

City Council Minutes
Tuesday, September 14, 2021

Regular Meeting
City Hall Council Chambers

Tuesday, September 14, 2021
6:00 p.m.

The regular meeting was called to order by Mayor Michele Daniels. The city clerk called the roll:

Councilor Goss-present
Councilor Morin-absent
Mayor Daniels-present

Councilor Ferris-present
Councilor Phanthay-present

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

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

Mayor Daniels read the notice for the regular meeting.

TO: Joseph Ferris, Jerry Goss, Jenn Morin, Soubanh Phanthay, and Michele Daniels; MEMBERS OF THE BREWER CITY COUNCIL. You are hereby notified that a regular meeting of the City Council of the City of Brewer will be held on Tuesday, September 14, 2021 at 6:00 p.m., 80 North Main Street, to consider and act on the items on the attached agenda.

s/Michele Daniels
Mayor and Chairman of the City Council
Or _____
Majority of the City Council

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

OFFICER'S RETURN

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

| Given/Delivered to: | by (person delivering) | Title | Date | Time |
|---------------------|------------------------|-------|----------|-------|
| Joseph L. Ferris | Chubbuck | Off. | 09/10/21 | 15:00 |
| Jerry Goss | V. Migliore | CC. | 09/10/21 | 13:31 |
| Jenn Morin | V. Migliore | CC. | 09/10/21 | 12:12 |
| Soubanh Phanthay | Chubbuck | Off. | 09/10/21 | 15:00 |
| Michele Daniels | V. Migliore | CC. | 09/10/21 | 13:34 |

CITY COUNCIL REGULAR MEETING
Tuesday, September 14, 2021 6:00 P.M.
Brewer City Hall Council Chambers

- I. Call to Order** (Mayor Daniels)
- II. Roll Call** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America** (Mayor Daniels)
- A. Minutes of July 27, 2021 Special Meeting, and Minutes of August 10, 2021 Regular Meeting** (Councilor Phanthay)
- B. Awards, Petitions and Public Comments**
 - 1. (2021-B024) RESOLVE Resolution of respect for Rich Libby. (Mayor Daniels, Councilor Phanthay, Councilor Morin, Councilor, Councilor Ferris and Councilor Goss)
 - 2. Proclamation: Substance-Abuse Recovery Month. (Mayor Daniels)
 - 3. Swearing-In Ceremony Brewer Police Patrol Officer, Mikayla Rose
Brewer Police Sergeant, Zachary Caron
Brewer Police Sergeant, Thom Tardiff
Brewer Police Sergeant, Scott Jones
 - 4. Public Comments
- C. Consent Calendar**
 - 1. (2021-A091) ORDER Amend Schedule of Fees. (Councilor Goss)
 - 2. (2021-A092) ORDER Accept Donation to the Brewer Fire Department. (Councilor Ferris)
 - 3. (2021-A093) ORDER Authorize purchase of rock salt. (Councilor Phanthay)
 - 4. (2021-A094) ORDER Declare City property surplus and authorize disposal of said property. (Councilor Goss)
 - 5. (2021-A095) ORDER Authorize purchase of a replacement dump truck with plow for Public Works. (Councilor Ferris)
 - 6. (2021-A096) ORDER Accept American Rescue Plan Act grant distributed by the Maine State Library to the Brewer Public Library. (Councilor Phanthay)
 - 7. (2021-A097) ORDER Approve the carry forward encumbrance of appropriated, but not expended, Fiscal Year 2021 funds for approved projects. (Councilor Goss)
 - 8. (2021-A098) ORDER Establish body camera replacement reserve. (Councilor Ferris)
 - 9. (2021-A099) ORDER Reallocate budgeted debt service to support Fiscal Year 2022 capital projects in accordance with approved Fiscal Year 2022 Capital Improvement Program. (Councilor Phanthay)
 - 10. (2021-A100) ORDER Certify affordable housing information. (Councilor Goss)
 - 11. (2021-A101) ORDER Authorize replacement of final clarifier at the Brewer

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12. (2021-A102) ORDER Water Pollution Control Facility. (Councilor Ferris)
Accept insurance proceeds and set aside for future use.
(Councilor Phanthay)

D. Monthly Reports (Councilor Goss)

E. Nominations, Appointments, Elections

1. (2021-A103) ORDER, Issue warrant for November 2, 2021 City of Brewer
Annual Municipal Election and set polling hours for the
November 2, 2021 City of Brewer Annual Municipal
Election and State of Maine Referendum Election.
(Councilor Ferris)
2. (2021-B025) RESOLVE, Prescribe Registrar of Voters Hourly Schedule for the
November 2, 2021 City of Brewer Annual Municipal
Election and the State of Maine Referendum Election.
(Councilor Phanthay)
3. (2021-A104) ORDER, Reappoint Registrar of Voters
(Councilor Goss)

F. Unfinished Business

Consent Calendar

1. (2021-C006) ORDER Amend Chapter 19, entitled "Traffic Code" of the Charter,
Codes and Ordinances of the City of Brewer, Section 315
"Parking Limited and Prohibited". (Councilor Ferris)
2. (2021-C007) ORDER Amend Chapter 19, entitled "Traffic Code" of the Charter,
Codes and Ordinances of the City of Brewer, Section 315,
Schedule C (No Parking), Wilson Street, Line Items 2
and 7. (Councilor Morin)
3. (2021-C008) ORDER Amend Chapter 19, entitled "Traffic Code" of the Charter,
Codes and Ordinances of the City of Brewer, Article 1,
Section 101 and Article 2.
(Councilor Phanthay and Councilor Goss)
4. (2021-C009) ORDER Amend Chapter 24, entitled "Land Use Code" of the City
of Brewer Charter, Codes and Ordinances: Article 3,
Zoning Districts, Section 306; Article 4, Performance
Standards, Section 424 and 438; Article 6, Site Plan
Review, Section 607; and Article 14, Definitions.
(Councilor Goss and Councilor Ferris)
5. (2021-C010) ORDER Amend Chapter 20, entitled "Licensing and Permits" of the
City of Brewer Charter, Codes and Ordinances,
Article 8-B. (Councilor Morin and Councilor Phanthay)
6. (2021-C011) ORDER Amend Chapter 20, entitled "Licenses and Permits" of the
Charter, Codes and Ordinances of the City of Brewer,
Section 210.3 "Yard Sales", Sections 210.3.3, 210.3.4,
210.3.9, and 210.3.11. (Mayor Daniels and
Councilor Phanthay)

G. New Business

1. (2021-C012) ORDER Amend Chapter 8, entitled "Elections" of the Charter,
Codes and Ordinances of the City of Brewer, Section 102
"Polling Places". (Councilor Goss)

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2. (2021-C013) ORDER Amend the General Assistance Ordinance to incorporate changes in maximum benefits. (Councilor Ferris)

H. New Items with Leave of Council
I. ADJOURN

A. Minutes of July 27, 2021 Special Meeting, and Minutes of August 10, 2021 Regular Meeting

ACTION: Councilor Phanthay moved that the minutes be accepted and placed on file. Councilor Goss seconded. The motion passed with a 4-0 vote.

B. Awards, Petitions and Public Comments

2021-B024

September 14, 2021

TITLE: RESOLVE, RESOLUTION OF RESPECT FOR RICH LIBBY.

Filed August 2, 2021
By Michele Daniels, Soubanh Phanthay,
Jenn M. Morin, Joseph L. Ferris,
and Jerry Goss

WHEREAS, on the 17th day of July 2021 death brought to a close the full and active life of Rich Libby; and

WHEREAS, Rich was born in October of 1964 and raised in Brewer; and

WHEREAS, Rich graduated from Brewer High School in 1984; and

WHEREAS, Rich married the love of his life Michelle Butterfield in 1988 and they had two beautiful children; and

WHEREAS, Rich coached an array of sports teams for over 30 years, including many Brewer teams: Brewer Youth Football; Brewer PAL Basketball; Brewer Community School Baseball; Brewer Middle School Football; as well as Brewer High School JV and Varsity Football; and

WHEREAS, Rich loved coaching and used sports to teach young athletes about life on and off the field.

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

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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 Rich Libby by the citizens and officials of the City of Brewer, Maine.

ACTION: Councilor Ferris moved that the resolve be adopted. Councilor Goss seconded. Councilor Goss praised Rich Libby's contributions to the city of Brewer and to the kids of Brewer. Councilor Phanthay reflected on the importance of coaches in the lives of young athletes. Mayor Daniels praised Rich Libby's heart for the kids. The motion passed with a 4-0 vote.

CITY OF BREWER, MAINE PROCLAMATION

SEPTEMBER 2021 SUBSTANCE-ABUSE RECOVERY MONTH

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

WHEREAS, the coronavirus pandemic has led to increases in isolation, depression, substance abuse and suicide; and

WHEREAS, in the year 2020, 504 deaths were caused by drugs in Maine, an all-time high for the state, and a 33% increase over 2019; and

WHEREAS, in just the first six-months of 2021, there were 310 overdoses, representing a 21% increase over the same time period in 2020; and

WHEREAS, the City of Brewer has been a solid partner with local individuals, support groups, and other entities committed to reducing substance abuse in our community and finding programs that prevent, treat and eliminate illicit drug use in all its forms; and

WHEREAS, the City of Brewer encourages the State of Maine to fund services for prevention, treatment, and recovery services for all residents of Penobscot County.

NOW, THEREFORE, I, MICHELE DANIELS, Mayor of the City of Brewer, on behalf of the City Council and citizens of Brewer, do hereby proclaim the month of September 2021 as

SUBSTANCE-ABUSE RECOVERY MONTH

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brewer to be imprinted this fourteenth day of September Two-Thousand-and-Twenty-One.

Signed this fourteenth day of September, 2021

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Michele Daniels, Mayor

ACTION: Mayor Daniels read the proclamation into the record.

Swearing-In Ceremony Brewer Police Patrol Officer, Mikayla Rose, Brewer Police Sergeant, Zachary Caron, Brewer Police Sergeant, Thom Tardiff, and Brewer Police Sergeant, Scott Jones

The City Clerk swore in Patrol Officer Mikayla Rose as a new member of the Brewer Police Department. The City Clerk swore in Zachary Caron, Thom Tardiff and Scott Jones as Police Sergeants of the Brewer Police Department.

Councilor Goss and Mayor Daniels presented Brewer Challenge Coins to the officers.

Councilor Goss said in recognizing law-enforcement, he felt it was an appropriate time to raise the issue of a lack of capacity at the County Jail. Councilor Goss noted a recent memo from the Brewer Public Safety Director that identified the lack of capacity at the Jail as a danger to public safety. Councilor Goss said he would like the Council to reach out to the Penobscot County Commissioners and the Sheriff for a meeting to address this issue.

Public Comments

Coki Giles asked the Council to consider a resolution to support the creation of an equitable health care plan for all Maine residents.

Mayor Daniels said the Council will take the resolution into consideration.

C. Consent Calendar

2021-A091

September 14, 2021

TITLE: ORDER, AMEND SCHEDULE OF FEES.

Filed August 4, 2021
By Jerry Goss

WHEREAS, 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 as follows:

SCHEDULE OF FEES

CITY CLERK

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- Marijuana, Medical facility (includes \$500.00 annually
Medical Marijuana Registered Dispensary
Medical Marijuana Dispensary Cultivation Facility
Medical Marijuana Cultivation and Processing Facility
- Marijuana, Adult-Use Establishment
Initial application per site and/or operator \$ 3,000.00 initial
Subsequent annual license \$ 1,000.00 annually

Statement of Fact: This amendment to the Schedule of Fees is in conjunction with amendments to Chapter 20 and Chapter 24, to update regulations pertaining to medical and adult-use marijuana.

2021-A092

September 14, 2021

TITLE: ORDER, ACCEPT DONATION TO THE BREWER FIRE DEPARTMENT.

Filed August 18, 2021
By Joseph L. Ferris

WHEREAS, the Brewer Fire Department has received a contribution of \$92.94 from JR Redemption Center; 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 minor equipment for the City of Brewer Fire Department.

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts this contribution totaling \$92.94 and authorizes its deposit into account 0105904-300490 (miscellaneous revenue account) and expenditure from account 0115911 503000 (Minor Equipment account).

Statement of Fact: This order accepts a contribution to the City of Brewer Fire Department, and authorizes the expenditure of this contribution to support the purchase of minor equipment.

NOTE: 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.

2021-A093

September 14, 2021

TITLE: ORDER, AUTHORIZE PURCHASE OF ROCK SALT.

Filed September 2, 2021
By Soubanh Phanthay

WHEREAS, a joint bid was solicited, received and evaluated for the purchase and delivery of rock salt during Fiscal Year 2022 to the Cities of Brewer, Bangor and the Town of Hampden; and

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WHEREAS, New England Salt Company of Bangor offered the lowest price per ton on acceptable material of the bids received for the three communities.

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to New England Salt Company in the amount of \$114,000.00 for supplying and delivery of rock salt at \$57.00 per ton for the Fiscal Year 2022 winter season; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to the Public Works account 0116671-502530, titled, Rock Salt.

| <u>Bid Canvass FY22 Salt Bid</u> | |
|---|----------------------------|
| <u>Vendor</u> | <u>Cost Per Ton</u> |
| Morton Salt, Inc. | \$ 59.29 |
| Harcros Chemicals, Inc. | \$ 71.68 |
| Eastern Salt Company, Inc. | No Bid |
| New England Salt Co. LLC | \$ 57.00 |
| Cargill Inc. - Deicing Technology | No Bid |

Statement of Fact: This is an annual order for the City’s rock salt purchases for winter maintenance. Other bids received were from Morton Salt at \$59.29 and Harcros Chemicals at \$71.68, along with two “No Bids”. There has been a significant price increase this year due to lack of available shipping and competition from others to acquire the same. Last year’s price was \$46.24 per ton.

2021-A094

September 14, 2021

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

Filed September 7, 2021
By Jerry Goss

WHEREAS, the Brewer Parks & Recreation Department has recently purchased a new trailer as approved in the Fiscal Year 2022 capital improvement budget; and

WHEREAS, the new trailer was purchased to replace trailer unit #626, a 1991 Utility Trailer.

NOW, THEREFORE, BE IT ORDERED, that trailer unit #626, a 1991 Utility Trailer be deemed surplus property; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to dispose of

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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 0500100-300410 (CIP Sale of Asset Revenue) to be used to fund future capital purchases.

Statement of Fact: The Brewer Parks & Recreation Department has possession of a 1991 Utility Trailer that is no longer serviceable and no longer meets the needs of the department. This order declares the trailer surplus and allows the City Manager to dispose of the items.

2021-A095

September 14, 2021

TITLE: ORDER, AUTHORIZE PURCHASE OF A REPLACEMENT DUMP
TRUCK WITH PLOW FOR PUBLIC WORKS.

Filed September 8, 2021
By Joseph L. Ferris

WHEREAS, \$140,000 in funding was approved in the Fiscal Year 2022 (FY22) CIP budget for the replacement of unit #422, a 2014 Western Star wheeler plow truck; and

WHEREAS, following a thorough inspection of both City wheeler dump truck plows it was determined that the Freightliner wheeler, unit #424, has virtually the same number of hours and miles as unit #422 but shows more signs of wear, making unit #424 a better candidate for replacement; and

WHEREAS, bids were solicited, received and evaluated for the replacement wheeler dump truck/snowplow to replace Public Works unit #424; and

WHEREAS, Freightliner of Maine provided the City with the lowest of the five bids received.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council approves the reallocation of funds originally approved in account #0510133-551393 to replace Public Works unit #422 in the FY22 CIP, to the replacement of Public Works unit #424 account # 0510133-551396 instead; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to Freightliner of Maine in the amount of \$117,708.00, which includes a \$55,000 trade in allowance, for the purchase of a 2023, 108SD Freightliner dump truck with plow, wing and sander body; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to the CIP account 0510133-551396, titled "Dump/Plow/Sander 2-Axle"; and

BE IF FURTHER ORDERED, that the current Public Works unit numbered 424, the 2014

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Freightliner 108SD wheeler, with a plow and wing be released to Freightliner of Maine as part of this purchase once the replacement truck has been delivered to the City of Brewer.

Statement of Fact: Although unit #422 is older and has approximately the same amount of use, it is in better shape than unit #424, making unit #424 a better candidate for replacement. This order approves the reallocation of funds and the purchase of the replacement for unit #424.

| Dump Truck/Snowplow FY22 Bid Canvass | | | | | |
|---|---------------|------------------|-----------------------|---------------------------|------------------------|
| Vendor | Model | Plow Gear | Purchase Price | Trade-In Allowance | Total Bid Price |
| Freightliner of Maine | 2023 108SD | Viking | \$ 172,708 | \$ 55,000 | \$ 117,708 |
| Freightliner of Maine | 2023 108SD | HP Fairfield | \$ 184,669 | \$ 55,000 | \$ 129,669 |
| Daigle & Houghton | 2023 HV607SBA | Viking | \$ 178,645 | \$ 45,000 | \$ 133,645 |
| Daigle & Houghton | 2023 HV607SBA | HP Fairfield | \$ 190,606 | \$ 45,000 | \$ 145,606 |
| Daigle & Houghton | 2022 HV507SFA | Viking | \$ 189,798 | \$ 45,000 | \$ 144,798 |

2021-A096

September 14, 2021

TITLE: ORDER, ACCEPT AMERICAN RESCUE PLAN ACT GRANT DISTRIBUTED BY THE MAINE STATE LIBRARY TO THE BREWER PUBLIC LIBRARY.

Filed September 8, 2021
By Soubanh Phanthay

WHEREAS, the Brewer Public Library received a \$2,750 American Rescue Plan Act (ARPA) grant from the Maine State Library; and

WHEREAS, the grant stipulates that the money is intended to help libraries recover from the economic and health effects of the pandemic and the ongoing recession; and

WHEREAS, it is the recommendation and request of the Library Director that the donation be used toward purchasing cleaning materials and PPE to help protect library staff and patrons from COVID-19 and other infectious diseases.

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts this \$2,750.00 ARPA grant distributed by the Maine State Library to the City of Brewer Public Library, authorizes its deposit into account 0600072-360000-72032 (ARPA Cleaning Grant Revenue) and further authorizes its appropriation and expenditure from 0600072-560000-72032 (ARPA Cleaning Grant Expense).

Statement of Fact: This order accepts a \$2,750.00 ARPA grant to purchase cleaning materials and PPE at the City of Brewer Public Library.

NOTE: The Brewer Public Library sends a letter of acknowledgement and appreciation on behalf of the City Council and

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the Library to all who contribute to the library.

2021-A097

September 14, 2021

TITLE: ORDER, APPROVE THE CARRY FORWARD ENCUMBRANCE OF
APPROPRIATED, BUT NOT EXPENDED, FISCAL YEAR 2021
FUNDS FOR APPROVED PROJECTS.

Filed September 8, 2021
By Jerry Goss

BE IT ORDERED, that the Brewer City Council herewith authorizes and approves the carry forward of funds in the following accounts from the end of Fiscal Year 2021 to Fiscal Year 2022 as follows:

| Account # | Description | Carry Forward |
|----------------|--|---------------------|
| 0115201-501070 | Assessor – Miscellaneous Professional Services | \$10,000.00 |
| 0115201-502200 | Assessor – Office Supplies | \$44.18 |
| 0115400-501000 | Legal Services | \$8,449.00 |
| 0115400-501001 | Legal Services - Personnel | \$11,681.85 |
| 0115501-502200 | Finance – Office Supplies | \$217.98 |
| 0115501-502300 | Finance – Computer Software | \$10,520.00 |
| 0115601-501150 | Technology – Network Services | \$4,000.00 |
| 0115811-503000 | Police Patrol – Minor Equipment | \$307.00 |
| 0115911-502810 | Fire – Uniforms and Protective Clothing | \$3,380.00 |
| 0115911-504100 | Fire – Equipment Maintenance & Repair | \$396.00 |
| 0116100-504105 | General Protections – Str Light Maint & Repair | \$12,236.67 |
| 0116200-501290 | Insurance – Deductible | \$10,000.00 |
| 0116500-501110 | Service Agency – Transit Operating Exp | \$69,136.00 |
| 0116500-501111 | Service Agency – Transit Capital Reserve Exp | \$6,892.00 |
| 0116641-504200 | Public Works – Vehicle Maintenance | \$244.00 |
| 0117000-500800 | Employee Benefits – Workers Compensation | \$23,867.00 |
| 0117000-500810 | Employee Benefits – Unemployment | \$6,576.85 |
| | General Fund Total | \$177,948.53 |
| | | |
| 0717502-500810 | Water Admin – Workers Compensation | \$2,392.00 |
| 0717703-504300 | Water Plant – Radio & Alarm Maintenance | \$500.00 |
| 0718501-501065 | Water Trans & Distr – Other Services | \$8,000.00 |
| 0718502-504000 | Water Trans & Distr – Building Maint & Repair | \$14,495.00 |
| 0817502-500800 | Sewer Admin – Workers Compensation | \$2,222.00 |
| 0817702-501030 | Sewer Plant – Consulting Services | \$1,196.00 |
| | Water & Sewer Fund Total | \$28,805.00 |

Statement of Fact: This annual order authorizes funds appropriated for specific uses in the prior fiscal

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year but not expended to be carried forward to the current fiscal year.

2021-A098

September 14, 2021

TITLE: ORDER, ESTABLISH BODY CAMERA REPLACEMENT RESERVE.

Filed September 8, 2021
By Joseph L. Ferris

WHEREAS, in Fiscal Year 2020 the City of Brewer purchased 18 body cameras (Order 2019-A100); and

WHEREAS, effective retroactive to Fiscal Year 2021, the City wishes to begin setting aside funds annually and when able to provide a source of funding to replace the units at the end of their useful life.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the establishment of a body camera replacement reserve to accrue funding for this future expense; and

BE IT FURTHER ORDERED, that the Brewer City Council authorizes the Finance Director or her designee to move budgeted reserve funds into the reserve each fiscal year.

Statement of Fact: This order establishes a Body Camera Replacement Reserve to be funded annually as part of the Police Department budget.

2021-A099

September 14, 2021

TITLE: ORDER, REALLOCATE BUDGETED DEBT SERVICE TO SUPPORT FISCAL YEAR 2022 CAPITAL PROJECTS IN ACCORDANCE WITH APPROVED FISCAL YEAR 2022 CAPITAL IMPROVEMENT PROGRAM.

Filed September 8, 2021
By Soubanh Phanthay

WHEREAS, the Fiscal Year 2022 (FY22) Capital Improvement Program approved by the City Council in June 2021 called for the allocation of \$50,000 from the City general fund to support capital projects; and

WHEREAS, these funds were included in the FY22 City budget approved by Council in the Debt Service Interest expense account; and

WHEREAS, these budgeted funds represent debt service cost associated with the bond that will

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be issued to support the FY22 Capital Improvement Program (CIP) but for which payments will not begin until Fiscal Year 2023 (FY23).

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the reallocation of \$50,000 not needed to support debt service payments in FY22 from account 0118701-509010 (Debt Interest – City GF) to 0119903-509130 (CIP Funding – City GF) and from there to Fund 5000 (City Capital Improvement Program) account 0500100-300893 (Transfers In) to help pay for capital projects approved as part of the City’s FY22 CIP.

Statement of Fact: This order authorizes the transfer of \$50,000 from the general fund to the capital improvement program fund as planned for in the FY22 CIP approved by Council in June 2021.

2021-A100

September 14, 2021

TITLE: ORDER, CERTIFY AFFORDABLE HOUSING INFORMATION.

Filed September 8, 2021
By Jerry Goss

WHEREAS, as required by the City of Brewer’s Certificate of Approval for the Highland Community Affordable Housing Development District issued by the Maine State Housing Authority and the provisions of 30-A M.R.S.A Chapter 206 Section 5250-E, the City Council must certify that the City continues to meet the public purpose of the District and that the rental units within the District have remained affordable as well as account for any sale of property within the District; and

WHEREAS, both affordable housing facilities within the District—Somerset Place Senior Housing and Village Centre Apartments—have attested to the City that their rental units remain affordable and no sale of property has occurred; and

WHEREAS, the District continues to serve its public purpose by having expanded affordable housing within the City of Brewer.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith certifies the public purpose of the Highland Community Affordable Housing Development District and the affordability of the rental units within it and authorizes the City Manager or his designee to submit the required report to the Maine State Housing Authority.

Statement of Fact: This order fulfills a requirement of the City’s affordable housing district approval and certifies that the district (consisting of Somerset Place and Village Centre) continues to meet its affordability requirements and to serve a public purpose.

2021-A101

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TITLE: ORDER, AUTHORIZE REPLACEMENT OF FINAL CLARIFIER AT THE BREWER WATER POLLUTION CONTROL FACILITY.

Filed September 7, 2021
By Joseph L. Ferris

WHEREAS, the Water Pollution Control Facility (WPCF)'s final clarifier #3 was installed during an upgrade at the treatment plant in 1993; and

WHEREAS, the final clarifier is critical piece of equipment important to the overall successful operation of the Water Pollution Control Facility; and

WHEREAS, the drive unit in final clarifier #3 failed due to age issues; and

WHEREAS, the WPCF has low-interest United States Department of Agriculture sewer loan funds available that can be used to pay for this replacement; and

WHEREAS, two quotes were received for the project, with Penta Corporation of Moultonborough, NH, submitting a low bid of \$35,000.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the City Manager, or his designee, to sign a purchase order to Penta Corporation in the amount of \$35,000 for the purchase and installation of a final clarifier at the WPCF and that this expense be charged to account 0680809-560000 (Final Clarifier); and

BE IT 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 supplies and contractor services for this project.

| Final Clarifier #3 Re-Build: Quote Sheet | |
|---|--------------|
| Vendor | Quote |
| Penta Corporation | \$ 35,000 |
| Facilities & Construction Services (FCS) | \$ 40,000 |

Statement of Fact: This order authorizes Penta Corporation to replace the final clarifier at the Water Pollution Control Facility. The City will use available low-interest USDA loan funds to pay for the project. Due to the urgency to keep the final clarifier system online, staff opted to use a competitive price quote option, rather than the traditional RFP process.

2021-A102

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TITLE: ORDER, ACCEPT INSURANCE PROCEEDS AND SET ASIDE FOR FUTURE USE.

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Filed September 8, 2021
By Soubanh Phanthay

WHEREAS, in Fiscal Year 2021 (FY21) the City received \$7,680 from Berkley Insurance Company as reimbursement for damage to a sign in the East-West Industrial Park; and

WHEREAS, because the replacement did not take place in FY21, the City wishes to move these funds to a dedicated account to ensure they are available to fund eventual replacement of the sign at a future date.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the Finance Director to set aside the \$7,680 in insurance proceeds in account 0200000-320000-62003 and also authorizes the appropriation and expenditure of these funds from account 0200000-520000-62003 to enhance the Industrial Park at a future date.

Statement of Fact: This order accepts \$7,680 in insurance proceeds received as a result of damage to a sign in the Industrial Park and sets these funds aside for future use.

ACTION: Councilor Goss moved that the orders on the consent calendar have passage. Councilor Ferris seconded the motion. The motion passed by a 4-0 vote.

D. Monthly Reports

ACTION: Councilor Goss moved that the monthly reports from department heads be accepted and placed on file. Councilor Ferris seconded the motion. The motion passed by a 4-0 vote.

E. Nominations, Appointments, Elections

2021-A103

September 14, 2021

TITLE: ORDER, ISSUE WARRANT FOR NOVEMBER 2, 2021 CITY OF BREWER ANNUAL MUNICIPAL ELECTION AND SET POLLING HOURS FOR THE NOVEMBER 2, 2021 CITY OF BREWER ANNUAL MUNICIPAL ELECTION AND STATE OF MAINE REFERENDUM ELECTION.

Filed August 20, 2021
By Joseph L. Ferris

WHEREAS, the City of Brewer Annual Municipal Election and State of Maine Referendum Election will be held on Tuesday, November 2, 2021; and

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

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

WHEREAS, a poll opening time of 7:00 a.m. will, in the judgment of the municipal officers, meet the needs of the municipality for the November 2, 2021 election.

NOW, THEREFORE, BE IT ORDERED, that the municipal officers herewith set the time of 7:00 a.m. for opening the polls and a time of 8:00 p.m. for closing the polls for the November 2, 2021 City of Brewer Annual Municipal Election and State of Maine Referendum Election; and

BE IT FURTHER ORDERED, that the municipal officers issue the warrant for the City of Brewer Annual Municipal Election to be held on November 2, 2021 with the polls to open at 7:00 a.m. and close at 8:00 p.m.

**CITY OF BREWER
ANNUAL MUNICIPAL ELECTION**

Penobscot ss.

State of Maine

To: _____, a Constable in the City of Brewer.

You are hereby required in the name of the State of Maine to notify the voters of the City of Brewer of the election described in this warrant.

**TO THE VOTERS OF THE CITY OF BREWER
WARD 1, PRECINCTS 1 AND 2**

You are hereby notified that the annual municipal election in the municipality will be held at the Joseph L. Ferris Community Center on Tuesday, the second day of November 2021 for the purpose of affecting the election of:

**TWO MEMBERS OF THE CITY COUNCIL FOR THREE-YEAR TERMS
TWO MEMBERS OF THE SUPERINTENDING SCHOOL COMMITTEE FOR THREE-YEAR TERMS
ONE TRUSTEE OF THE BREWER HIGH SCHOOL DISTRICT FOR A FIVE-YEAR TERM**

The polls shall be open at 7:00 A.M. and close at 8:00 P.M.

The Registrar of Voters shall hold office hours while the polls are open to correct any error in or change a name or address on the voting list, to accept the registration of any person eligible to vote and to accept new registrations.

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A person who is not registered as a voter may not vote in any election.

Dated at Brewer, Maine this 14th day of September in the year of Our Lord, Two-Thousand-and-Twenty-One.

Majority of the Municipal Officers of Brewer

ACTION: Councilor Ferris moved that the order have passage. Councilor Goss seconded the motion. The motion passed with a 4-0 vote.

2021-B025

September 14, 2021

TITLE: RESOLVE, PRESCRIBE REGISTRAR OF VOTERS HOURLY SCHEDULE FOR THE NOVEMBER 2, 2021 CITY OF BREWER ANNUAL MUNICIPAL ELECTION AND STATE OF MAINE REFERENDUM ELECTION.

Filed August 20, 2021
By Soubanh Phanthay

WHEREAS, the City of Brewer Annual Municipal Election and State of Maine Referendum Election will be held on Tuesday, November 2, 2021; and

WHEREAS, Title 21-A M.R.S.A., Section 122 (6)(A)(2) provides in part, that in a municipality with a population of more than 2,500, the Registrar of Voters shall accept registrations on the last 5 business days before election day, during the hours that the City Clerk's office is open (8:00 a.m. to 4:00 p.m.) and for 2 hours in the evening between 5:00 p.m. and 9:00 p.m. on at least 1 of these days; and

WHEREAS, the City of Brewer has a population greater than 2,500 according to the 2020 Federal Census; and

WHEREAS, the Registrar of Voters suggests that holding office hours on Wednesday, October 27, 2021 from 5:00 p.m. until 7:00 p.m. will satisfy the requirements of Title 21-A M.R.S.A., Section 122 (6)(A)(2) and serve the needs of the community; and

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

NOW, THEREFORE, BE IT RESOLVED, that the municipal officers herewith prescribe the

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hours of registration as 8:00 a.m. to 4:00 p.m. on the five business days prior to the City and State Elections to be held on November 2, 2021; and

BE IT FURTHER RESOLVED, that the municipal officers herewith prescribe the additional hours of registration as 5:00 p.m. to 7:00 p.m. on Wednesday, October 27.

ACTION: Councilor Phanthay moved that the resolve be adopted. Councilor Goss seconded the motion. The motion passed with a 4-0 vote.

2021-A104

September 14, 2021

TITLE: ORDER, REAPPOINT REGISTRAR OF VOTERS.

Filed August 25, 2021
By Jerry Goss

WHEREAS, Title 21-A M.R.S.A. §101(2) states that, “The municipal officers of each municipality shall appoint in writing a qualified registrar of voters ... each odd-numbered year.”

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

BE IT FURTHER ORDERED, that Mr. Migliore’s term began on January 1, 2021 and shall expire on December 31, 2022.

Statement of Fact: State election laws require that Registrars of Voters be appointed or reappointed each odd numbered year.

ACTION: Councilor Goss moved that the order have passage. Councilor Ferris seconded the motion. The motion passed with a 4-0 vote.

**F. Unfinished Business
Consent Calendar**

2021-C006

August 10, 2021

TITLE: ORDER, AMEND CHAPTER 19, ENTITLED “TRAFFIC CODE” OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, SECTION 315 “PARKING LIMITED AND PROHIBITED”.

Filed July 26, 2021

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By Joseph L. Ferris

BE IT ORDAINED, by the Brewer City Council that Chapter 19 of the Charter, Codes and Ordinances of the City of Brewer entitled "Traffic Code" shall be amended by adding to Section 315 "Parking Limited and Prohibited" as follows:

SCHEDULE I

No person in charge of a vehicle shall allow the vehicle to stand, be parked, or left in the following named streets, highways or spaces during the hours of 12:00 A.M. and 6:00 A.M., on any day of the week.

GENERAL

(1) In the public parking space at the corner of South Main Street and Maple Street.

Statement of Fact: This addition will prohibit overnight parking in the public parking lot at the former Police Station lot on the corner of South Main Street and Maple Street.

2021-C007

August 10, 2021

TITLE: ORDER, AMEND CHAPTER 19, ENTITLED "TRAFFIC CODE" OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, SECTION 315, SCHEDULE C (NO PARKING), WILSON STREET, LINE ITEMS 2 AND 7.

Filed July 26, 2021
By Jenn M. Morin

BE IT ORDAINED, by the Brewer City Council that Chapter 19 of the Charter, Codes and Ordinances of the City of Brewer entitled "Traffic Code" shall be amended by changing Section 315, Schedule C, Wilson Street, Line Items 2 and 7 to read as follows:

Schedule C

WILSON STREET

~~(2) On the westerly side of Wilson Street from the center of the intersection of North Main-South Main-Wilson Street southeasterly to Fling Street.~~

(2) On both sides of Wilson Street from the center of the intersection of North Main-South Main and Wilson to the Maine Central Railroad Tracks.

~~(7) On the easterly side of Wilson Street from the center of the intersection of North Main-South Main-Wilson Street to a~~

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~~point two hundred twenty-five (225') feet southeasterly from
the center of the intersection of Summer Street and Wilson
Street.~~

Statement of Fact: These changes to the Traffic Code prohibit parking along Wilson Street in an area that is heavily congested. Vehicles parked in this section of roadway make it very difficult for bicycles to travel along Wilson Street. Due to the width of the existing shoulder, bicycles are forced to enter the travel way in a heavily congested area whenever a vehicle is parked on the road.

2021-C008

August 10, 2021

TITLE: ORDER, AMEND CHAPTER 19, ENTITLED "TRAFFIC CODE" OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ARTICLE 1, SECTION 101, AND ARTICLE 2.

Filed August 4, 2021
By Soubanh Phanthay and
Jerry Goss

BE IT ORDAINED, by the Brewer City Council that Chapter 19 of the Charter, Codes and Ordinances of the City of Brewer entitled "Traffic Code" shall be amended by adding to Article, 1 Section 101, and Article 2, Section 202 as follows:

Article 1; Section 101

~~(p) Special events - means parades, road race, pedestrian gatherings or any other event whereas the street or highway or section of street or highway is obstructed making unauthorize vehicular traffic unsafe.~~

Article 2

~~Section 202.2. The Chief of Police or his/her designee may order the closure of a street or highway or section of street or highway to common vehicular traffic within the City of Brewer for the purpose of a scheduled or non-scheduled "Special event" as described in Article 1; Section 101; (p), of this Chapter.~~

Statement of Fact: This amendment gives the Chief of Police authority to close roads pursuant to State guidance.

2021-C009

August 10, 2021

TITLE: ORDER, AMEND THE FOLLOWING ARTICLES OF CHAPTER 24,

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ENTITLED “LAND USE CODE” OF THE CITY OF BREWER
CHARTER, CODES AND ORDINANCES: ARTICLE 3,
ZONING DISTRICTS, SECTION 306; ARTICLE 4,
PERFORMANCE STANDARDS, SECTION 424 and 438;
ARTICLE 6, SITE PLAN REVIEW, SECTION 607; AND
ARTICLE 14, DEFINITIONS.

Filed August 4, 2021
By Jerry Goss and
Joseph L. Ferris

BE IT ORDAINED, by the Brewer City Council 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 subsections to Article 3, Article 4, Article 6, and Article 14:

ARTICLE 3 ZONING DISTRICTS

306 SCHEDULE OF USES

306.3 USES SUBSTANTIALLY SIMILAR TO PERMITTED USES

3. PROHIBITED USES

Uses substantially similar to a prohibited use in the Schedule of Uses, as determined by the Code Enforcement Officer, are prohibited.

The following recreational marijuana uses, as defined by State Statute, are prohibited (this does not prohibit the cultivation and sale of medical marijuana as permitted by this Land Use Code);

- Adult use marijuana cultivation facilities; and
- Adult use marijuana products manufacturing facilities;
- ~~Adult use marijuana testing facilities; and~~
- ~~—Adult use marijuana stores;~~

306.5 SCHEDULE OF USES

| USE | RURAL | LDR | MDR-1 | MDR-2 | HDR | HDR-2 | CB | GB | IND | IND-2 | OR | PB | DD |
|----------------------------------|-------|-----|-------|-------|-----|-------|----|-------------|-----|-------|----|-------------|----|
| COMMERCIAL USES | | | | | | | | | | | | | |
| Accessory Uses | P | P | P | P | P | P | P | P | P | P | P | P | P |
| <u>Adult-Use Marijuana Store</u> | | | | | | | | <u>S-68</u> | | | | <u>S-68</u> | |

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| | | | | | | | | | | | | | |
|---|--|--|--|--|--|--|--|-------------|-------------|--|--|--|--|
| <u>Adult-Use Marijuana Testing Facility</u> | | | | | | | | <u>S-68</u> | <u>S-68</u> | | | | |
|---|--|--|--|--|--|--|--|-------------|-------------|--|--|--|--|

Footnotes to Schedule of Land Uses

11. No Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility shall be located within the distances listed below of the property line upon which the Dispensary and/or Facility is or are located and the property line of the uses listed below.

- a. Five hundred (500) feet of a preexisting public or private school.
- b. Five hundred (500) feet of a preexisting licensed daycare facility.
- c. Five hundred (500) feet of a preexisting methadone clinic.
- d. One hundred (100) feet of a preexisting private residence.
- e. Five hundred (500) feet of a preexisting adult-use marijuana establishment.
- f. Five hundred (500) feet of a preexisting Medical Marijuana Cultivation and Processing Facility.

~~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.~~

68. No adult-use marijuana establishment shall be located within the distance listed below of the property line upon which the Establishment is located and the property line of the uses listed below, which is or are in existence when an application for an Adult-Use Marijuana Establishment is made. For the purposes of this section, a preexisting facility, residence, clinic, or establishment shall also include any pending application (ie: that has received at least one substantive review by the City of Brewer reviewing authority):

- a. Five hundred (500) feet of a preexisting public or private school,

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- b. Five hundred (500) feet of a preexisting licensed daycare facility.
- c. Five hundred (500) feet of a preexisting methadone clinic.
- d. One hundred (100) feet of a preexisting private residence.
- e. Five hundred (500) feet of a preexisting Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility.
- f. Five hundred (500) feet of a preexisting Medical Marijuana Cultivation and Processing Facility.
- g. Five hundred (500) feet of a preexisting Adult-Use Marijuana Establishment.

ARTICLE 4 PERFORMANCE STANDARDS

438 ~~MEDICAL~~ MARIJUANA (#16)(#52)

No person may establish, operate, or maintain a Medical Marijuana Registered Dispensary, Medical Marijuana Dispensary Cultivation Facility, and/or an Adult-Use Marijuana Establishment without first obtaining a license from the City.

438-A MEDICAL MARIJUANA

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 CMR Chapter 2), 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 the distances listed below of the property line upon which the Dispensary and/or Facility is or are located and the property line of the uses listed below.

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- a. Five hundred (500) feet of a preexisting public or private school,
- b. Five hundred (500) feet of a preexisting licensed daycare facility,
- c. Five hundred (500) feet of a preexisting methadone clinic,
- d. One hundred (100) feet of a preexisting private residence,
- e. Five hundred (500) feet of a preexisting adult-use marijuana establishment,
- f. Five hundred (500) feet of a preexisting Medical Marijuana Cultivation and Processing Facility.

~~No Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility shall be located within 1,000' 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 500' 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 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

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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, (7) 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;
 - 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:

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- 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.
- 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.
- 5) An odor control plan shall be submitted as part of the site plan review application describing the odor(s) anticipated to originate at the premises and the methods to be used to prevent such odor(s) from leaving the premises. City enforcement actions will be taken if marijuana odors are detected outside of the building.

If the CEO detects marijuana odors outside of the building and/or the operator indicates that the odor management provisions required for the facility are not being followed, the CEO shall provide a written warning to the operator and/or landowner with instructions to comply with the standards within 10 business days, and to inform the CEO of efforts or completion within that time. The CEO may use electronic meters or devices to measure and quantify the issue for comparative and/or enforcement purposes.

If odors persist and/or the issues are not resolved after the ten-day period described above, the CEO shall provide a written notice of violation with the requirement that the odors and/or issues be brought into compliance within 10 business days.

If the operator and/or landowner fail to bring the facility into compliance within 30 calendar days of the written notice of violation, the CEO will refer the matter to the City Solicitor for prosecution. In addition to penalties and costs recoverable under this Ordinance for violations, the City may suspend or revoke other approvals including, without limitation, any licenses or Certificate of Occupancies, and pursue any other remedies available to the City.

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.

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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.

438-B ADULT-USE MARIJUANA

1. An adult-use marijuana establishment shall be any adult-use marijuana testing facility or adult-use marijuana store. Each of the adult-use marijuana categories stated herein shall only be permitted for their specific use (ie. A store cannot test and a testing facility cannot sell). Adult-use marijuana may not be considered an accessory or ancillary use and shall not be allowed as a home occupation. Adult-use marijuana may not be sold, used, stored, or distributed in any location except as expressly allowed in this Ordinance.
2. Adult-use marijuana establishments shall adhere to the laws of the State of Maine and the State of Maine Rules Governing the Maine Adult-Use Marijuana Program (Title 28-B), 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.
3. The property for an adult-use marijuana establishment shall be adequate to accommodate sufficient interior space so as not to have customers queuing on sidewalks, parking area, and other areas outside of the building (s).
4. An adult-use marijuana establishment shall be the sole use on a single piece of property.
5. No adult-use marijuana establishment shall be located within the distance listed below of the property line upon which the Establishment is located and the property line of the uses listed below, which is or are in existence when an application for an Adult-Use Marijuana

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Establishment is made. For the purposes of this section, a preexisting facility, residence, clinic, or establishment shall also include any pending application (ie: that has received at least one substantive review by the City of Brewer reviewing authority):

- a. Five hundred (500) feet of a pre-existing public or private school,
 - b. Five hundred (500) feet of a pre-existing licensed daycare facility,
 - c. Five hundred (500) feet of a pre-existing methadone clinic,
 - d. One hundred (100) feet of a pre-existing private residence,
 - e. Five hundred (500) feet of a pre-existing Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility.
 - f. Five hundred (500) feet of a pre-existing Medical Marijuana Cultivation and Processing Facility,
 - g. Five hundred (500) feet of a pre-existing Adult-Use Marijuana Establishment.
6. Adult-use marijuana establishments shall be located only inside a permanent structure and not within any mobile facility. Adult-use marijuana stores are prohibited from providing home delivery services.
7. Adult-use marijuana stores shall only be open for business between the hours of 8:00a.m. and 8:00p.m. daily.
8. An adult-use marijuana establishment shall conform to the City of Brewer’s Sign Ordinance. In addition, signage may use an image or images of the marijuana plant as long as they do not exceed 20 % of the sign face, but there shall be no pictorial representations of other marijuana products or paraphernalia associated with the use or distribution of marijuana. There shall be no signage in any window and or door, except for the hours of operation.
9. Security measures at an adult-use marijuana establishment shall include the following at a very minimum:
- a. Security surveillance cameras installed and operating twenty-four (24) hours a day, (7) seven days a week to monitor all entrances, along with the interior and exterior of the Establishment, 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

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maintained in good working condition, using hard line traditional telephone communications and cellular communications;

- 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 Establishment;
- d. Exterior lighting that illuminates all exterior walls of the licensed Establishment 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 Establishment.

- 10. The use of marijuana or any marijuana product is not permitted within the building or outside of the building on the parcel of land.
- 11. There shall be posted in a conspicuous location inside each adult-use marijuana establishment, at least one legible sign containing the following information:

“Adult use of or on-site consumption of marijuana is illegal; Open and public consumption of marijuana in the State of Maine is illegal; The use of marijuana or marijuana products may impair a person’s ability to drive a car or operate machinery; No one under the age of twenty-one (21) allowed; Loitering prohibited.”

- 12. The outdoor storage of any merchandise, plants, or other marijuana-related materials is not allowed.
- 13. Visibility of activities; control of emissions; disposal plan for an adult-use marijuana establishment shall be as follows:
 - a. All activities of adult-use marijuana establishments, including, without limitation, cultivating, growing, processing, displaying, selling and storage shall be conducted indoors.
 - b. No marijuana or paraphernalia shall be displayed so as to be visible from outside the building (s).
 - c. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting an Establishment 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.
 - d. All adult-use marijuana establishments shall have in place an operation plan for proper disposal of marijuana related byproducts.

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- e. An odor control plan shall be submitted as part of the site plan review application describing the odor(s) anticipated to originate at the premises and the methods to be used to prevent such odor(s) from leaving the premises. City enforcement actions will be taken if marijuana odors are detected outside of the building.

If the CEO detects marijuana odors outside of the building and/or the operator indicates that the odor management provisions required for the facility are not being followed, the CEO shall provide a written warning to the operator and/or landowner with instructions to comply with the standards within 10 business days, and to inform the CEO of efforts or completion within that time. The CEO may use electronic meters or devices to measure and quantify the issue for comparative and/or enforcement purposes.

If odors persist and/or the issues are not resolved after the ten-day period described above, the CEO shall provide a written notice of violation with the requirement that the odors and/or issues be brought into compliance within 10 business days.

If the operator and/or landowner fail to bring the facility into compliance within 30 calendar days of the written notice of violation, the CEO will refer the matter to the City Solicitor for prosecution. In addition to penalties and costs recoverable under this Ordinance for violations, the City may suspend or revoke other approvals including, without limitation, any licenses or Certificate of Occupancies, and pursue any other remedies available to the City.

14. Right of Access, Safety, and Inspections:

Every adult-use marijuana establishment shall allow Brewer Code Enforcement Officers and Brewer Police Officers to enter the premises at reasonable times for the purpose of checking compliance with all applicable State laws and local ordinances.

15. No food products shall be sold, prepared, produced or assembled by an adult-use marijuana establishment 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.

16. An adult-use marijuana establishment 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.

424 PARKING AND LOADING

424.2 GENERAL PARKING REQUIREMENTS

3. In DD, GB and PB zones all parking spaces shall be paved striped surfaces and screened from abutting properties. In all other zones parking areas with more than (7) seven (7) parking spaces

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shall be on paved striped surfaces and screened from abutting properties. The Code Enforcement Officer may waive the screening requirement in the General Business, Industrial, Industrial-2, HDR and HDR-2 Districts if the proposed project does not abut a Residential District. If screening is waived, tree planting may be less than required in section 424.2.4 but shall not be less than a rate of one tree per fifty feet of parking perimeter for screening. The Code Enforcement Officer may waive the paving and striping requirement for Residential housing and in circumstances proven by the landowner/applicant to be better for the environment.

- 3a. Notwithstanding the above, all Adult Use Establishment parking areas must be screened to be twice the standard as identified in 424.2.4. No waiver will be granted for the reduction in screening.
- 3b. All narcotic Treatment Facility parking areas must be screened to the standard as identified in 424.2.4 for the side and rear yards. Front yard screening shall consist of tree planting at a rate of one tree per fifty feet of parking perimeter with no additional screening that would obstruct view of parking and building.
- 3c. Medical Marijuana Registered Dispensary, ~~and/or~~ Medical Marijuana Cultivation Facility, and/or Adult-Use Marijuana Establishment parking areas must be screened to the standard as identified in Section 424.2.4 of this Article for the side and rear yards. Front yard screening shall consist of tree planting at a rate of one tree per fifty feet of parking perimeter with no additional screening that would obstruct view of parking and of the building(s). (#16)

424.3 NUMBER OF SPACES REQUIRED

| SE | PARKING SPACES REQUIRED |
|---|--|
| Medical Marijuana Registered Dispensary (#16) Medical Marijuana <u>Dispensary</u> Cultivation Facility (#16) <u>Adult-Use Marijuana Establishment</u> | 1 space per 350 sq. ft. of gross floor area of office, sales, or display area (minimum of four spaces) plus 1 space per 5,000 sq. ft. of growing or storage area |
| | |

ARTICLE 6 SITE PLAN REVIEW

607 STANDARDS GOVERNING SITE PLAN REVIEW

607.7 LANDSCAPING AND PLANTING

Landscaping must be provided as part of site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site and create a pleasing site character. The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties.

Landscaping may include plant materials such as trees, shrubs, groundcovers, perennials and annuals, and other materials such as rocks, water, sculpture, art, walls, fences, paving materials, and street furniture.

1. Areas with (4) four (4) or more parking spaces are screened from view of abutting properties. Front yard screening for Narcotic Treatment Facilities shall meet the requirement of Section 424.2. (#11)
2. Parking areas larger than 12,000 square feet shall have interior landscaping equivalent to seven percent of the total parking; except in the industrial zone where the requirement is five per cent. Each separate interior landscaped area contains a minimum of (50) fifty square feet and have a minimum dimension of (5) five feet. Interior landscaped areas shall be planted with trees, shrubs, ground cover or other acceptable landscaping material which shall not exceed three feet in height where necessary for site distances. Such interior landscaping is located as an aid to traffic and pedestrian safety and circulation and shall include raised landscaped islands at the end of parking rows and raised parking row dividers with landscaping for every other row of double parking.
3. Additional plantings of shrubs and trees beyond that specifically required elsewhere in this Land Use Code are included to break up extensive building facades, front, side or rear yards of more than (50) fifty feet in length; or open space areas not used for active recreation of more than (500) five-hundred square feet in area.
4. Landscaping materials are specified as number 1 grade as determined by the American Association of Nurserymen. Landscape materials will be maintained and dead plant material replaced within one year or by the next planting season, whichever occurs first.
5. A Medical Marijuana Registered Dispensary, ~~and/or~~ Medical Marijuana Cultivation Facility, and/or Adult-Use Marijuana Establishment shall meet the requirements of Article 4, Section 424.2.3.c. of this Ordinance. (#16)

NOTE: The Planning Board may waive the requirement for screening of more than (5) five parking spaces in the General Business District, the Industrial District and the Industrial-two District, upon written request provided that the proposed project does not abut a Residential District. If the proposed project does abut Residential District screening of parking from the

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Residential District is required. If screening is waived, tree planting, at a rate of one tree per (50) fifty feet of parking perimeter, shall be substituted for screening.

6. The minimum plant sizes, unless specifically indicated otherwise by the Planning Board, shall meet the following minimum standards:
 - A. Shade trees: high crowned species with ascending or lateral branching habit indigenous to the area, tolerant to existing soils and urbanized conditions, caliper measured six inches up from the base 1 1/2 inches to two inches
 - B. Flowering and evergreen trees will be a minimum of (5) five to (6) six foot size.
 - C. Shrubs, deciduous will be a minimum of (2) two to (3) three foot size.
 - D. Shrubs, evergreen will be a minimum of (36) thirty-six to (42) forty-two inch size (for those specified by height); (18) eighteen to (24) twenty-four inches for those specified by spread.

ARTICLE 14 DEFINITIONS

Adult-Use Marijuana Cultivation Facility: A facility licensed by the State of Maine to cultivate, prepare, and package adult use marijuana and to sell adult use marijuana to marijuana establishments, or any cultivation or any cultivation area used or occupied by one or more medical marijuana registered caregivers or a registered dispensary.

Adult-Use Marijuana Establishment: Any adult-use marijuana store or adult-use testing facility. This term does not include any other adult-use marijuana facilities, such as adult-use marijuana cultivation or products manufacturing facilities.

Adult-Use Marijuana Products Manufacturing Facility: A facility licensed by the State of Maine to purchase marijuana from a cultivation facility or another products manufacturing facility; to manufacture, label and package marijuana and marijuana products; and to sell marijuana and marijuana products to marijuana stores and to other products manufacturing facilities.

Adult-Use Marijuana Testing Facility: A facility licensed by the State of Maine to develop, research, and test marijuana, marijuana products and other substances.

Adult-Use Marijuana Store: Any adult use store licensed by the State of Maine to sell adult use marijuana products to consumers.

Artisan Manufacturing Studio: An establishment to include the production of goods by the use of hand tools or small-scale, light mechanical equipment to be sold primarily on-site. Said goods may include food, beverage, art or craft production. Said goods shall not be transported in bulk off-site for sale at other locations. (#39). **Artisan Manufacturing Studio shall specifically not include marijuana, marijuana products, and/or marijuana paraphernalia.**

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Statement of Fact: These ordinance amendments are proposed in order to update local regulations pertaining to medical and adult use marijuana. The Brewer Planning Board held a public hearing on August 2, 2021 and unanimously made the recommendation to adopt these amendments to Chapter 24 Land Use Code as written.

2021-C010

August 10, 2021

TITLE: ORDER, AMEND CHAPTER 20, ENTITLED “LICENSING AND PERMITS” OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ARTICLE 8-B.

Filed August 4, 2021
By Jenn M. Morin and
Soubanh Phanthay

BE IT ORDAINED, by the Brewer City Council that Chapter 20 of the Charter, Codes and Ordinances of the City of Brewer entitled “Licensing and Permits” shall be amended by revising the following subsections to Article 8-B:

ARTICLE 8-B MEDICAL MARIJUANA ~~REGISTERED DISPENSARY and MEDICAL MARIJUANA CULTIVATION FACILITY AND ADULT-USE MARIJUANA LICENSES~~

Section 801-B.

All medical marijuana and/or adult-use marijuana businesses/uses (except for Medical Marijuana Home Production) ~~Medical Marijuana Registered Dispensary, and/or Medical Marijuana Cultivation Facility~~ shall obtain an annual license on or before January 1 of each year.

Section 802-B.

In applying for the annual license the applicant shall file an application on a form provided by the City Clerk and provide the following information:

1. Copies of all state licenses or other governmental approvals and their supporting documentation necessary to operate a marijuana business/use ~~Medical Marijuana Registered Dispensary and/or a Medical Marijuana Cultivation Facility~~.
2. Evidence the marijuana business/use ~~Dispensary and/or Facility~~ complies with all requirements of the Life Safety Code and all land use approvals including, but not limited to, site plan approval, building permit, and certificate of occupancy.
3. Evidence ~~on~~ of the on-site security which meets or exceeds that required by local ordinances and other laws and regulations.

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4. Evidence of adequate interior capacity to provide for its Patients and/or customers without queuing on sidewalks and parking areas or similar areas.

Section 803-B.

No mobile and/or internet-sales medical marijuana or adult-use marijuana business/use Medical Marijuana Registered Dispensary or Medical Marijuana Cultivation Facility shall be licensed or permitted within the City of Brewer.

Section 804-B.

A medical marijuana or adult-use marijuana business/use Marijuana Registered Dispensary and/or Medical Marijuana Cultivation Facility shall be inspected by City Departments to determine if the facilities is or are in compliance with all applicable City Codes and Ordinances.

Without limiting any other provision of this Chapter, a condition of any annual license for marijuana business/use shall be compliance with all applicable permits, licenses, or other governmental approvals as well as all applicable laws and regulations.

Section 805-B

The cost for the annual license is listed in the City of Brewer Schedule of Fees shall be \$500.00.

Statement of Fact: This ordinance amendment is being made in conjunction with amendments to Chapter 24, proposed in order to update local regulations pertaining to medical and adult use marijuana.

2021-C011

August 10, 2021

TITLE: ORDER, AMEND CHAPTER 20, ENTITLED "LICENSES AND PERMITS" OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, SECTION 210.3 "YARD SALES", SECTIONS 210.3.3, 210.3.4, 210.3.9, AND 210.3.11.

Filed August 10, 2021
By Michele Daniels and
Soubanh Phanthay

BE IT ORDAINED, by the Brewer in City Council that Chapter 20 of the Charter, Codes and Ordinances of the City of Brewer entitled "Licenses and Permits" shall be amended by changing Sections 210.3.3, 210.3.4, 210.3.8, and 210.3.11, to read as follows:

SECTION 210.3.3. a permit shall be required for all "yard sales", conducted in the City. The term "yard sale" shall include private sales, advertised in local media or otherwise, as garage, yard,

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household or barn sales, moving sales and private sales of all, or a part of the household goods located at the seller's place of residence. The ~~City Clerk~~ Tax Office shall issue a permit to any resident to conduct a "yard sale". The fee for such permit shall be in accordance with Article 4 of this Chapter. The application for such permit shall contain the name of the person selling his or her household goods, his or her agent, if any, and the days that such sale shall be conducted. Applications for "yard sale" permits shall not be subject to the public notice and hearing provisions of Article 1, § 103.4 of this Chapter. A permit shall allow the holder thereof to operate a yard sale for a period not to exceed ~~(3) three~~ ~~(3)~~ consecutive days. If a person wishes to conduct a second yard sale or a third yard sale during any calendar year, ~~as provided under the terms of paragraph 400.1 (B) of this Article,~~ he or she must purchase a separate permit.

SECTION 210.3.4. No such yard sale shall be operated longer than ~~(3) three~~ ~~(3)~~ consecutive days and no more than ~~two~~ ~~(2)~~ (3) three such sales shall be conducted by any ~~(1) one~~ ~~(1)~~ person or from any ~~(1) one~~ ~~(1)~~ location in any calendar year. No third yard sale shall be conducted within (45) forty-five days of any second yard sale by any (1) one person or from any (1) one location in any calendar year. In the event a hardship situation develops which causes the cancellation of a sale, the ~~City Clerk~~ Tax Office may issue another permit upon application from the person conducting the sale, setting forth the reason for such cancellation.

SECTION 210.3.9. No prepared food shall be sold at any yard sale.

SECTION 210.3.11. A yard sale permit shall be required for "rummage" sales, so called; however, a permit shall not be required for rummage sales conducted by organized charitable or religious groups and held on the organization's premises, provided all of the proceeds from the sale accrue to the organization. Wearing apparel shall be the only items of personal property sold at rummage sales. Wearing apparel shall be defined as clothes, linens and items incidental to clothing, and shall include shoes, hats, blankets, ~~afghans,~~ towels, sheets, bedspreads, pillows, pillow covers, umbrellas, pocketbooks, belts, skates and jewelry.

Statement of Fact: This change to the Licenses and Permits ordinance raises the maximum number of yard sales in a calendar year from (2) two to (3) three. To address safety and other concerns with increased yard sales, this change adds a (45) forty-five day waiting period between a second yard sale and a third yard sale. This change also formally moves the issuance of yard sale permits to the Tax Office.

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ACTION: Councilor Ferris moved that the amendments on the consent calendar be enacted. Councilor Phanthay seconded the motion. The motion passed by a 4-0 vote.

G. New Business

2021-C012

September 14, 2021

TITLE: ORDER, AMEND CHAPTER 8, ENTITLED “ELECTIONS” OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, SECTION 102 “POLLING PLACES”.

Filed August 26, 2021
By Jerry Goss

BE IT ORDAINED, by the Brewer City Council that Chapter 8 of the Charter, Codes and Ordinances of the City of Brewer entitled “Elections”, Section 102 “Polling Places” shall be amended as follows:

SECTION 102. Polling Places. The polling place for the City of Brewer shall be the ~~Brewer Municipal Auditorium~~ Joseph L. Ferris Community Center.

Statement of Fact: The building previously known as the Brewer Municipal Auditorium was renamed the “Joseph L. Ferris Community Center” on August 26, 2019.

ACTION: Councilor Goss moved that the amendment be certified and filed with the City Clerk for posting. Councilor Phanthay seconded the motion. The motion passed with a 4-0 vote.

2021-C013

September 14, 2021

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

Filed September 8, 2021
By Joseph L. Ferris

BE IT ORDAINED, by the Brewer City Council that Chapter 11GA of the Charter, Codes and Ordinances of the City of Brewer entitled “General Assistance Ordinance”, be amended as follows:

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

Appendix A: GA Overall Maximums

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Metropolitan Areas

Persons in Household

| COUNTY | 1 | 2 | 3 | 4 | 5 | 6* |
|--|----------------|----------------|------------------|------------------|------------------|------------------|
| Bangor HMFA: | 775 | 879 | 1,116 | 1,397 | 1,956 | 2,031 |
| Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie | <u>783</u> | <u>909</u> | <u>1,163</u> | <u>1,447</u> | <u>1,979</u> | <u>2,054</u> |

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

Appendix B: Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. ~~Through October 1, 2007, those~~ Those amounts are:

| Number in Household | Weekly Maximum | Monthly Maximum |
|---------------------|-----------------------------------|------------------------------------|
| 1 | 47.44 <u>\$58.14</u> | 204.00 <u>\$250</u> |
| 2 | 86.98 <u>\$106.74</u> | 374.00 <u>\$459</u> |
| 3 | 124.42 <u>\$153.02</u> | 535.00 <u>\$658</u> |
| 4 | 158.14 <u>\$194.19</u> | 680.00 <u>\$835</u> |
| 5 | 187.67 <u>\$230.70</u> | 807.00 <u>\$992</u> |
| 6 | 225.35 <u>\$276.74</u> | 969.00 <u>\$1,190</u> |
| 7 | 249.07 <u>\$306.05</u> | 1,071.00 <u>\$1,316</u> |
| 8 | 284.65 <u>\$349.77</u> | 1,224.00 <u>\$1,504</u> |

Note: For each additional person, add ~~\$146.00~~ \$188 per month

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

Appendix C: GA Housing Maximums
(Heated & Unheated Rents)

| <u>Bangor HMFA</u> Bedrooms | <u>Unheated</u> | | <u>Heated</u> | |
|---------------------------------------|---------------------------|-------------------------------|---------------------------|-------------------------------|
| | Weekly | Monthly | Weekly | Monthly |
| 0 | 144 <u>147</u> | 621 <u>630</u> | 168 <u>170</u> | 722 <u>730</u> |
| 1 | 159 <u>166</u> | 684 <u>714</u> | 190 <u>197</u> | 817 <u>847</u> |
| 2 | 202 <u>213</u> | 870 <u>917</u> | 243 <u>254</u> | 1,044 <u>1,091</u> |
| 3 | 256 <u>267</u> | 1,100 <u>1,150</u> | 305 <u>317</u> | 1,313 <u>1,363</u> |
| 4 | 370 <u>375</u> | 1,590 <u>1,612</u> | 431 <u>436</u> | 1,853 <u>1,876</u> |

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D. Amend Chapter 11GA, Appendix D entitled “Electric Utility Maximums” to read, in part, as follows:

Appendix D: Utilities

Electric Utility Maximums

Note: For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is *not automatically* entitled to the “maximums” established – applicants must demonstrate need.

1) Electricity Maximums for Households Without electric hot water: The maximum amounts allowed for utilities, for lights, cooking, and other electric uses, *excluding* electric hot water and heat are:

| <u>Number in Household</u> | <u>Weekly</u> | <u>Monthly</u> |
|-----------------------------------|-----------------------------------|-----------------------|
| 1 | \$14.00 | \$60.00 |
| 2 | \$15.70 | \$67.50 |
| 3 | \$17.45 | \$75.00 |
| 4 | \$19.20 <u>\$19.90</u> | \$86.00 |
| 5 | \$23.10 | \$99.00 |
| 6 | \$25.00 | \$107.00 |

~~*Add \$7.50 a month for each additional family member.~~

NOTE: For each additional person add \$7.50 per month

2) Electricity Maximums for Households With electric hot water *Electrically Heated Hot Water:*

The maximum amounts allowed for ~~electric~~ utilities, hot water, for lights, cooking and other electric uses *excluding* heat: for dwelling units that have electrically heated hot water shall be \$70 per month for the first member of the household, with an additional \$10 per month for each additional household member.

| <u>Number in Household</u> | <u>Weekly</u> | <u>Monthly</u> |
|-----------------------------------|----------------------|-----------------------|
| 1 | \$20.65 | \$ 89.00 |
| 2 | \$23.75 | \$102.00 |
| 3 | \$27.70 | \$119.00 |
| 4 | \$32.25 | \$139.00 |
| 5 | \$38.75 | \$167.00 |
| 6 | \$41.00 | \$176.00 |

NOTE: For each additional person add \$10.00 per month

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

E. Amend Chapter 11GA, Appendix G entitled “Milage Rate” to read, in part, as follows:

Appendix G: 2005-2006 Mileage Rate

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This municipality adopts the State of Maine travel expense reimbursement rate as set by the Office of the State Controller. The current rate (~~until December 2005~~) for approved employment and necessary medical travel etc. is 34 45 cents (~~34¢ 45¢~~) per mile.

Please refer to the Office of State Controller for changes to this rate: Telephone: 626-8420 or visit: <http://www.state.me.us/osc/>

Statement of Fact: This is an annual order to adopt State changes in general assistance benefit amounts. This amendment also updates the ordinance language to match what the state has adopted.

ACTION: Councilor Ferris moved that the amendment be certified and filed with the City Clerk for posting. Councilor Goss seconded the motion. The motion passed with a 4-0 vote.

H. New Items with Leave of Council

There were none.

I. ADJOURN

ACTION: Councilor Goss moved that the meeting be adjourned. Councilor Ferris seconded the motion. The motion passed by a 4-0 vote. The meeting was adjourned at 6:29pm.

ADJOURNED, ATTEST: _____ Vincent P. Migliore
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine