in Brewer.

ACTION: Councilor Ferris moved that the Resolve be adopted. Councilor Daniels seconded the motion. The Resolve was adopted by a unanimous vote.

IV. Recess for Public Hearing Discontinuance of Portion of Colonial Circle

ACTION: Mayor Goss stated that the City Council would recess for a public hearing and after the public hearing the Council would return to the regular meeting to take up the rest of the items on the agenda. Mayor Goss asked the Deputy City Clerk if any comments had been submitted for the public hearing. There were none. Mayor Goss asked if any Councilors had any comments. There were none.

V. Adjourn Public Hearing and Continue with Regular Meeting

ACTION: Mayor Goss closed the public hearing. Mayor Goss said the regular meeting would resume at this time.

C. Consent Calendar

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ACTION: Councilor Daniels moved that the Orders on the consent calendar have passage. Councilor Phanthay seconded the motion. The motion passed with a unanimous vote.

2020-A096

September 8, 2020

TITLE: ORDER, AUTHORIZE PURCHASE AND INSTALLATION
OF EMERGENCY STAND-BY GENERATOR FOR
THE JOESPH L. FERRIS COMMUNITY CENTER

filed September 2, 2020
by Michele Daniels

WHEREAS, The Joseph L. Ferris Community Center serves as a community shelter in times of need; and

WHEREAS, the Community Center now shares the use of a mobile generator with the Public Works Department in the event of loss of electrical power; which can result in a disruption in services for both departments; and

WHEREAS, bids were solicited, received and evaluated for the purchase and installation of an emergency stand-by generator to be located at the Community Center; and

WHEREAS, Bradeen Electric & Generators, Inc. of Bradley, Maine provided the City with the lowest of the two bids received in the amount of \$38,500.00.

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to Bradeen Electric & Generators, Inc. in the amount of \$38,500 for the purchase and installation of a 80 KW Generac Emergency Stand-By Generator; and

BE IT FURTHER ORDERED, that the funds for this purchase be charged to the FY 21 CIP account # 0510124 – 551458 (Community Center Generator); approved in the FY 21 CIP budget.

Statement of Fact:

The purchase was approved in the FY21 CIP budget; this order authorizes the purchase and installation of an automatic stand-by generator for the Community Center.

Bid results:

Bradeen Electric & Generator, Inc	\$38,500
Gifford Electric	\$69,500

2020-A097

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TITLE: ORDER, AUTHORIZE PURCHASE WINTER SAND

filed September 2, 2020

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by Soubanh Phanthay

WHEREAS, bids were received and evaluated for the purchase of approximately 2,000 cubic yards of winter sand per year in FY21 and FY22, and

WHEREAS, R.F. Jordan & Sons of Ellsworth, Maine has provided the City of Brewer with the lowest bid of the four (4) bids received for acceptable winter sand, \$10.00 per yard in FY21 and \$10.50 per yard in FY22;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to R.F Jordan & Sons, in the amount of \$20,000 in FY21 and \$21,000 in FY22 for supply and delivery of approximately 2,000 cubic yards of winter sand per year; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to Public Works account 0116671-502540, titled, "Sand Purchases".

Statement of Fact: Our current 2-year contract with Wellman Paving has expired, this contract will meet our need for sand during the next two winter seasons. The 2,000 cubic yards is based on our historical average usage and is used for bidding purposes, the actual amount purchased each year varies. A fifth bid was sent via email by another contractor which did not meet our bid requirements therefore, the bid was not accepted or not reflected on the bid sheet.

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Winter Sand Bid Canvass FY21/22			
Bids Opened at 2:00 PM Tuesday, September 1, 2020			
#	1. Vendor Name and Address	Cost per Cubic/ Yard FY2021	Cost per Cubic/ Yard FY2022
1	R.F Jordan & Sons 85 Water Street Elsworth, ME 04605 bjordan@rfordanandsons.com 667-5236	\$10.00	\$10.50
2	Wellman Paving 89 Goshen Road Winterport, ME 04496 scott@wellmanpaving.net 667-5236	\$10.25	\$10.50
3	Clisham Construction PO Box 352 Winterport, ME 04496 sclisham223@aol.com 944-8290	\$15.15	\$15.40
4	Lee's Concrete Inc. 974 Odlin Road Winterport, ME 04496 leeconcreteinc@yahoo.com 731-7504	\$17.50	\$18.00

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2020-A098

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TITLE: ORDER, AUTHORIZE AN AGREEMENT WITH THE CITY OF BANGOR FOR DESIGN, ADMINISTRATION, AND CONSTRUCTION ASSOCIATED WITH THE PENOBSCOT BRIDGE CORRIDOR TRAFFIC SIGNAL IMPROVEMENT PROJECT

filed September 2, 2020
by Joseph L. Ferris

WHEREAS; the Bangor Area Comprehensive Transportation System (BACTS) has approved two projects for 2022 (MDOT WINs 23114 and 23112) to install new, coordinated traffic signals and controls for four Bangor Intersections and two Brewer Intersections which together make up the Penobscot Bridge Coordinated Traffic Signal Control Corridor; and

WHEREAS; These six intersections will be designed to operate as one coordinated system; and

WHEREAS; The City of Bangor will be designing and constructing their portion of the project as a locally administered project in coordination with the MDOT, and

WHEREAS; The City of Brewer has requested that the City of Bangor provide these same services for Brewer's two intersections within this coordinated corridor to ensure compatibility and continuity for all six intersections; and

WHEREAS; A draft agreement has been prepared defining the terms and conditions under which Bangor will provide these services for the two Brewer Intersections; and

WHEREAS; The draft agreement has been reviewed by Brewer's City Solicitor, City Engineer, and Finance Director, and all recommended its approval; and

WHEREAS, The Bangor City Council authorized the Bangor City Manager to execute the referenced agreement at their regular meeting on August 24, 2020;

NOW THEREFORE BE IT ORDERED, that the City Manager, or his designee, is authorized to execute an agreement with the City of Bangor for the provision of design, administration, and construction services associated with the Penobscot Bridge Corridor Traffic Signal Improvement Project under such terms and conditions as he believes to be in the best interest of the citizens of Brewer; and

BE IT FURTHER ORDERED, that Council herewith authorizes the appropriation and expenditure in accordance with agreement specifications of an amount not to exceed \$25,000 from CIP account 0510133-551635 (Signals—Penobscot Corridor) for the City of Brewer's 10% cost share for this project; and

BE IT FURTHER ORDERED, that the funding for the City's 10% share for the project, which is to be constructed in the summer of 2022, shall be included in the FY2022 CIP and may come from bond financing; and

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FURTHER ORDERED, that the Brewer City Council 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 contract services for this project.

Statement of Fact: This order authorizes a formal agreement with the City of Bangor for design, administration, and construction for Brewer's portion of a project that will provide a new coordinated traffic signal system from the Broadway/State Street intersection in Bangor, across the Penobscot bridge, to the State/Penobscot and State/North Main Street intersections in Brewer and including three other intersections in Bangor.

2020-A099

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TITLE: ORDER, AUTHORIZE PURCHASE OF A 2021 CHEVROLET SILVERADO 1500 PICKUP TRUCK FOR THE ENVIRONMENTAL DEPARTMENT TO REPLACE UNIT #708

filed September 2, 2020
by Michele Daniels

WHEREAS, bids were received and evaluated for the purchase of a ½ ton Chevrolet Silverado 1500 pickup truck to replace the Environmental Department's collection system unit #708, and

WHEREAS, O'Connor Auto Park from Augusta provided the City with the only bid received in the amount of \$29,552.00, and

WHEREAS, funds for this vehicle replacement were included in the WPCF FY2021 Capital Improvement Program approved by Council in June; and

NOW, THEREFORE, BE IT ORDERED, that the City Manager or his designee, is authorized to sign a purchase order to O'Connor Auto Park of Augusta in the amount of \$29,552.00 for the purchase of a Chevrolet Silverado 1500 pickup truck and an extended warranty, and

BE IT FURTHER ORDERED, that the cost of this purchase shall be charged to account number 0581003-583022, and

BE IT FURTHER ORDERED, that the current Environmental Departments collection system unit #708, a 2007 Ford F-150 be listed as City Surplus once the replacement vehicle is received from O'Connor Auto Park of Augusta, and

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

Statement of Fact: A request for bid was sent to 6 vendors and the City received just the one bid on the Chevrolet Silverado 1500 from O'Conner Auto Park. The other five receiving bid requests were Gervais Ford, Quirk Ford, Stoneham Motor Company, Varney GMC and Darlings Ford.

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2020-A100

September 8, 2020

TITLE: ORDER, AUTHORIZE ONE-TIME USE OF FUND BALANCE TO SUPPORT
BREWER EMPLOYEES

filed July 8, 2020
by Soubanh Phanthay

WHEREAS, one of the City of Brewer's most valuable assets is its employees; and

WHEREAS, City employees have been working on the front lines with residents and the public continuing to provide the services and assistance that Brewer citizens expect and appreciate—many of them throughout the coronavirus pandemic; and

WHEREAS, given the significant revenue shortfalls Brewer expects this coming year due to the pandemic, the FY2021 budget approved by the City Council in June did not include any cost of living adjustment to employees' pay; and

WHEREAS, the City Council wishes to recognize the efforts of Brewer employees by providing current regular City employee on staff as of July 1, 2020 a one-time lump sum payment equivalent to 1.5% of their base annual pay; and

WHEREAS, the City has an adequate amount of unassigned fund balance to provide such a one-time payment, estimated to cost less than \$90,000, and still maintain a healthy fund balance level;

NOW THEREFORE BE IT ORDERED, that the City Council herewith authorizes the appropriation and expenditure of up to \$90,000 of unassigned fund balance (0109800-300901) to provide each current regular City employee on staff as of July 1, 2020 a one-time lump sum payment equivalent to 1.5% of their base annual pay.

Statement of Fact

This order recognizes the contributions of Brewer employees during COVID-19 by authorizing use of fund balance to provide a one-time lump sum payment to each regular City employee equivalent to 1.5% of their base annual pay. This payment is in lieu of the usual cost of living adjustment (COLA), which was not included in the FY21 budget due to the significant decrease in revenue resulting from the pandemic.

2020-A101

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TITLE: ORDER, COMMIT SEWER ASSESSMENT TO TREASURER FOR
COLLECTION

filed September 2, 2020
by Joseph L. Ferris

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

NOW, THEREFORE WE, the Brewer City Council does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of \$656,628.24 at the established rate, as provided by Title 30A MRSA § 3406 and Title 38 MRSA § 1208 [1989]) and as such sections may be amended from time to time; and

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

EVENT	COMMITMENT	COMMENTS
September 2020	\$651,600.78	
June 2020	\$434.40	
July 2020	\$2,398.20	
August 2020	\$2,194.86	
TOTAL	\$656,628.24	

2020-A102

September 8, 2020

TITLE: ORDER, COMMIT WATER ASSESSMENT TO TREASURER FOR COLLECTION

filed September 2, 2020
by Michele Daniels

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

NOW, THEREFORE WE, the Brewer City Council does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of \$661,332.70 at the established rate, as provided by Title 30A MRSA § 3406 (supp [1991] and Title 38 MRSA § 1208 [1989]) and as such sections may be amended from time to time; and

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

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EVENT	COMMITMENT	COMMENTS
September 2020	\$654,981.14	
June 2020	\$1,915.95	
July 2020	\$2,381.16	
August 2020	\$2,054.45	
TOTAL	\$661,332.70	

2020-A103

September 8, 2020

TITLE: ORDER, APPROVE THE CARRY FORWARD ENCUMBRANCE
OF APPROPRIATED, BUT NOT EXPENDED, FY2020
FUNDS FOR APPROVED PROJECTS.

filed September 2, 2020
by Soubanh Phanthay

ORDERED, That the City Council herewith authorizes and approves the carry forward of funds in the following accounts from the end of Fiscal Year 2020 to Fiscal Year 2021 as follows:

Account #	Description	Carry Forward
0115201-501070	Assessor – Miscellaneous Professional Services	\$10,000.00
0115201-501160	Assessor – GIS Costs	\$3,000.00
0115201-502300	Assessor – Computer Software	\$5,000.00
0115400-501001	Legal Services - Personnel	\$17,354.50
0115601-500860	Technology – Training, Conferences & Mtgs	\$1,401.00
0115601-502300	Technology – Computer Supplies & Expenses	\$6,096.00
0115701-501545	Econ Development – Beautification	\$6,569.64
0115811-502810	Police Patrol – Uniforms & Protective Clothing	\$9,964.80
0115811-503000	Police Patrol – Other Expenses	\$2,779.80
0116100-501314	General Protections – Street Lights	\$23.86
0116100-504100	General Protections – Equip Maint and Repair	\$710.00
0116611-502800	Public Works – Street Maintenance	\$28,226.88
0117000-500810	Employee Benefits – Unemployment	\$27,446.85

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0117201-502750	Library – Books	\$90.57
	General Fund Total	\$118,663.90
0717501-501000	Water Admin – Legal Services / Bond Counsel	\$2,141.35
0717501-501060	Water Admin – Contracted Services	\$168.00
0717502-502310	Water Admin – Computer Supplies & Expenses	\$288.00
0717502-500810	Water Admin – Unemployment	\$11,443.00
0717703-504100	Water Plant – Other Expenses	\$586.00
0817502-502310	Sewer Admin – Computer Supplies & Expenses	\$432.00
	Water & Sewer Fund Total	\$15,058.35

Statement of Fact:

This annual order authorizes funds appropriated for specific uses in the prior fiscal year but not expended to be carried forward to the current fiscal year.

D. Monthly Reports

ACTION: Councilor Ferris moved that the monthly reports from the city departments be accepted and placed on file. Councilor Daniels seconded the motion. The motion was adopted by a unanimous vote.

E. Nominations, Appointments, Elections

2020-A104

September 8, 2020

TITLE: ORDER, APPOINT VINCENT P. MIGLIORE AS CITY CLERK AND REGISTRAR OF VOTERS OF THE CITY OF BREWER.

filed September 2, 2020
by Joseph L. Ferris

WHEREAS, Brewer City Clerk, Ronda J. Hogan resigned her positions as City Clerk and Registrar of Voters for the City of Brewer on August 12, 2020;

WHEREAS, the City Council needs to appoint a new City Clerk and Registrar of Voters to fill these vacancies;

NOW, THEREFORE, BE IT ORDERED, that Vincent P. Migliore is herewith appointed to the position of City Clerk and Registrar of Voters for the City of Brewer; and

FURTHER ORDERED, that the term commences for the City Clerk position effective as of September 14, 2020; and

FURTHER ORDERED, that the term for the Registrar of Voters commences on

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September 14, 2020 and expires on December 31, 2020.

Statement of Fact: The City advertised and conducted a search for a new City Clerk and upon very favorable professional recommendations and interviews the City Manager has selected Vincent P. Migliore for the position of City Clerk, subject to confirmation by City Council.

ACTION: Councilor Ferris moved that the Order have passage. Councilor Daniels seconded the motion. The Order passed by a unanimous vote.

F. Unfinished 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

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, 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.

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- 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.

ACTION: Councilor Daniels moved that the Amendment be enacted. Councilor Phanthay seconded the motion. The Amendment was enacted by a unanimous vote.

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-

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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.

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

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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.

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

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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.

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

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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.

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.

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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.

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.

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- 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.

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.

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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.

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

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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.

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 enacted. Councilor Ferris seconded the motion. The Amendment was enacted by a unanimous vote.

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:

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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.
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 enacted. Councilor Daniels seconded the motion. The Amendment was enacted by a unanimous vote.

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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:

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 enacted. Councilor Ferris seconded the motion. The Amendment was enacted by a unanimous vote.

2020-C007

August 11, 2020

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

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ORDINANCES, ARTICLE 5, PARKS

Filed August 10, 2020
by Soubanh Phanthay

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 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,

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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).

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 Phanthay moved that the Amendment be enacted. Councilor Ferris seconded the motion. The Amendment was enacted by a unanimous vote.

G. New Business

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There was none.

H. New Items with Leave of Council

There was none.

I. ADJOURN

ACTION: Councilor Ferris moved that the meeting be adjourned. Councilor Daniels seconded the motion. The meeting was adjourned at 6:16pm.

ADJOURNED, ATTEST: _____ James Smith
Deputy City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine