

City Council Minutes
Tuesday, October 13, 2020

Regular Meeting
Via zoom

Tuesday, October 13, 2020
6:00 p.m.

The regular meeting was called to order by Mayor Jerry Goss. The 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 was 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 special meeting.

TO: Joseph Ferris, Jerry Goss, Michele Daniels and Soubanh Phanthay MEMBERS OF THE BREWER CITY COUNCIL you are hereby notified a special meeting of the City Council will be held on Thursday, October 13, 2020 at 6:00 p.m. virtually, via zoom to consider and act on the items on the attached agenda.

s/Jerry Goss

Mayor and Chairman of the City Council
Or _____
Majority of the City Council

a true copy, attest: s/Vincent P. Migliore

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			10/09/20	
Joseph L. Ferris			10/09/20	
Michele Daniels			10/09/20	
Soubanh Phanthay			10/09/20	

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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, Vincent Migliore at vmigliore@brewermaine.gov or mailed to Public Comments, City Hall 80 North 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, October 13, 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_t8yQ-DHZQDK0uUVaOuEarw

- I. Call to Order** (Mayor Goss)
- II. Roll Call** (City Clerk Migliore)
- III. Pledge of Allegiance to the Flag of the United States of America** (Mayor Goss)
- A. Minutes of September 8, 2020 Regular Meeting** (Councilor Phanthay)
- B. Awards, Petitions and Public Comments**
 - 1. (2020-B030) RESOLVE Resolution of Respect for Urban A. Dyer (Councilor Daniels)
- C. Consent Calendar**
 - 1. (2020-A106) ORDER Authorize contract with Wright Pierce Engineering for phase two SCADA Integration of ozone generation and application system replacement (Councilor Ferris)
 - 2. (2020-A107) ORDER Accept grant funds from FY2020 Homeland Security Grant Program for license plate recognition system (Councilor Phanthay)
 - 3. (2020-A108) ORDER Authorize purchase of a used tracked sidewalk plow (Councilor Daniels)
 - 4. (2020-A109) ORDER Declare city property surplus and authorize disposal of said Property (Councilor Ferris)
 - 5. (2020-A110) ORDER Authorize refurbishment of Unit #445 for Public Works (Councilor Phanthay)
 - 6. (2020-A111) ORDER Accept donation to the Brewer Fire Department (Councilor Daniels)
 - 7. (2020-A112) ORDER Accept grant funds from FY2020 Homeland Security Grant Program for tension rope kit (Councilor Ferris)
 - 8. (2020-A113) ORDER Approving Discontinuance of a portion of Colonial Circle (Councilor Phanthay)
 - 9. (2020-A114) ORDER Authorize acceptance of election grant funds (Councilor Daniels)

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10. (2020-A115) ORDER Authorize acceptance of MMA safety grant for the purchase of road work signs (Councilor Ferris)
11. (2020-A116) ORDER Establish police firing range maintenance reserve (Councilor Phanthay)
12. (2020-A117) ORDER Accept trust funds to benefit the Brewer public library (Councilor Daniels)
13. (2020-A118) ORDER Accept anonymous donation to police community outreach relations program (Councilor Ferris)
14. (2020-A119) ORDER Approve Ted Berry Company to slip line A 143 LF section of 15” interceptor sewer (Councilor Phanthay)
15. (2020-A120) ORDER Approve Eastwood Contractors to Repair 150 LF of damaged 10” Clay Pipe on State Street (Councilor Daniels)

D. Monthly Reports (Councilor Ferris)

E. Nominations, Appointments, Elections

1. (2020-A121) ORDER Confirmation of Erik M. Tourtillote as Deputy Fire Chief (Councilor Phanthay)

F. Unfinished Business

G. New Business

1. (2020-C008) ORDER Amend the General Assistance Ordinance to incorporate changes in maximum benefits (Councilor Daniels)
2. (2020-C009) ORDER Amend Chapter 24, entitled “Land Use Code” of the City of Brewer Charter, Codes and Ordinances, Article 3, Zoning Districts, to amend Section 306; Article 4, Performance Standards, to amend Section 438; and Article 14 Definitions (Councilor Ferris)

H. New Items with Leave of Council

I. ADJOURN

A. Minutes of September 8, 2020 Regular Meeting

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

B. Awards, Petitions and Public Comments

2020-B030

October 13, 2020

TITLE: RESOLVE, RESOLUTION OF RESPECT FOR URBAN A. DYER

Filed October 5, 2020
By Councilor Daniels

WHEREAS, on the 1st day of September 2020 death brought to a close the full and active life of Urban A. Dyer; and

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WHEREAS, Urban was an enthusiastic traveler on his Harley Davidson and had visited most of the 50 states; and

WHEREAS, in 1974, he and several Law Enforcement Officers, met and formed a local motorcycle club. Today, the Blue Knights have approximately 65 chapters, and over 19,500 members in 11 conferences within 29 counties.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council does by this resolution and public pronouncement, recognize the positive influence of Urban A. Dyer 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 Urban A. Dyer by the citizens and officials of the City of Brewer, Maine.

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

Public Comments

Mayor Goss asked if there were any public comments. The City Clerk reported that a letter had been received pertaining to Amendment 2020-C009, and that the letter had been forwarded to all the Councilors. Mayor Goss asked that the comments be accepted and placed on file.

C. Consent Calendar

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

2020-A106

October 13, 2020

TITLE: ORDER, AUTHORIZE CONTRACT WITH WRIGHT PIERCE ENGINEERING FOR PHASE TWO SCADA INTEGRATION OF OZONE GENERATION AND APPLICATION SYSTEM REPLACEMENT.

filed September 25, 2020
by Councilor Ferris

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

WHEREAS, Ozone is the primary treatment used by Hayes treatment plant.

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


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WHEREAS, the Brewer Water Department applied for and has been approved for a 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.

WHEREAS, competitive bids were requested and three firms placed bids with Wright-Pierce being the lowest.

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 \$41,500 with Wright Pierce Engineering for SCADA integration between Hayes treatment plant and aqua-aerobics ozone equipment for 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 our CIP approved for FY2019 & 2020.

	CITY OF BREWER WATER DEPARTMENT 223 GREENPOINT ROAD BREWER, ME 04412	Project:			
		Ozone Upgrade SCADA			
		Bids opened on 8/4/2020			
		City Project Number:			
		MDOT Project Number:			
		Federal Project Number:			
BID OPENING SUMMARY					
Company Name	Representative(s) Attending Bid Opening	This Section is For City Use Only		Acknowledge	Bid
		Total Bid	Bid Bond	Addendums	
Wright-Pierce		\$41,500.00		N/A	T&M not to Exceed
Woodard & Curran		\$48,233.00		N/A	Lump Sum
Results Engineering		\$97,336.00		N/A	T&M

Statement of Fact

This order is to award the contract for the integration of the new ozone equipment and our plant. SCADA is short for Supervisory Control and Data Acquisition. This is the brain of the plant that controls everything from pumps to flow pacing and supplies the system status visually for the operators. We received three bids for this project. We are recommending Wright Pierce Engineering which is the lowest bidder for this portion of the project.

2020-A107

October 13, 2020

TITLE: ORDER, ACCEPT GRANT FUNDS FROM FY 2020 HOMELAND SECURITY GRANT PROGRAM FOR LICENSE PLATE RECOGNITION SYSTEM

filed September 29, 2020
by Councilor Phanthay

WHEREAS, the Brewer Police Department has received a grant for \$13,800 though the Penobscot County EMA under the State of Maine’s FY 2020 Homeland Security Grant Program; and

WHEREAS, these funds are designated for the purchase of a License Plate Recognition System; and

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WHEREAS, the grant requires no local match and is expected to fully cover the cost of the License Plate Recognition System;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith accepts these grants funds and authorizes their deposit into account # 0600058-360000-58051 FY21 DHS License Plate Recognition Grant Revenue.

AND BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account number 0600058-560000-58051 FY21 DHS License Plate Recognition Grant Expense.

Statement of Fact

The City of Brewer Police Departments received \$13,800 in grant funds from the FY 2020 Homeland Security Grant Program for the purchase of a License Plate Recognition System.

2020-A108

October 13, 2020

TITLE: ORDER, AUTHORIZE PURCHASE OF A USED TRACKED SIDEWALK PLOW

filed September 29, 2020
by Councilor Daniels

EMERGENCY PREAMBLE

WHEREAS, orders passed by Brewer City Council do not become effective until five days after approval unless such orders contain emergency preambles, and

WHEREAS, this order was intended to be on the agenda for consideration in September but due to the need for further evaluation of the machine by the City's maintenance staff the order was delayed; and

WHEREAS, requiring this order become effective immediately upon approval to expedite payment to the seller for a machine we have had possession of for more than a month would be appropriate; and

WHEREAS, Public Works has been looking at reconfiguring the City's array of equipment for snow removal on sidewalks to improve efficiency during winter operations; and

WHEREAS, while researching equipment we came across a listing for a used track machine very similar to the style we had been considering, that was in very good shape and low operations hours, considering the year of the machine; and

WHEREAS, after a very thorough inspection of the machine by the City's maintenance crew we were able the negotiate a fair purchase price with the owner; and

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BE IT FURTHER ORDERED, that unit #428 be also deemed surplus; and

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

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

Statement of Fact

Unit #420, the wheeled sidewalk plow, is the oldest of the two owned by the City and funds were approved for its replacement in the FY2021 Capital budget. We feel the used tracked machine will offer overall better performance and less maintenance cost than the wheeled plow does. Unit #428, the air compressor gets little use and has manipulated every time just to get it started therefore, it makes more sense to either borrow the Water Department's air compressor or rent one when needed.

2020-A110

October 13, 2020

TITLE: ORDER, AUTHORIZE REFURBISHMENT OF UNIT #445 FOR PUBLIC WORKS

filed October 02, 2020
by Councilor Phanthay

WHEREAS, Quotes were solicited, received and evaluated for the refurbishment of unit #445, the City's 1999 International tractor; and

WHEREAS, \$20,000 was included and approved in the FY2021 budget for the refurbishment of unit #445; and

WHEREAS, FCW Workshop, LLC in Jackson, Maine provided the lowest quote of the three received for the frame rebuild; and

WHEREAS, Freightliner of Maine in Bangor, Maine provide the City with an acceptable quote to rebuild the clutch;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to FCW Workshop, LLC in an amount up to \$16,800 for rebuilding the frame on the City's 1999 International tractor; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is also authorized to sign a purchase order to Freightliner of Maine in an amount up to \$3,200 for rebuilding the clutch on the City's 1999 International tractor; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to the CIP account 0510133-551634, titled "#445 Intl Tractor Rehab".

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

Statement of Fact

Where the International tractor is in good working order we plan to rehab and modify the frame and rebuild the clutch, this work should give us another 10+ years of use out of this truck and cost approximately 1/5 of a new purchase. The existing truck is also not required to have the newer emission system which would drive up the cost of purchase and operations. The amounts shown in the order are approximately 20% higher than the quotes provided to cover the likelihood of unanticipated cost, typical of this type of work. Other quotes for the frame rebuild are from H.O Bouchard Inc., \$22,561.77, and Daigle & Houghton, \$29,882.77.

2020-A111

October 13, 2020

TITLE: ORDER, ACCEPT DONATION TO THE BREWER FIRE DEPARTMENT

filed October 05, 2020
by Councilor Daniels

WHEREAS, the Brewer Fire Department has received a contribution of \$500.00 from Commercial Divers, Inc; and

WHEREAS, it is the recommendation and request of the Public Safety Director that this donation be appropriated and expended to supplement and support the purchase of protective clothing for the City of Brewer Fire Department;

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts this contribution totaling \$500.00 and authorizes its deposit into account 0105904-300490 (Miscellaneous Fire Revenue Account); and

BE IT FURTHER ORDERED that the Council authorizes the appropriation and expenditure of this accepted donation from account 0115911-502810 (Protective Clothing and Uniform Account).

Statement of Fact

This order accepts a donation to the City of Brewer Fire Department, and authorizes the expenditure of this contribution to support the purchase of protective clothing. The Brewer Fire Department sends a letter of acknowledgement and appreciation on behalf of the City Council and the Fire Department to all who contribute to the Fire Department.

2020-A112

October 13, 2020

TITLE: ORDER, ACCEPT GRANT FUNDS FROM FY 2020 HOMELAND SECURITY GRANT PROGRAM FOR TENSION ROPE KIT

filed October 05, 2020

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by Councilor Ferris

WHEREAS, the Brewer Fire Department has received a grant for \$3,735 through the Penobscot County EMA under the State of Maine's FY 2020 Homeland Security Grant Program; and

WHEREAS, these funds are designated for the purchase of a Tension Rope Kit; and

WHEREAS, the grant requires no local match and is expected to fully cover the cost of the Twin Tension Rope Kit;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith accepts these grants funds and authorizes their deposit into account 0600059-360000-59032 FY20 Twin Tension Rope Grant Revenue; and

AND BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account number 0600059-560000-59032 FY20 DHS Twin Tension Rope Grant Expense.

Statement of Fact

The City of Brewer Fire Department received \$3,735 in grant funds from the FY 2020 Homeland Security Grant Program for the purchase of a Twin Tension Rope Kit.

2020-A113

October 13, 2020

TITLE: ORDER, APPROVING DISCONTINUANCE OF A PORTION OF COLONIAL CIRCLE

filed October 06, 2020
by Councilor Phanthay

WHEREAS, on August 11, 2020, the City Council issued a discontinuance order of a portion of Colonial Circle, a copy of which is attached hereto as Exhibit 1 ("Colonial Circle Discontinuance Order"); and

WHEREAS, subsequent to August 11, 2020, the City Council filed the Colonial Circle Discontinuance Order with the City Clerk; and

WHEREAS, subsequent to August 11, 2020, notice of the public hearing regarding the Colonial Circle Discontinuance Order, as well as the order itself, was provided to all abutters; and

WHEREAS, subsequent to August 11, 2020, a copy of the Colonial Circle Discontinuance Order was posted in the location where the discontinuance is proposed; and

WHEREAS, on September 8, 2020, the City Council held a properly noticed public hearing on the Colonial Circle Discontinuance Order; and

WHEREAS, at least 10 business days have expired since the public hearing on September 8, 2020; and

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WHEREAS, the City Council desires to approve the Colonial Circle Discontinuance Order.

NOW, THEREFORE, BE IT ORDERED, that City Council hereby approves the Colonial Circle Order which retains a public easement and utility easement and has a damage amount of \$0.00 for all affected property owners, as described in Exhibit 1; and

FURTHER, BE IT ORDERED, that the City Clerk shall record an attested certificate of discontinuance in the Penobscot Registry of Deeds, and provide a photocopy of said certificate to the Department of Transportation, Bureau of Maintenance and Operations; and

FURTHER, BE IT ORDERED, that the City Manager is hereby authorized to take any further necessary and appropriate actions to implement this Order, including without limitation execution and delivery of a deed to Brewer Housing with the aforescribed easements reserved.

Statement of Fact

This Order approves the 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 by providing needed space to expand parking. Approval of this Order of Discontinuance provides Brewer Housing with this opportunity.

2020-A114

October 13, 2020

TITLE: ORDER, AUTHORIZE ACCEPTANCE OF ELECTION GRANT FUNDS

filed October 06, 2020
by Councilor Daniels

WHEREAS, the City applied for and has been awarded a \$5,000 grant by the Center for Tech and Civic Life to be used to help Brewer plan and operationalize a safe and secure 2020 election; and

WHEREAS, the City anticipates using the funds on election needs such as ballot drop boxes, PPE for staff and poll workers, poll worker recruitment, absentee voting equipment and supplies, polling place cleaning, and other extraordinary election related costs;

WHEREAS, the grant requires no local match;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council authorizes the acceptance of this \$5,000 grant from the Center for Tech and Civic Life to help cover the extraordinary 2020 election related costs.

BE IT FURTHER ORDERED, that the funds received from the above-mentioned grant be receipted to the City Clerk Miscellaneous Revenue account (0105104-300490) and appropriated for expenditure from the Clerk Elections Supplies and Expenses account (0115111-502200).

Statement of Fact

This order allows the City to accept and spend \$5,000 in Center for Tech and Civic Life grant funds to help pay for extraordinary expenses being incurred as a result of the unprecedented 2020 election.

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2020-A115

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TITLE: ORDER, AUTHORIZE ACCEPTANCE OF MMA SAFETY GRANT FOR THE PURCHASE OF ROAD WORK SIGNS

filed October 06, 2020
by Councilor Ferris

WHEREAS, the Brewer Environmental Services Department applied for and has been awarded a 2020 Safety Enhancement Grant by the Maine Municipal Association to help with the purchase of road work signs; and

WHEREAS, the eight 36" reflective signs and stands will provide the collections system crew proper signage for work zones; and

WHEREAS, the grant will cover two-thirds of the cost up to \$1,085.50;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council authorizes the acceptance of this MMA Safety Grant of up to \$1,085.50 to help cover the cost of new road work safety signs.

BE IT FURTHER ORDERED, that any funds received from the above-mentioned grant be receipted to the Sewer Miscellaneous Revenue account (0800004-300490) and appropriated for expenditure from the Sewer Line Materials and Supplies Expense account (0818101-502700).

Statement of Fact

This order allows the City to accept and spend up to \$1,085.50 in MMA safety grant funds to offset the cost of eight new reflective road work safety signs for use by the Environmental Services Department Collections Systems crew.

2020-A116

October 13, 2020

TITLE: ORDER, ESTABLISH POLICE FIRING RANGE MAINTENANCE RESERVE

filed October 06, 2020
by Councilor Phanthay

WHEREAS, the Brewer Police Department maintains a training area and firing range behind the Brewer landfill that is critical to the department's training curriculum as well as a regional resource; and

WHEREAS, the site is utilized from time to time by a number of law enforcement entities from across the region; and

WHEREAS, the Police Department wishes to establish a reserve account in which it can deposit any fees and/or donations it receives from organizations that use the site or others; and

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WHEREAS, reserve funds would be used to maintain, repair, and equip the firing range training area;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the establishment of a Police Department firing range maintenance reserve to help cover maintenance and repairs expenses.

BE IT FURTHER ORDERED, that the City Council hereby accepts all fees paid by organizations for use of the training area as well as any donations toward the site and authorizes their deposit into account 0200000-320000-58050 (Firing Range Reserve Revenue).

FURTHER ORDERED, that the Council hereby authorizes the appropriation and expenditure of the funds from account 0200000-520000-58050 (Firing Range Reserve Expense) to maintain, repair, and equip the training area.

Statement of Fact

This order establishes a Police Firing Range Maintenance Reserve to be funded by fees assessed to regional entities that use the site as well as any donations received. Reserve funds will be used to maintain, repair, and equip the training area.

2020-A117

October 13, 2020

TITLE: ORDER, ACCEPT TRUST FUNDS TO BENEFIT THE BREWER
PUBLIC LIBRARY

filed October 06, 2020
by Councilor Daniels

WHEREAS, in his Last Will and Testament, resident of Brewer Paul S. Hatt included Brewer Public Library as a contingent beneficiary of his estate; and

WHEREAS, upon the death of Mr. Hatt's daughter, the Library's interest vested and is now entitled to a distribution;

WHEREAS, Mr. Hatt's Last Will and Testament does not contain any restrictions on how the Library may use the funds;

NOW THEREFORE BE IT ORDERED, that the City Council hereby accepts the distribution from the trust and authorizes its deposit into account 0200000-320000-72027 (Paul Hatt Trust Revenue).

BE IT ORDERED, that the City Council hereby authorizes the appropriation and expenditure of these funds from account 0200000-520000-72027 (Paul Hatt Trust Expense) to support Library operations and activities.

Statement of Fact

The Library is the recipient of a distribution from the trust of Brewer resident Paul Hatt. The order accepts the funds and authorizes their expenditure to support the Library. The City has received \$16,213

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from the trust so far. Once the trust has been completely closed, we expect to receive one final distribution of, perhaps, a couple hundred dollars.

2020-A118

October 13, 2020

TITLE: ORDER, ACCEPT ANONYMOUS DONATION TO POLICE COMMUNITY
RELATIONS PROGRAM

filed October 06, 2020
by Councilor Ferris

WHEREAS, the Brewer Police Department has received a generous contribution of \$750 from an anonymous donor to support department activities; and

WHEREAS, the department would like to use the funds on expenses associated with the Citizens Police Academy scheduled for next spring;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith accepts this donation and authorizes its deposit into account 0105804-300490 (Police Miscellaneous Revenue).

BE IT FURTHER ORDERED, that the Council hereby authorizes the appropriation and expenditure of the funds from account 0115801-501550 (Police Community Relations Expense) to support the cost of the Citizens Police Academy planned for spring 2021.

Statement of Fact

This order accepts a \$750 contribution from an anonymous donor and authorizes its use to support costs associated with the next Citizens Police Academy planned for 2021.

2020-A119

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TITLE: ORDER, APPROVE TED BERRY COMPANY TO SLIP LINE A 143 LF
SECTION OF 15” INTERCEPTOR SEWER

filed October 07, 2020
by Councilor Phanthay

WHEREAS, a high volume of water is entering a 143 LF section of 15” concrete sewer pipe between Betton Street and Hardy Street pump station during high tide, and

WHEREAS, this section of pipe is located between NMXC-MHS-23 and NMXC-MHS-24 which is adjacent to the Brewer River Walk, and

WHEREAS, instead of excavating to remove the high flow of water, we requested a quote from Ted Berry Company to slip line the sewer, and

WHEREAS, all of the work to install the slip line is done at the manholes, there will be no open excavations and the work will be completed in one 8-hour day, and

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NOW, THEREFORE, BE IT ORDERED, that the City Manager or his designee, is authorized to sign a purchase order to Ted Berry Company in the amount of \$18,590.00 for the installation of the slip liner, and

BE IT FURTHER ORDERED, that the slip line project shall be charged to account number 0818101-502700, 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 repair of this sewer line.

Statement of Fact

The slip liner is a permanent repair and will last for over 75 years. NO-DIG sewer repair processes are being used routinely in Maine in areas where excavation is impossible or unacceptable such as in cross-country lines and sensitive areas such as near the Brewer River Walk.

2020-A120

October 13, 2020

TITLE: ORDER, APPROVE EASTWOOD CONTRACTORS TO REPAIR 150 LF OF
DAMAGED CLAY PIPE ON STATE STREET

filed October 07, 2020
by Councilor Daniels

WHEREAS, 150 LF of 10" clay sewer pipe has collapsed in front of 149 State Street and needs to be replaced before it starts backing up sewer, and

WHEREAS, the cost estimate to repair this sewer was \$50,000 and Eastwood Contractors has submitted a very acceptable bid of \$40,100 to repair the pipe, and

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

NOW, THEREFORE, BE IT ORDERED, that the City Manager or his designee, is authorized to sign a purchase order to Eastwood Contractors in the amount of \$40,100.00 for the repair of the State Street sewer main, and

BE IT FURTHER ORDERED, that the cost of this repair shall be charged to account number 0581001-581007, 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 repair of this sewer line.

Statement of Fact

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It is important that this sewer gets repaired as soon as possible to prevent sewer from backing up into homes and businesses.

D. Monthly Reports

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

E. Nominations, Appointments, Elections

2020-A121

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TITLE: ORDER, CONFIRMATION OF ERIK M. TOURTILLOTE AS DEPUTY
FIRE CHIEF

filed October 09, 2020
by Councilor Phanthay

WHEREAS, Deputy Fire Chief Ralph Cammack has announced his retirement from the Brewer Fire Department effective December 11, 2020; and

WHEREAS, Lt. Tourtillotte began his career with the Brewer Fire Department in 1998 as a call firefighter and was promoted to full time firefighter in 1999 and continued his career as a model employee; and

WHEREAS, Lt. Tourtillotte was promoted to the command staff as a Lieutenant in 2015 and has served as Public Education Officer, Training Officer, and Shift Commander throughout his career; and

WHEREAS, Lt. Erik Tourtillotte applied for the position of Deputy Fire Chief and has been appointed to the position by the City Manager; and

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith confirms the appointment of Erik M. Tourtillotte as Deputy Fire Chief for the City of Brewer.

AND BE IT FURTHER ORDERED, that the appointment shall become effective upon the retirement of Deputy Fire Chief Ralph Cammack.

Statement of Fact

Deputy Fire Chief Ralph Cammack announced his retirement effective December 11, 2020. Lt. Erick Tourtillotte, upon recommendation for the Public Safety Director, has been appointed to Deputy Fire Chief by the City Manager to replace Deputy Chief Cammack. Chapter 9, Article 1, Section 101 of the Brewer City Ordinances require that the appointment be confirmed by City Council.

ACTION: Councilor Phanthay moved that the order have passage. Councilor Ferris seconded the motion. The motion passed with a unanimous vote.

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F. Unfinished Business

There was none.

G. New Business

2020-C008

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TITLE: ORDER, AMEND THE GENERAL ASSISTANCE ORDINANCE TO
INCORPORATE CHANGES IN MAXIMUM BENEFITS

filed October 01, 2020
by Councilor Daniels

BE IT ORDERED, that Chapter 11GA of the Charter, Codes and Ordinances of the City of Brewer entitled "General Assistance" be amended as follows:

A. Amend Chapter 11GA, Appendix A entitled 'Overall Maximums' to read, in part, as follows:

APPENDIX A Basic Necessities: Maximum Levels of Assistance

No. in Household	Monthly	(Change to)
1	\$759	\$775
2	\$862	\$879
3	\$1,096	\$1116
4	\$1,373	\$1,397
5	\$1,924	\$1,956
6	\$1,999	\$2,031

*Each additional person \$75 \$75

B. Amend Chapter 11GA, Appendix B entitled 'Food Maximums' to read, in part, as follows:

Current:

APPENDIX B Food Maximums: Maximum Levels of Assistance

No. In Household	Weekly	Monthly
1	45.12	194
2	82.56	355
3	118.37	509
4	150.23	646
5	178.60	768
6	214.19	921
7	236.74	1,018
8	270.70	1,164

*Each additional person \$146 monthly

Change to:

APPENDIX B Food Maximums: Maximum Levels of Assistance
No. In Household Weekly Monthly

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1	47.44	204
2	86.98	374
3	124.42	535
4	158.14	680
5	187.67	807
6	225.35	969
7	249.07	1,071
8	284.65	1,224
*Each additional person	\$146 monthly	

C. Amend Chapter 11GA, Appendix C entitled ‘Housing Maximums’ to read, in part, as follows:

Current:

Bedroom #	UNHEATED		HEATED	
	Weekly	Monthly	Weekly	Monthly
0	141	608	164	705
1	156	670	186	798
2	198	852	237	1,018
3	249	1,073	298	1,282
4	362	1,558	422	1,815

Change to:

Bedroom #	UNHEATED		HEATED	
	Weekly	Monthly	Weekly	Monthly
0	144	621	168	722
1	159	684	190	817
2	202	870	243	1,044
3	256	1,100	305	1,313
4	370	1,590	431	1,853

Statement of Fact

This is an annual order to adopt State changes in general assistance benefit amounts.

ACTION: Councilor Daniels moved that the Amendment certified and filed with the City Clerk for posting. Councilor Phanthay seconded the motion. The motion passed by a unanimous vote.

2020-C009

October 13, 2020

TITLE: ORDER, AMEND CHAPTER 24, ENTITLED “LAND USE CODE” OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ARTICLE 3, ZONING DISTRICTS, TO AMEND SECTION 306; ARTICLE 4, PERFORMANCE STANDARDS, TO AMEND SECTION 438; AND ARTICLE 14, DEFINITIONS.

filed October 07, 2020
by Councilor Ferris

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Medical Marijuana Home Production	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67
INSTITUTIONAL USES													
Medical Marijuana Registered Dispensary(#16)												S-11	
Medical Marijuana Dispensary Cultivation Facility (#16)												S-11	

Footnotes to Schedule of Land Uses

11. The following Chapters, Articles and Sections shall apply: Chapter 24, Land Use Code, Article 4, Sections 424.2, 424.3 & 438, and Article 6, Section 607.7.1. No Medical Marijuana Registered Dispensary and/or Medical Marijuana [Dispensary](#) Cultivation Facility shall be located within 1,000 feet of any property line upon which the Dispensary or Facility is or are located and the nearest property line of a preexisting public or private school. Additionally, no medical Marijuana Registered Dispensary and/or Medical Marijuana [Dispensary](#) Cultivation Facility shall be located within 500 feet of any property line upon which the Dispensary and/or Facility is or are located and the nearest property line of any of the following, which is or are in existence when an application for a Medical Marijuana Registered Dispensary and/or Medical Marijuana [Dispensary](#) Cultivation Facility is made:
- a. Preexisting church or other facility for religious worship;
 - b. Preexisting private residence,
 - c. Preexisting license daycare facility, or
 - d. Preexisting methadone clinic. (#16)
65. [Medical marijuana home production, as defined herein, shall be considered an accessory residential use that does not require land use permitting. As an accessory use, medical marijuana home production shall be allowed in any qualifying patient’s residence or any medical marijuana caregiver’s primary year-round residence in every zoning district, without any requirement for land use permitting. Medical marijuana Home Production does not include a medical marijuana cultivation and processing facility. For the purposes of the Schedule of Uses, a “medical marijuana cultivation and processing facility” is a facility used for cultivating, processing, testing, and/or storing of medical marijuana plants and medical marijuana products by a medical marijuana caregiver or group of medical marijuana caregivers which is not their primary year-](#)

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round residence or their patient's primary year-round residence. Multiple caregivers may operate on a single parcel if that parcel constitutes the medical marijuana caregiver's primary year-round residence. For the purpose of this use, marijuana shall have the same definition as set forth in 18-691, Ch 2 of the Code of Maine Rules, as amended, and caregiver shall have the same definition as set forth in the Maine Medical Use of Marijuana Act, as amended.

66. Medical Marijuana Home Production as an accessory use does not authorize any residential uses that are otherwise prohibited according to the Schedule of Uses. Medical Marijuana Home Production as an accessory use is allowed in conjunction with any lawfully existing nonconforming residential use, provided all applicable ordinance, statutes, regulations, and other laws are complied with.

Applicability: Notwithstanding the provisions of 1 M.R.S.A. section 302 or any other law to the contrary, these ordinance amendments shall apply to any pending proceeding for a building permit, certificate of occupancy, site plan, or any other required approval from the City of Brewer.

ARTICLE 4 PERFORMANCE STANDARDS

438 MEDICAL MARIJUANA ~~REGISTERED DISPENSARIES and MEDICAL~~ ~~MARIJUANA CULTIVATION FACILITIES~~ (#16)

1. The property for a Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facilities shall be adequate to accommodate sufficient interior space so as not to have outside patient queuing on sidewalks, parking area, and other areas outside of the building (s). A letter of compliance from the Brewer Code Officer shall be submitted to the Planning Board as part of the site plan application. The size of the inside waiting area shall be calculated at a minimum of 15 square feet per person based on total client capacity (registered patients and the registered primary caregiver of each registered patient). Medical Marijuana Registered Dispensaries and/or Medical Marijuana Dispensary Cultivation Facilities shall adhere to the laws of the State of Maine and the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (~~18-691 10-144~~ CMR Chapter 2 122), as the same may be amended from time to time and to Chapter 20 Licenses and Permits, Article 8-B, of the City of Brewer Charter, Codes and Ordinances, as the same may be amended from time to time.
2. No Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility shall be located within 1,000² feet of the property line upon which the Dispensary and/or Facility is or are located and the property line of a preexisting public or private school. Additionally, no Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility shall be located within 500² feet of the property line upon which the Dispensary and/or Facility is or are located and the nearest property line of any of the following, which is or are in existence when an application for a Medical

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Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility is made:

- a. Preexisting public or private school,
 - b. Preexisting church or other facility for religious worship,
 - c. Preexisting private residence,
 - d. Preexisting licensed daycare facility, or
 - e. Preexisting methadone clinic.
3. No more than one (1) Medical Marijuana Registered Facility and/or one (1) Medical Marijuana Dispensary Cultivation Facility shall be located in the City of Brewer. The Medical Marijuana Registered Dispensary and Medical Marijuana Dispensary Cultivation Facility shall be located on the same property that shall be under common ownership.
4. A Medical Marijuana Registered Dispensary shall only be open for business between the hours of 8:00a.m. and 8:00p.m. daily.
5. Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility shall conform to the City of Brewer's Sign Ordinance. In addition thereto, any freestanding or sign attached to building(s) in which the Dispensary and/or Facility is located in shall clearly state that it is a Medical Marijuana Dispensary and/or Medical Marijuana Dispensary Cultivation Facility. There shall be no signage in any window and or door, except for the hours of operation.
6. Security measures at a Medical Marijuana Registered Dispensary and /or Medical Marijuana Dispensary Cultivation Facility shall include the following at a very minimum:
- a. Security surveillance cameras installed and operating twenty-four (24) hours a day, seven (7) days a week to monitor all entrances, along with the interior and exterior of the Dispensary and/or Facility, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring on the property;
 - b. Door and window intrusion, robbery and burglary alarm systems with an audible on-site system and Police Department notification components that are professionally monitored and maintained in good working condition, using hard line traditional telephone communications and cellular communications;

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- c. A safe affixed to the building in which it is located that is suitable for the storage of all prepared and/or processed marijuana and cash stored overnight in the Dispensary and/or Facility;
- d. Exterior lighting that illuminates all exterior walls of the licensed Dispensary and/or Facility and
- e. Deadbolt locks on all exterior doors and locks or bars on any other access point.

All security recordings shall be preserved for thirty (30) days by the management of the licensed Dispensary and/or Facility.

- 7. Employees of a Medical Marijuana Registered Dispensary may assist registered patients as that term is defined in 22 M.R.S.A. § 2422(12), as the same may be amended from time to time, with the use of medical marijuana inside the building(s) on the licensed property. An employee of a Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility, who is also a registered patient, may use medical marijuana inside the building(s) on the licensed property. Any such use of medical marijuana must not be visible from the street or from outside the building(s). Any Medical Marijuana Facility where use of medical marijuana takes place shall have in place protocols and policies to educate registered patients and registered patients who are employees about the dangers of driving a vehicle while medicated and, when possible, to discourage or prevent driving while medicated. (#22)
- 8. Visibility of activities; control of emissions; disposal plan for a Medical Marijuana Registered Facility and/or Medical Marijuana Dispensary Cultivation Facility shall be as follows:
 - 1) All activities of Medical Marijuana Registered Dispensaries and/or Medical Marijuana Dispensary Cultivation Facilities, including, without limitation, cultivating, growing, processing, displaying, selling and storage shall be conducted indoors.
 - 2) No marijuana or paraphernalia shall be displayed or kept in a Dispensary or Facility so as to be visible from outside the building (s).
 - 3) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a Dispensary and/or Facility must be provided at all times. Sufficient measures shall be provided for the proper disposal of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable state and local laws and regulations.

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- 4) All Medical Marijuana Registered Dispensaries and/or Medical Marijuana Dispensary Cultivation Facility shall have in place an operation plan for proper disposal of marijuana related byproducts.

9. No food products shall be sold, prepared, produced or assembled by a Medical Marijuana Registered Dispensary except in compliance with all operation and other requirements of state and local law and regulation, including without limitation, food establishment licensing requirements. Any goods containing marijuana for human consumption shall be stored in a secure area.

10. A Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility shall meet all operating and other requirements of state and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation.

11. Medical marijuana Home Production activities shall be conducted wholly inside a building, and otherwise be in compliance with applicable laws and regulations governing caregivers and patients under the Maine Medical Use of Marijuana Act or other applicable laws. Further, medical marijuana home production shall not create noise, dust, vibration, odor, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than that normally experienced in an average residential dwelling in the district in which located. Furthermore, with respect to odors, any medical marijuana home production which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonable with the comfort of the public shall be removed, stopped or so modified as to remove the odor.

Applicability: Notwithstanding the provisions of 1 M.R.S.A. section 302 or any other law to the contrary, these ordinance amendments shall apply to any pending proceeding for a building permit, certificate of occupancy, site plan, or any other required approval from the City of Brewer.

ARTICLE 14 DEFINITIONS

Agriculture: The cultivation of the soil for either food crops or forage and/or the raising and/or breeding of livestock for either personal use or profit. The term does not include garden as defined. Agriculture shall specifically not include the cultivation of marijuana for any purpose.

Farm Stand: Sale of agricultural products raised or grown on said premises with a sales area of not more than 400 square feet. Marijuana plants, marijuana products, and hemp products as defined in Title 7 of the

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Maine Revised Statutes, section 2231, subsection 1-A, paragraph D, shall not be sold or dispersed at farm stands.

Garden: A plot of cultivated ground adjacent to a dwelling and devoted in whole or in part to the growing of herbs, fruits, flowers or vegetables for household use. A garden shall specifically not include marijuana plants.

Marijuana plant: A plant of the genus Cannabis, including, but not limited to, Cannabis sativa, Cannabis indica and Cannabis ruderalis or their hybrids and the seeds of those plants. “Marijuana plant” does not include hemp as defined in Title 7 of the Maine Revised Statutes, section 2231, subsection 1-A, paragraph D.

Marijuana product: A product composed of harvested marijuana and other ingredients that is intended for medical use. “Marijuana product” includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. “Marijuana product” does not include marijuana concentrate or a product containing hemp as defined in Title 7 of the Maine Revised Statutes, section 2231, subsection 1-A, paragraph D.

Medical Marijuana Caregiver Retail Store: A store that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer marijuana plants, harvested marijuana, or marijuana products for sale to qualifying patients.

Medical Marijuana Registered Dispensary: ~~Medical Marijuana Registered Dispensary means a not-for-profit entity as defined under Title 22 M.R.S.A., Section 2422 and registered pursuant to Title 22 M.R.S.A., Section 2428 and to Section 6 of the State of Maine Rule Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 22) that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to registered patients who have designated the Dispensary to cultivate marijuana for their medical use and the registered primary caregivers of those patients~~ an entity registered under section 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana plants or harvested marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients. ~~All~~ A Medical Marijuana Registered Dispensary shall be further defined in, and shall adhere to, the laws of the State of Maine and to the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (~~18-691 10-144~~ CMR Chapter 2 122), as the same may be amended from time to time. (#16)

Medical Marijuana Dispensary Cultivation Facility: ~~Medical Marijuana Dispensary Cultivation Facility means a not-for-profit entity registered pursuant to the laws of the State of Maine and to Section 6 of the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 122) that is a~~ Medical Marijuana Registered Dispensary’s permitted additional location for the cultivation of marijuana. A Medical ~~All~~ Marijuana Dispensary Cultivation Facility Facilities shall be further defined in, and shall adhere to, the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (~~18-691 10-144~~ CMR Chapter 2 122), as the same may be amended from time to time. (#16)

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Medical Marijuana Home Production: Cultivating, processing, and/or storing of medical marijuana plants and medical marijuana products by a qualifying patient at their own residence or a medical marijuana caregiver at their own primary year-round residence for use by a qualifying patient. This use shall be considered an accessory use. As an accessory use, Medical Marijuana Home Production shall be allowed in any qualifying patient's residence or any medical marijuana caregiver's primary year-round residence in every zoning district, without any requirement for land use permitting.

Medical Marijuana Cultivation and Processing Facility: A facility used for cultivating, processing testing, and/or storing of medical marijuana plants and medical marijuana products by a medical marijuana caregiver or group of medical marijuana caregivers which is not their primary year-round residence or their patient's primary year-round residence.

Nurseries & Greenhouses: A building or structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other plants. A nursery or greenhouse may include a retail business whose primary activity is the selling of plants grown on the same site. A nursery or greenhouse shall specifically not include marijuana plants and/or marijuana products.

Applicability: Notwithstanding the provisions of 1 M.R.S.A. section 302 or any other law to the contrary, these ordinance amendments shall apply to any pending proceeding for a building permit, certificate of occupancy, site plan, or any other required approval from the City of Brewer.

Statement of Fact

These ordinance amendments are proposed in order to update local regulations pertaining to medical and adult use marijuana. The Planning Board held a public hearing on October 5, 2020 and unanimously made the recommendation to adopt these amendments as written.

ACTION: Councilor Ferris moved that the Amendment be certified and filed with the City Clerk for posting. Councilor Daniels seconded the motion. Councilor Ferris moved that the Amendment be tabled. Councilor Daniels seconded the motion. The Amendment was tabled by a unanimous vote.

H. New Items with Leave of Council

2020-A122

October 13, 2020

TITLE: ORDER, EMPLOYMENT CONTRACT CONTINUATION

filed October 13, 2020
by Councilor Ferris

AGREEMENT, made this 13th day of October, 2020, a municipal corporation located in the County of Penobscot, State of Maine, and Stephen M. Bost of Brewer, County of Penobscot, State of Maine.

WHEREAS, the Employee has served as City Manager for the City since January 11, 1999; and

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WHEREAS, the City desires to continue to employ the services of the Employee as City Manager of the City of Brewer; and

WHEREAS, the Employee desires to accept continued employment as City Manager for the City under the terms and conditions of this Employment Contract; and

WHEREAS, on June 19th, 2019, the Brewer City Council extended the City Manager's contract through June 30th, 2022,

NOW THEREFORE, the Brewer City Council wishes to extend the City Manager's contract by one year to June 20, 2023.

ACTION: Mayor Goss made a motion to accept the order on the agenda. The Council voted unanimously to take up the item with leave of Council. Councilor Ferris moved that the order have passage. Councilor Daniels seconded the motion. The order passed unanimously.

I. ADJOURN

ACTION: Councilor Ferris moved that the meeting be adjourned. Councilor Daniels seconded the motion. The order passed unanimously. The meeting was adjourned at 6:26pm.

ADJOURNED, ATTEST: _____ Vincent P. Migliore
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine