

CITY COUNCIL REGULAR MEETING
Tuesday, April 12, 2022, 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 the March 8, 2022 Regular Meeting** (Councilor Phanthay)
- B. Awards, Petitions and Public Comments**
 - 1. (2022-B007) RESOLVE Resolution of respect for Ken Locke. (Councilor Morin)
 - 2. Swearing-In Ceremony Brewer Police Patrol Officer, Michael McFadden
 - 3. Public Comments
- IV. Recess for Public Hearing**

Applications for Renewal of City Amusement Licenses

 - 1. Between Friends/Next Generation Theatre, 39 Center Street
 - 2. Brewster’s Fine Food & Drink, 359 Wilson Street
 - 3. Cap’s Tavern, 494 ½ South Main Street
 - 4. Fraternal Order of Eagles – Penobscot Aerie #3177, 22 Atlantic Ave.
 - 5. High Tide Restaurant, 5 South Main Street
 - 6. Jeff’s Catering + Event Center, 15 Event Center Way
 - 7. Kosta’s Restaurant & Bar, 429 Wilson Street
 - 8. Mad Kat & Company Bar & Grill, 393 North Main Street
 - 9. Mason’s Brewing Company, 15 Hardy Street
 - 10. Penny Lane Bar & Grill, 534 Wilson Street
- V. Adjourn Public Hearing**
- C. Consent Calendar**
 - 1. (2022-A048) ORDER Accept donation from Jessica Giles to the Brewer Parks & Recreation Department for Summer Program. (Councilor Morin)
 - 2. (2022-A049) ORDER Authorize contract with C&C Lynch Excavation, Inc. for placement of parallel water line around new box culvert located on Clewleyville Road, Eddington. (Councilor Phanthay)
 - 3. (2022-A050) ORDER Issue amusement license to Mermaid Enterprises, LLC. d/b/a Between Friends/Next Generation Theatre, 39 Center Street. (Councilor Ferris)
 - 4. (2022-A051) ORDER Issue amusement license to R.M.B.&G., Inc. d/b/a Brewster’s Fine Food & Drink, 359 Wilson Street. (Councilor Morin)
 - 5. (2022-A052) ORDER Issue amusement license to Delano G. Merrit d/b/a Cap’s Tavern, 494 ½ South Main Street. (Councilor Phanthay)
 - 6. (2022-A053) ORDER Issue amusement license to Eagles #3177 Penobscot Aerie d/b/a Fraternal Order of Eagles – Penobscot Aerie #3177, 22 Atlantic Avenue. (Councilor Ferris)

City Council Minutes

Tuesday, April 12, 2022

7. (2022-A054) ORDER Issue amusement license to High Tide Restaurant, LLC. d/b/a High Tide Restaurant, 5 South Main Street. (Councilor Morin)
8. (2022-A055) ORDER Issue amusement license to Jeff Ashe/Jeff's Catering & Bakeshop, Inc. d/b/a Jeff's Catering & Event Center, 15 Event Center Way. (Councilor Phanthay)
9. (2022-A056) ORDER Issue amusement license to Rock Lobster Entertainment, LLC. d/b/a Kosta's Restaurant & Bar, 429 Wilson Street. (Councilor Ferris)
10. (2022-A057) ORDER Issue amusement license to Christopher Morley/Mason's Brewing Company, LLC. d/b/a Mason's Brewing Company, 15 Hardy Street. (Councilor Morin)
11. (2022-A058) ORDER Issue amusement license to Kathleen Markwith/M.K.B.G., LLC. d/b/a Mad Kat & Company Bar & Grill, 393 North Main Street. (Councilor Phanthay)
12. (2022-A059) ORDER Issue amusement license to Penny Lane Bar and Grill d/b/a Penny Lane Bar and Grill, 534 Wilson Street. (Councilor Ferris)
13. (2022-A060) ORDER Accept grant funds from Walmart Foundation to support police canine training. (Councilor Morin)
14. (2022-A061) ORDER Accept donation to the Brewer Public Library from the Kiwanis Club of Brewer. (Councilor Phanthay)
15. (2022-B008) RESOLVE Adopt the Penobscot County Hazard Mitigation Plan 2022 Update. (Councilor Ferris)
16. (2022-A062) ORDER Accept donations in support of The Ken Locke Annual Stream Clean-up Event. (Councilor Morin)
17. (2022-A063) ORDER Award Contract for the North Main Street and State Street Resurfacing Project. (Councilor Phanthay)
18. (2022-A064) ORDER Authorize extension of audit services contract. (Councilor Ferris)
19. (2022-A065) ORDER Amend City's Post Issuance Compliance Policy. (Councilor Morin)
20. (2022-A066) ORDER Certify affordable housing information. (Councilor Phanthay)
21. (2022-A067) ORDER Authorize supplemental funding for Police Department Cruiser replacement. (Councilor Ferris)
22. (2022-A068) ORDER Use insurance refund from Maine Municipal Association to fund remediation and demolition of the dangerous building at 225 Wilson Street. (Councilor Morin)
23. (2022-A069) ORDER Accept Overdose Response Partnership Grant. (Councilor Phanthay)
24. (2022-A070) ORDER Award Contract for Library Window Replacement Project. (Councilor Ferris)

D. Monthly Reports (Councilor Ferris)

E. Nominations, Appointments, Elections (None)

City Council Minutes
Tuesday, April 12, 2022

F. Unfinished Business

1. (2022-C002) ORDER Amend Chapter 24 of the Charter, Codes and Ordinances of the City of Brewer, entitled "Land Use Code", to change a portion of Rural Zoning District on Lambert Road to Low Density Residential (LDR) Zoning District, Tax Map 5, Lot 6. (Mayor Daniels and Councilor Morin)
2. (2022-C003) ORDER Amend Chapter 10, entitled "The Police Department", of the Charter, Codes and Ordinances of the City of Brewer, Section 106 "Disruptive Property". (Mayor Daniels and Councilor Phanthay)

G. New Business

Consent Calendar

1. (2022-C004) ORDER Amend Chapter 40 of the Charter, Codes and Ordinances of the City of Brewer, entitled "Water Department", Article 3, to add Section 303 "Clear Space Around Hydrants" and 304 "Snow Placed on or Around Hydrants". (Councilor Ferris)
2. (2022-C005) ORDER Create Chapter 50 of the Charter, Codes and Ordinances of the City of Brewer, Entitled "E-911, Road Names, and Location Identification signage. (Councilor Morin)
3. (2022-C006) ORDER Amend Chapter 21 of the Charter, Codes and Ordinances of the City of Brewer, entitled "Street Use", Article 5, "Naming of Streets, Roads and Ways Under the E-911 System". (Councilor Phanthay)
4. (2022-C007) ORDER Amend Chapter 9 of the Charter, Codes and Ordinances of the City of Brewer, entitled "Fire Prevention", Article 3, "Inspections and Permits". (Councilor Ferris)

H. New Items with Leave of Council

I. ADJOURN

A. Minutes of the March 8, 2022 Regular Meeting

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

B. Awards, Petitions and Public Comments

2022-B007

April 12, 2022

TITLE: RESOLVE, RESOLUTION OF RESPECT FOR KEN LOCKE.

Filed November 4, 2021
By Jenn M. Morin

City Council Minutes
Tuesday, April 12, 2022

WHEREAS, on the 3rd day of November 2021 death brought to a close the full and active life of Ken Locke; and

WHEREAS, Ken was born in Houlton in 1956; and

WHEREAS, Ken married the love of his life, Kim (Clement) Locke, and they were married for 41 years; and

WHEREAS, Ken served honorably in the U.S. Airforce, and then entered the environmental wastewater services field; and

WHEREAS, Ken served as the City of Brewer Director of Environmental Services for 29 years, and retired in June of 2021; and

WHEREAS, Ken has been instrumental in transforming the Water Pollution Control Facility into an award-winning facility; and

WHEREAS, during his tenure as Director, Ken received the following awards:

- The Richard B Goodnow Award - Maine Wastewater Control Association Excellence in Operations and Management of a Municipal Wastewater Treatment Facility (1995);
- The George W Burke Jr Facility Safety Award - Water Environment Federation for the Effective Safety Program in Municipal and Industrial Wastewater Facilities (1997);
- The Environmental Merit Award-USEPA - Outstanding Efforts in Preserving New England's Environment (2006);
- The Steve Ranney Award - Maine DEP - Storm Water Management Excellence (2007, Ken was the first ever recipient of this award);
- The Certificate of Achievement from Maine DEP, and the Operation and Maintenance Program Excellence Award-US-EPA(2015); and

WHEREAS, Ken was an avid hunter and fisherman, and a sports enthusiast, with a passion for all Hermon sports; and

WHEREAS, Ken was a role model, Gramp, Uncle, and father-figure to many.

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

City Council Minutes
Tuesday, April 12, 2022

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 Ken Locke by the citizens and officials of the City of Brewer, Maine.

ACTION: Councilor Morin moved that the resolve be adopted. Councilor Ferris seconded the motion. Councilor Morin said that Ken was a wonderful man and a great contributor to the City of Brewer and offered her condolences to Ken’s widow Kim Locke who was in attendance. Councilor Ferris said that Ken did a wonderful job for the City of Brewer, and expressed his sympathies to Mrs. Locke saying that the City had lost a great fellow in Ken. Councilor Phanthay admired Ken’s many awards, and credited him for putting Brewer on the map in the field of wastewater management. The City Manager noted his privilege to have worked with Ken for over two decades, and described Ken as a legend in his professional field and as an individual. The City Manager admired Ken’s humility, having received awards and establishing a reputation of excellence throughout New England and the United States, Ken did not wear his achievements on his sleeve, but was instead was committed to operating the water treatment plant to the highest standards. The City Manager said that Ken was a great example to City staff and the other department heads, and that he had left his mark on the City and his professional field. Mayor Daniels said that she adored Ken’s passion for his work, and his desire to educate the public. The motion passed with a 4-0 vote.

2. Swearing-In Ceremony Brewer Police Patrol Officer, Michael McFadden

The City Clerk swore in Patrol Officer Michael McFadden as a new member of the Brewer Police Department. Deputy Mayor Phanthay presented a Brewer Challenge Coin to the new officer.

Public Comments

There were none.

IV. Recess for Public Hearing

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

The public hearing was called to order by Mayor Daniels.

The city clerk called the roll:

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

Mayor Daniels declared that a quorum was present. City Manager Stephen Bost was also present.

Mayor Daniels read the public notice:

CITY OF BREWER PUBLIC NOTICE

Notice is hereby given that the Brewer City Council will hold a public hearing on **Tuesday, April 12, 2022 at 6:00 p.m. in the Council Chambers at Brewer City Hall located at 80 North Main St.** to consider applications from the following businesses for issuance of city amusement licenses to permit them to have dancing and live entertainment on their premises, non-alcoholic as well as those which are licensed by the State of Maine for the sale of alcohol:

1. Between Friends/Next Generation Theatre, 39 Center Street
2. Brewster's Fine Food & Drink, 359 Wilson Street
3. Cap's Tavern, 494 South Main Street
4. Fraternal Order of Eagles – Penobscot Aerie #3177, 22 Atlantic Ave.
5. High Tide Restaurant, 5 South Main Street
6. Jeff's Catering + Event Center, 15 Event Center Way
7. Kosta's Restaurant & Bar, 429 Wilson Street
8. Mad Kat & Company Bar & Grill, 393 North Main Street
9. Mason's Brewing Company, 15 Hardy Street
10. Penny Lane Bar & Grill, 534 Wilson Street

Any person may present written or oral comments at this public hearing on these applications.

Vincent P. Migliore
City Clerk

published in the BDN
April 5, 2022

Mayor Daniels asked if there were any comments from the public present at the hearing. There were none.

Mayor Daniels asked if there had been any written comments received from the public. The City Clerk said there were none.

Mayor Daniels asked if there had been any comments the City Inspectors. The City Clerk said there were no objections from the City Inspectors.

Mayor Daniels asked if there were any comments from the Councilors. There were none.

V. Adjourn Public Hearing

Mayor Daniels adjourned the public hearing.

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

Councilor Goss-absent
Councilor Morin-present

Councilor Ferris-present
Councilor Phanthay-present

City Council Minutes
Tuesday, April 12, 2022

Mayor Daniels-present

Mayor Daniels declared that a quorum was present. City Manager Stephen Bost was also present.

C. Consent Calendar

2022-A048

April 12, 2022

TITLE: ORDER, ACCEPT DONATION FROM JESSICA GILES TO THE BREWER
PARKS AND RECREATION DEPARTMENT FOR SUMMER
PROGRAM.

Filed March 15, 2022
By Jenn M. Morin

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$200 from Jessica Giles for support of the Summer Program; and

WHEREAS, it is the recommendation and request of the Parks & Recreation Director and the donor that this donation be appropriated and expended to supplement the Summer Program.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council herewith accepts this donation and directs that the donation be receipted to the Summer Program revenue account (0107123-300327); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of this money from the Summer Program Expense account (0117121-506120).

Statement of Fact: This order accepts a contribution of \$200 from Jessica Giles to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Summer Program.

2022-A049

April 12, 2022

TITLE: ORDER, AUTHORIZE CONTRACT WITH C&C LYNCH EXCAVATION, INC.
FOR PLACEMENT OF PARALLEL WATER LINE AROUND NEW
BOX CULVERT LOCATED ON CLEWLEYVILLE ROAD,
EDDINGTON.

Filed March 25, 2022
By Soubanh Phanthay

WHEREAS, the town of Eddington is replacing a box culvert located on Clewleyville Road in Eddington; and

City Council Minutes
Tuesday, April 12, 2022

WHEREAS, the extended dimensions of this culvert and the water table will render pipe repairs impossible without coffer dams, low water and extended planning and equipment acquisition or rental; and

WHEREAS, this pipe is currently the only supply line feeding properties from Arlington Drive in Brewer to waterway 5757 (Robersham Brook) in Eddington; and

WHEREAS, Eddington has awarded C&C Lynch the contract to install the coffer dams and replace the culvert later this calendar year; and

WHEREAS, work in and around this drainage is permitted for a short window by the Maine Department of Environmental Protection (MDEP) to coincide with annual low water times and times that minimalize effects on aquatic life.

WHEREAS, given these limitations, using C&C Lynch for the water line work is the best approach.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the City Manager, or his designee, to enter into a contract with C&C Lynch Construction in the amount of \$68,860 with a 20% contingency of \$13,772, for a total of \$82,632; and

BE IT FURTHER ORDERED, that the costs for this project be included in the Water Department's Fiscal Year 2023 (FY23) Capital Improvement Program (CIP) (0571001-571014) to be funded from available sources;

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

Statement of Fact: This order authorizes the Water Department to enter into a contract to add a parallel line around the new culvert located on Clewleyville Road in Eddington. This is the same design and approach used on Felts Brook in Brewer when the culvert on Eastern Ave was replaced. The parallel line and valve configuration will allow the Water Department to keep customers in water while planning and repairing or abandoning the existing line.

2022-A050

April 12, 2022

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO MERMAID ENTERPRISES, LLC.
D/B/A BETWEEN FRIENDS/NEXT GENERATION THEATRE, 39
CENTER STREET.

Filed March 28, 2022
By Joseph L. Ferris

WHEREAS, Mermaid Enterprises, LLC.'s application for a City of Brewer Amusement License for Between Friends/Next Generation Theatre, 39 Center Street, has been received by the City Clerk and;

City Council Minutes
Tuesday, April 12, 2022

WHEREAS, the City Council held a public hearing on this application on April 12, 2022 in accordance with Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to: (a) the character of any applicant, (b) the location of the place of business, (c) the manner in which it has been operated, and (d) whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the grounds listed in Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer: and

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

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Mermaid Enterprises, LLC. d/b/a Between Friends/Next Generation Theatre, 39 Center Street, for the City's licensing year commencing May 2, 2022 and expiring May 1, 2023.

Statement of Fact: This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

2022-A051

April 12, 2022

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO R.M.B.&G., INC. D/B/A
BREWSTER'S FINE FOOD & DRINK, 359 WILSON STREET.

Filed March 28, 2022
By Jenn M. Morin

WHEREAS, R.M.B.&G., Inc.'s application for a City of Brewer Amusement License for Brewster's Fine Food & Drink, 359 Wilson Street, has been received by the City Clerk and;

WHEREAS, the City Council held a public hearing on this application on April 12, 2022 in accordance with Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to: (a) the character of any applicant, (b) the location of the place of business, (c) the manner in which it has been operated, and (d) whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

City Council Minutes
Tuesday, April 12, 2022

WHEREAS, a license may be denied on one (1) or more of the grounds listed in Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer: and

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

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to R.M.B.&G., Inc. d/b/a Brewster's Fine Food & Drink, 359 Wilson Street, for the City's licensing year commencing May 2, 2022 and expiring May 1, 2023.

Statement of Fact: This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

2022-A052

April 12, 2022

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO DELANO G. MERRIT D/B/A
CAP'S TAVERN, 494 ½ SOUTH MAIN STREET.

Filed March 28, 2022
By Soubanh Phanthay

WHEREAS, Delano G. Merrit's application for a City of Brewer Amusement License for Cap's Tavern, 494 ½ South Main Street, has been received by the City Clerk and;

WHEREAS, the City Council held a public hearing on this application on April 12, 2022 in accordance with Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to: (a) the character of any applicant, (b) the location of the place of business, (c) the manner in which it has been operated, and (d) whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the grounds listed in Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer: and

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

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer

City Council Minutes
Tuesday, April 12, 2022

Amusement License to Delano G. Merrit d/b/a Cap's Tavern, 494 ½ South Main Street, for the City's licensing year commencing May 2, 2022 and expiring May 1, 2023.

Statement of Fact: This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

2022-A053

April 12, 2022

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO EAGLES #3177 PENOBSCOT AERIE D/B/A FRATERNAL ORDER OF EAGLES – PENOBSCOT AERIE #3177, 22 ATLANTIC AVENUE.

Filed March 28, 2022
By Joseph L. Ferris

WHEREAS, Eagles #3177 Penobscot Aerie's application for a City of Brewer Amusement License for Fraternal Order of Eagles – Penobscot Aerie #3177, 22 Atlantic Avenue, has been received by the City Clerk and;

WHEREAS, the City Council held a public hearing on this application on April 12, 2022 in accordance with Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to: (a) the character of any applicant, (b) the location of the place of business, (c) the manner in which it has been operated, and (d) whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the grounds listed in Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer: and

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

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Eagles #3177 Penobscot Aerie d/b/a Fraternal Order of Eagles – Penobscot Aerie #3177, 22 Atlantic Avenue, for the City's licensing year commencing May 2, 2022 and expiring May 1, 2023.

Statement of Fact: This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

City Council Minutes
Tuesday, April 12, 2022

2022-A054

April 12, 2022

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO HIGH TIDE RESTAURANT, LLC. D/B/A HIGH TIDE RESTAURANT, 5 SOUTH MAIN STREET.

Filed March 28, 2022
By Jenn M. Morin

WHEREAS, High Tide Restaurant, LLC.'s application for a City of Brewer Amusement License for High Tide Restaurant, 5 South Main Street, has been received by the City Clerk and;

WHEREAS, the City Council held a public hearing on this application on April 12, 2022 in accordance with Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to: (a) the character of any applicant, (b) the location of the place of business, (c) the manner in which it has been operated, and (d) whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the grounds listed in Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer: and

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

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to High Tide Restaurant, LLC. d/b/a High Tide Restaurant, 5 South Main Street, for the City's licensing year commencing May 2, 2022 and expiring May 1, 2023.

Statement of Fact: This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

2022-A055

April 12, 2022

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO JEFF ASHEY/JEFF'S CATERING & BAKESHOP, INC. D/B/A JEFF'S CATERING & EVENT CENTER, 15 EVENT CENTER WAY.

Filed March 28, 2022
By Soubanh Phanthay

City Council Minutes
Tuesday, April 12, 2022

WHEREAS, Jeff Ashe/Jeffer's Catering & Bakeshop, Inc.'s application for a City of Brewer Amusement License for Jeff's Catering & Event Center, 15 Event Center Way, has been received by the City Clerk and;

WHEREAS, the City Council held a public hearing on this application on April 12, 2022 in accordance with Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to: (a) the character of any applicant, (b) the location of the place of business, (c) the manner in which it has been operated, and (d) whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the grounds listed in Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer: and

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

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Jeff Ashe/Jeffer's Catering & Bakeshop, Inc. d/b/a Jeffer's Catering & Event Center, 15 Event Center Way, for the City's licensing year commencing May 2, 2022 and expiring May 1, 2023.

Statement of Fact: This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

2022-A056

April 12, 2022

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO ROCK LOBSTER ENTERTAINMENT, LLC. D/B/A KOSTA'S RESTAURANT & BAR, 429 WILSON STREET.

Filed March 28, 2022
By Joseph L. Ferris

WHEREAS, Rock Lobster Entertainment, LLC.'s application for a City of Brewer Amusement License for Kosta's Restaurant & Bar, 429 Wilson Street, has been received by the City Clerk and;

WHEREAS, the City Council held a public hearing on this application on April 12, 2022 in accordance with Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer; and

City Council Minutes
Tuesday, April 12, 2022

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to: (a) the character of any applicant, (b) the location of the place of business, (c) the manner in which it has been operated, and (d) whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the grounds listed in Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer: and

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

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Rock Lobster Entertainment, LLC. d/b/a Kosta's Restaurant & Bar, 429 Wilson Street, for the City's licensing year commencing May 2, 2022 and expiring May 1, 2023.

Statement of Fact: This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

2022-A057

April 12, 2022

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO CHRISTOPHER MORLEY/MASON'S BREWING COMPANY, LLC. D/B/A MASON'S BREWING COMPANY, 15 HARDY STREET.

Filed March 28, 2022

By Jenn M. Morin

WHEREAS, Christopher Morley/Mason's Brewing Company, LLC.'s application for a City of Brewer Amusement License for Mason's Brewing Company, 15 Hardy Street, has been received by the City Clerk and;

WHEREAS, the City Council held a public hearing on this application on April 12, 2022 in accordance with Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to: (a) the character of any applicant, (b) the location of the place of business, (c) the manner in which it has been operated, and (d) whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the grounds listed in Chapter 20,

City Council Minutes
Tuesday, April 12, 2022

Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer: and

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

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Christopher Morley/Mason's Brewing Company, LLC. d/b/a Mason's Brewing Company, 15 Hardy Street, for the City's licensing year commencing May 2, 2022 and expiring May 1, 2023.

Statement of Fact: This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

2022-A058

April 12, 2022

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO KATHLEEN MARKWITH/M.K.B.G., LLC. D/B/A MAD KAT & COMPANY BAR & GRILL, 393 NORTH MAIN STREET.

Filed March 28, 2022
By Soubanh Phanthay

WHEREAS, Kathleen Markwith/M.K.B.G., LLC.'s application for a City of Brewer Amusement License for Mad Kat & Company Bar & Grill, 393 North Main Street, has been received by the City Clerk and;

WHEREAS, the City Council held a public hearing on this application on April 12, 2022 in accordance with Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to: (a) the character of any applicant, (b) the location of the place of business, (c) the manner in which it has been operated, and (d) whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the grounds listed in Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer: and

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

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing

City Council Minutes
Tuesday, April 12, 2022

Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Kathleen Markwith/M.K.B.G., LLC. d/b/a Mad Kat & Company Bar & Grill, 393 North Main Street, for the City's licensing year commencing May 2, 2022 and expiring May 1, 2023.

Statement of Fact: This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

2022-A059

April 12, 2022

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO PENNY LANE BAR AND GRILL
D/B/A PENNY LANE BAR AND GRILL, 534 WILSON STREET.

Filed March 28, 2022
By Joseph L. Ferris

WHEREAS, Penny Lane Bar and Grill's application for a City of Brewer Amusement License for Penny Lane Bar and Grill, 534 Wilson Street, has been received by the City Clerk and;

WHEREAS, the City Council held a public hearing on this application on April 12, 2022 in accordance with Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to: (a) the character of any applicant, (b) the location of the place of business, (c) the manner in which it has been operated, and (d) whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the grounds listed in Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer: and

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

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Penny Lane Bar and Grill d/b/a Penny Lane Bar and Grill, 534 Wilson Street, for the City's licensing year commencing May 2, 2022 and expiring May 1, 2023.

Statement of Fact: This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

2022-A060

April 12, 2022

City Council Minutes
Tuesday, April 12, 2022

TITLE: ORDER, ACCEPT GRANT FUNDS FROM WALMART FOUNDATION TO
SUPPORT POLICE CANINE TRAINING.

Filed March 29, 2022
By Jenn M. Morin

WHEREAS, the City of Brewer has received a grant from the Walmart Foundation to pay expenses associated with training a newly appointed police canine handler for the Brewer Police Department; and

WHEREAS, the amount of funding awarded is \$2,000 to be used exclusively for police canine training expenses.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts these grant funds and directs that these funds be deposited in account 0600058-360000-58057 (FY22 Walmart Foundation Grant II– Police Revenue Account), and Expenditures shall be drawn from account 0600058-560000-58057 (FY22 Walmart Foundation Grant II – Police Expense Account).

Statement of Fact: The Brewer Police Department received a grant of \$2,000 to pay expenses related to the police canine program. The grant was provided by the Walmart Foundation. Newly appointed canine handler Officer Mike Cummings and his canine partner Carmelo will be travelling to Florida in April for four weeks of drug detection training.

2022-A061

April 12, 2022

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PUBLIC LIBRARY FROM
THE KIWANIS CLUB OF BREWER.

Filed March 29, 2022
By Soubanh Phanthay

WHEREAS, the City of Brewer Public Library has received a contribution of \$500 from the Kiwanis Club of Brewer; and

WHEREAS, it is the wish of the donor and the recommendation of the Library Director that these funds be used to for the library’s Summer Reading Program; and

WHEREAS, the Brewer Kiwanis Club has faithfully supported children’s reading and literacy efforts at the Brewer Public Library for many years, in particular the annual Summer Reading Program.

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts this contribution totaling \$500 from the Kiwanis Club of Brewer and authorizes its deposit in account 060072-360000-72011

City Council Minutes
Tuesday, April 12, 2022

(Kiwanis Grant Revenue) and expenditure from account 0600072-560000-72011 (Kiwanis Grant Expenses).

Statement of Fact: This order accepts a donation of \$500 from the Kiwanis Club of Brewer to support the Summer Reading Program at the City of Brewer Public Library.

2022-B008

April 12, 2022

TITLE: RESOLVE, ADOPT THE PENOBSCOT COUNTY HAZARD MITIGATION PLAN
2022 UPDATE.

Filed March 31, 2022
By Joseph L. Ferris

WHEREAS, natural and man-made disasters may occur at any time, and to lessen the impacts of these disasters will save resources, property, and lives in Penobscot County; and

WHEREAS, the creation of a Multi-Jurisdictional Hazard Mitigation Plan is helpful for the development of a risk assessment and mitigation strategy; and

WHEREAS, the City of Brewer is committed to the mitigation goals and measures as presented in this plan.

NOW, THEREFORE, BE IT RESOLVED, that the City of Brewer, by vote of its City Council herewith adopts the Penobscot County Multi-Jurisdictional Hazard Mitigation Plan 2022 update.

Statement of Fact: This resolution adopts the most recent update of the Penobscot County Multi-Jurisdictional Hazard Mitigation Plan as developed by the Penobscot Emergency Management Agency.

2022-A062

April 12, 2022

TITLE: ORDER, ACCEPT DONATIONS IN SUPPORT OF THE KEN LOCKE ANNUAL
STREAM CLEANUP EVENT.

Filed April 5, 2022
By Jenn M. Morin

WHEREAS, the City of Brewer will hold its 18th Annual Stream Cleanup Event on Saturday, May 7, 2022 from 8:00AM until 12:00PM (rain date Saturday, May 14th); and

WHEREAS, this year's event is being held in recognition of former Water Pollution Control Facility (WPCF) Director Kenneth Locke who was a driving force behind all of WPCF's community outreach programs, and was particularly fond of the stream clean-up event; and

City Council Minutes
Tuesday, April 12, 2022

WHEREAS, a number of private companies and individuals have or will donate monies, materials and supplies for this event in order to make it more successful for the citizens of Brewer.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, authorizes the City Manager and the Finance Director to accept donations in support of the City's Annual Stream Cleanup event and deposit them in revenue account 0200000-320000-20001; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the expenditure of these donations from account 0200000-520000-20001 in support of the annual event; and

BE IT FURTHER ORDERED, that the Director of Environmental Services, on behalf of the City Council, take appropriate steps to recognize the companies and individuals who made contributions to this event for their generosity and commitment to the quality of life of residents of the City of Brewer.

Statement of Fact: This order authorizes the acceptance and expenditure of donations received to support The Ken Locke Annual Stream Cleanup Event, which is funded entirely from donations.

2022-A063

April 12, 2022

TITLE: ORDER, AWARD CONTRACT FOR THE NORTH MAIN STREET AND STATE STREET RESURFACING PROJECT.

Filed April 5, 2022
By Soubanh Phanthay

WHEREAS, on May 12, 2020 the Brewer City Council authorized a Municipal Partnership Initiative (MPI) agreement with the Maine Department of Transportation (MDOT) (Order 2020-A022) in the amount of \$350,000 for the resurfacing of North Main Street with storm drain improvements from State Street to Wilson Street on a 50/50 cost sharing basis; and

WHEREAS, on May 11, 2021 the Council authorized an MPI agreement with MDOT (Order 2021-A042) in the amount of \$200,000 (to be funded as part of the Fiscal Year 2023 Capital Improvement Program (CIP) for the resurfacing of State Street from Eastern Avenue to just beyond Mullen Way on a 50/50 cost sharing basis; and

WHEREAS, in anticipation of the paving, the City undertook needed storm drain pipe repairs that utilized a portion of the funding approved for the MPI projects; and

WHEREAS; On March 28, 2022, the City received two competitive bids for the resurfacing work from reputable local contractors (see attached bid tabulation sheet), the lowest of which will require an additional \$345,000 (\$145,000 for the North Main portion and \$200,000 for the State Street

City Council Minutes
Tuesday, April 12, 2022

portion); and

WHEREAS, since the paving would not take place until later this year, the Finance Director recommends including the supplemental funding needed as part of the Fiscal Year 2023 CIP.

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to execute a contract with Hopkins Paving, LLC of Hermon, Maine, the low bidder, in an amount not to exceed \$570,000.00 (the bid amount with the bid alternate for new slipform concrete curb on State Street plus approximately 10% for contingencies) for the completion of the 2022 North Main Street and State Street Resurfacing project; and

BE IT FURTHER ORDERED, that costs associated with the State Street MPI project be charged to 0510113-551640-66500 and those with the North Main Street MPI to 0510113-551638; and

BE IT FURTHER ORDERED, that the additional \$345,000 needed to complete this work be funded as part the Fiscal Year 2023 Capital Improvement Program, which may come in whole or in part via bond financing.

Statement of Fact: This order awards the contract for the 2022 North Main Street and State Street Resurfacing project to Hopkins Paving, LLC. The contract completes the work associated with both the North Main Street and State Street Municipal Partnership Initiative projects, initially approved and funded by Council Orders in May 2020 and May 2021. This order also approves \$345,000 in supplemental funding for the work, which will be included in the Fiscal Year 2023 CIP and may come in whole or in part via bond financing.

City Council Minutes

Tuesday, April 12, 2022

North Main Street and State Street		Resurfacing Project		Bidder: Hopkins Paving		Bidder: Northeast Paving	
Bid Tabulation		City of Brewer		Total		Total	
Bids Opened on 3/28/2022		City of Brewer					
Bid Items:	Quantity	Unit	Bid Price	Total	Bid Price	Total	
North Main Street							
Milling	7300	SY	\$3,75	\$27,375.00	\$11.00	\$80,300.00	
Bit. Conc. Paving 9.5 mm	40	Tons	\$300.00	\$12,000.00	\$400.00	\$16,000.00	
Binder Pavement Repair	150	SY	\$65.00	\$9,750.00	\$135.00	\$20,250.00	
Bit. Conc. Pavement 12.5 (Fine)	610	Tons	\$135.00	\$82,350.00	\$170.00	\$103,700.00	
Prep for Sidewalk Paving	340	SY	\$59.00	\$20,060.00	\$68.00	\$23,120.00	
Granite Curbing	300	LF	\$55.00	\$16,500.00	\$100.00	\$30,000.00	
Remove and Reset Granite Curbing	200	LF	\$40.00	\$8,000.00	\$60.00	\$12,000.00	
Remove and Reset Curb Detectable Warni	8	SF	\$500.00	\$4,000.00	\$275.00	\$2,200.00	
Striping	1	LS	\$4,500.00	\$4,500.00	\$3,900.00	\$3,900.00	
Mobilization	1	LS	\$25,000.00	\$25,000.00	\$30,000.00	\$30,000.00	
Traffic Control	1	LS	\$37,500.00	\$37,500.00	\$60,000.00	\$60,000.00	
Erosion Control	1	LS	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	
				North Main St Subtotal		\$391,470.00	
State Street							
Milling	6500	SY	\$3.75	\$24,375.00	\$11.00	\$71,500.00	
Binder Pavement Repair	100	SY	\$75.00	\$7,500.00	\$135.00	\$13,500.00	
Bit. Conc. Pavement 12.5 (Fine)	720	Tons	\$135.00	\$97,200.00	\$170.00	\$122,400.00	
Bit Conc Pvc. 9.5mm Sidewalk Overlay	60	Tons	\$300.00	\$18,000.00	\$400.00	\$24,000.00	
Bituminous Curbing	32	LF	\$25.00	\$800.00	\$95.00	\$3,000.00	
Curb Ramp Detectable Warning Field	2	EA	\$1,500.00	\$3,000.00	\$1,700.00	\$3,400.00	
Curb Ramp (Gravel and Pavement)	45	SY	\$175.00	\$7,875.00	\$115.00	\$5,175.00	
Striping	1	LS	\$4,500.00	\$4,500.00	\$3,900.00	\$3,900.00	
Mobilization	1	LS	\$25,000.00	\$25,000.00	\$30,000.00	\$30,000.00	
Traffic Control	1	LS	\$37,500.00	\$37,500.00	\$55,000.00	\$55,000.00	
Erosion Control	1	LS	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	
				State Street Subtotal		\$341,915.00	
				Grand Total Both Sections		\$733,385.00	
Slipform Concrete Curb Bid Alternate	2730	LF	\$8.00	\$24,570.00	\$19.00	\$51,870.00	

City Council Minutes
Tuesday, April 12, 2022

2022-A064

April 12, 2022

TITLE: ORDER, AUTHORIZE EXTENSION OF AUDIT SERVICES CONTRACT.

Filed April 5, 2022
By Joseph L. Ferris

WHEREAS, the City's contract with audit firm Runyon Kersteen Ouellette (RKO) of South Portland, Maine concluded with the completion of the Fiscal Year 2021 audit; and

WHEREAS, given the significant accounting software upgrade that will be taking place this fall around the time of the audit as well as the new employee in the Payroll Technician position, the Finance Director recommends extending the contract with RKO an additional year to ensure the audit can be completed in a timely manner; and

WHEREAS, Runyon Kersteen Ouellette has provided the City exemplary service since 2006 and proposed acceptable terms for an extension through the Fiscal Year 2022 audit.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the extension of the audit services contract with Runyon Kersteen Ouellette to cover the Fiscal Year 2022 audit and authorizes the City Manager or his designee to execute any and all necessary documents to secure this extension; and

BE IT FURTHER ORDERED, that the City Council hereby approves the contract price of \$53,000 for the Fiscal Year 2022 audit; and

BE IT FURTHER ORDERED, that the City Council of the City of Brewer herewith exercises its authority under Section 404 of the City's Purchasing Ordinance, Chapter 36 of the Charter, Codes and Ordinances of the City of Brewer in the purchase of these contractor services.

Statement of Fact: This order authorizes a one-year extension of the contract for audit services with Runyon Kersteen Ouellette of South Portland.

2022-A065

April 12, 2022

TITLE: ORDER, AMEND CITY'S POST ISSUANCE COMPLIANCE POLICY.

Filed April 5, 2022
By Jenn M. Morin

WHEREAS, through passage of order 2012-A066, the Brewer City Council adopted a Post Issuance Compliance Policy for the City to establish procedures for adhering to Internal Revenue Service (IRS) rules and regulations regarding tax exempt financing provisions; and

City Council Minutes
Tuesday, April 12, 2022

WHEREAS, the City's recent bond refinancing issued through the open market requires that we update the Policy to reflect changes to IRS Rule 15c2-12 for continuing disclosure requirements.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the amendment of Brewer's Post Issuance Compliance Policy to conform to IRS requirements.

Statement of Fact: This order authorizes the amendment of the City's Post Issuance Compliance Policy to reflect current IRS rules regarding continuing disclosure requirements for issuers of tax-exempt debt.

2022-A066

April 12, 2022

TITLE: ORDER, CERTIFY AFFORDABLE HOUSING INFORMATION.

Filed April 5, 2022
By Soubanh Phanthay

WHEREAS, as required by the City of Brewer's Certificate of Approval for the Highland Community Affordable Housing Development District (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.

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.

2022-A067

April 12, 2022

TITLE: ORDER, AUTHORIZE SUPPLEMENTAL FUNDING FOR POLICE DEPARTMENT CRUISER REPLACEMENT.

City Council Minutes
Tuesday, April 12, 2022

Filed April 6, 2022
By Joseph L. Ferris

WHEREAS, the approved City of Brewer Fiscal Year 2022 (FY22) Capital Improvement Program (CIP) included \$48,500 for replacement of a marked police vehicle for primary patrol use; and

WHEREAS, with Order 2022-A020, the City Council authorized the purchase of that replacement vehicle from Darling's Ford in Bangor, Maine; and

WHEREAS, it has been determined that an additional \$7,500 is needed for the purchase of an in-car camera system and mobile data terminal for this vehicle; and

WHEREAS, there is money within the Public Safety Building Improvement account that can be reallocated to cover this vehicle equipment cost.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the transfer of up to \$7,500 from the Public Safety Building Improvement account (0510122-551229) to the Police Vehicles CIP account (0510132-511200) to cover the cost of this equipment.

Statement of fact: The order authorizes the transfer of up to \$7,500 from the Public Safety Building Improvement CIP account to the Police cruiser replacement CIP account to cover the cost of needed equipment for a marked police vehicle. The marked police vehicle was ordered in July 2021, but, due to supply chain issues, the vehicle was not acquired until March 2022. Since the passage of the FY22 CIP, the cost of required equipment has increased and, implementation of the Police Canine Program meant the department did not have a surplus vehicle to trade-in and from which it could transfer an in-car camera system and mobile data terminal.

2022-A068

April 12, 2022

TITLE: ORDER, USE INSURANCE REFUND FROM MAINE MUNICIPAL ASSOCIATION TO FUND REMEDIATION AND DEMOLITION OF THE DANGEROUS BUILDING AT 225 WILSON ST.

Filed April 6, 2022
By Jenn M. Morin

WHEREAS, the City of Brewer has received a total of \$23,746 in dividends from the Maine Municipal Association's Risk Management Program (\$8,625 from the Property and Casualty insurance pool and \$15,121 from the Workers Compensation pool) in recognition of the fund's and the City's positive performance in the prior year; and

WHEREAS, the City expects to incur approximately \$25,000 in unanticipated expense related to

City Council Minutes
Tuesday, April 12, 2022

the environmental assessment, hazardous material remediation, and demolition of the condemned City tax acquired structure at 225 Wilson Street.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby accepts the \$23,746 in insurance dividends and directs that they be deposited into the City's Miscellaneous Revenue account (0106904-300490); and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of this \$23,746, along with \$1,254 in unanticipated State revenue sharing funds, from the Code Contracted Services account (0116001-501040) for unanticipated expenses associated with removal of the dilapidated tax acquired structure at 225 Wilson Street.

Statement of Fact: This order accepts \$23,746 in insurance dividends and authorizes their use to cover an estimated \$25,000 in unanticipated expenses associated with the removal of the dilapidated tax acquired structure at 225 Wilson Street. The remaining \$1,254 in funding needed will come from unanticipated State revenue sharing.

2022-A069

April 12, 2022

TITLE: ORDER, ACCEPT OVERDOSE RESPONSE TEAM PARTNERSHIP GRANT.

Filed April 6, 2022
By Soubanh Phanthay

WHEREAS, the Brewer Police Department has received a grant for \$600.00 from the Penobscot/Piscataquis County Overdose Prevention Through Intensive Outreach Naloxone and Safety (OPTIONS) Overdose Response Team, which is a collaboration of Bangor Public Health, Community Health and Counseling Services, Bangor Area Recovery Network (BARN) and Together Place; and

WHEREAS, these funds are designated to support costs associated with staff trainings, purchase of equipment, supplies, fund staff appreciation events or strategies, and/or support community events, education or outreach as long as the department participates in one of four opioid epidemic response strategies.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the acceptance and deposit of this \$600 grant into account 0600058-360000-58056 (Overdose Partnership Grant Revenue); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0600058-560000-58056 (Overdose Partnership Grant Expense).

Statement of Fact: The City of Brewer Police Department received \$600.00 in grant funds from the

City Council Minutes
Tuesday, April 12, 2022

Penobscot/Piscataquis County OPTIONS Overdose Response Team to support the department's operations and participation in drug response strategies.

2022-A070

April 12, 2022

TITLE: ORDER, AWARD CONTRACT FOR LIBRARY WINDOW REPLACEMENT PROJECT.

Filed April 6, 2022
By Joseph L. Ferris

WHEREAS, inspection of the Brewer Public Library's windows has revealed that many of the windows do not open, some of the trim is rotting, and some of the windows are currently boarded up; and

WHEREAS, the recommendation is to replace twelve windows on the east and west sides of the library with Low-E Argon, Energy Star qualified windows, replace boarded up windows with polyvinyl chloride (PVC) siding, and replace all rotted trim; and

WHEREAS, funding was included in the Fiscal Year 2022 (FY22) Capital Improvement Plan (CIP) for this work; and

WHEREAS, the Library Director received one bid for the roof repair, coming from Ackerson Builders at nearly \$4,000 below estimate; and

WHEREAS, Ackerson Builders will remove damaged materials, install new windows, install new trim, and replace boarded up windows with PVC siding to match the color of the building.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith awards the contract for the above-described window repair and replacement with costs not to exceed \$15,300 to Ackerson Builders of Bangor, Maine and authorizes the expenditure of approved FY2022 CIP funds from expense account 0510120-551017-72031 (LIBRARY BUILDING IMPROVEMENTS) to cover these window repair and replacement costs for the City of Brewer Public Library.

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

Statement of Fact: This order awards a contract to Ackerson Builders of Bangor for repair and replacement of windows at the Brewer Public Library, which was funded as part of the approved FY22 CIP.

City Council Minutes
Tuesday, April 12, 2022

ACTION: Councilor Morin moved that the orders on the consent calendar have passage and that the resolve be adopted. Councilor Ferris seconded the motion. The motion passed with a 4-0 vote.

D. Monthly Reports

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

E. Nominations, Appointments, Elections

There were none.

F. Unfinished Business

2022-C002

March 8, 2022

TITLE: ORDER, AMEND CHAPTER 24 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “LAND USE CODE”, TO CHANGE A PORTION OF RURAL ZONING DISTRICT ON LAMBERT ROAD TO LOW DENSITY RESIDENTIAL, TAX MAP 5, LOT 6.

Filed March 8, 2022
By Michele Daniels and
Jenn M. Morin

BE IT ORDAINED, by the Brewer City Council that Chapter 24, of the City of Brewer Charter, Codes and Ordinances of the City of Brewer, entitled “Land Use Code”, shall be amended to change a portion of Rural zoning district to Low Density Residential (LDR) zoning district on Lambert Road (tax map 5, lot 6) by moving the existing zone line as follows:

Beginning at the intersection of the existing zone line and the westerly lot line of said Tax Map 5, Lot 6;

Thence northerly along the lot line, approximately 810 feet, to a point being 1,000 feet from the southwesterly corner of said lot;

Thence easterly crossing said Tax Map 5, Lot 6, approximately 700 feet, to a corner of said lot which is also the northwesterly corner of Tax Map 5, Lot 5;

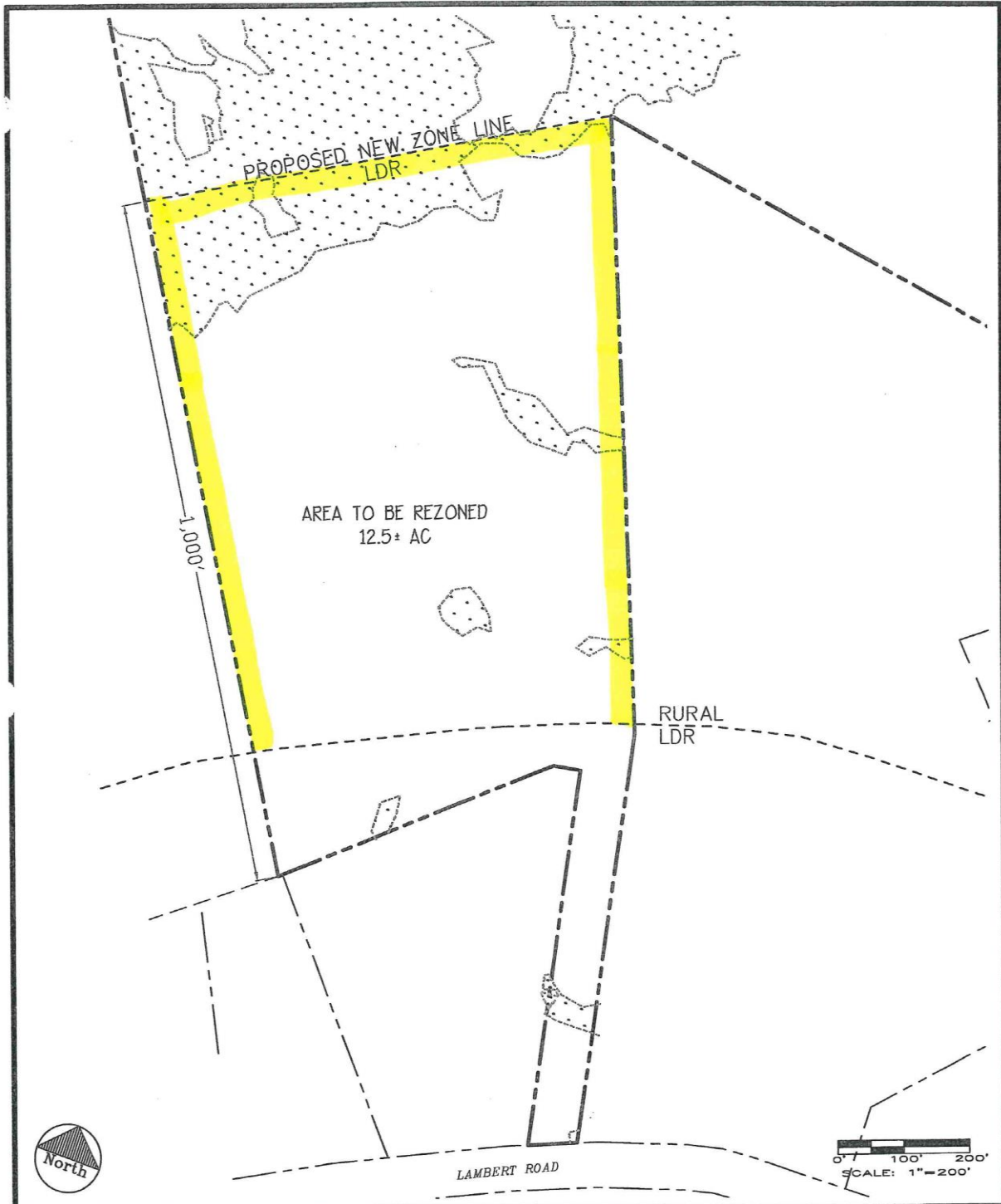
Thence southeasterly along the lot line approximately 875 feet to the intersection of the existing zone line.

City Council Minutes
Tuesday, April 12, 2022

Said proposed relocation of the zoning district is as shown on the attached sketch prepared by Kiser & Kiser.

Statement of Fact: The front portion of the property currently lies within the LDR zone, which allows for multi-family housing. By moving the zone line further into the property, the developer could group the residential units closer to Lambert Road and leave the remainder of the 113-acre parcel as open space. The Planning Board held a public hearing on March 7, 2022 and made the recommendation for moving the zone line so that the land described above is within the Low Density Residential (LDR) zoning district.

City Council Minutes
Tuesday, April 12, 2022



ZONE CHANGE MAP
TAX MAP 5, LOT 6

LAMBERT ROAD
BREWER, MAINE

WHITE PINE ROAD LLC



ENGINEERING & DEVELOPMENT CONSULTING
PO BOX 282, HAMPDEN, MAINE 04444
207-862-4700

City Council Minutes
Tuesday, April 12, 2022

ACTION: Councilor Morin moved that the amendment be enacted. Councilor Ferris seconded the motion. The motion passed with a 4-0 vote.

2022-C003

March 8, 2022

TITLE: ORDER, AMEND CHAPTER 10, ENTITLED "THE POLICE DEPARTMENT" OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, SECTION 106 "DISRUPTIVE PROPERTY".

Filed March 8, 2022
By Michele Daniels and
Soubanh Phanthay

BE IT ORDAINED, by the Brewer City Council that Chapter 10 of the Charter, Codes, and Ordinances of the City of Brewer entitled "The Police Department", Section 106 "Disruptive Property" shall be amended as follows:

SECTION 106. DISRUPTIVE PROPERTY

106.1 Definitions: As used in this Section, the following terms shall have the meanings indicated:

DISRUPTIVE ACTIVITIES

Situations created, originating, or conducted within a building or within the boundaries of the property on which a building is located, or on any vacant plot or parcel of land, by the owner, owner's employees, owner's representatives, occupants, tenants, or customers thereof, or the visitors to any such owner, occupant, tenant, or customer, which would unreasonably disturb the community, the neighborhood, or an ordinary individual of normal sensitivities at or beyond the property line, including but not limited to:

- A. Loud music;
- B. Boisterous gatherings;
- C. Excessive, loud or unnecessary noises audible beyond the property line;
- D. Altercations occurring on the property, such as fighting, disruptive conduct, brawling or similar activities;
- E. Other similar activities occurring within or outside any building located on the property;
- F. Criminal violations resulting in arrest or summons, to include and not be limited to: any Class A, B, or C felony

City Council Minutes
Tuesday, April 12, 2022

offenses as defined in M.R.S.A. Title 17-A; Class D and E misdemeanor offenses as defined in M.R.S.A. Title 17-A; and M.R.S.A. Title 15 ss1092 "Violation of Condition of Release".

DISRUPTIVE PROPERTY

Any ~~residential~~ property for which the Police Chief has notified the owner that the Police Department has documented and substantiated either two (2) or more disruptive events within sixty (60) days; or three (3) or more disruptive events within one hundred twenty (120) days; or four (4) or more disruptive events within one hundred eighty (180) days; or five (5) or more disruptive events within three hundred sixty (360) days.

OWNER

Any person, including any legal entity, having the right of legal title or the beneficial interest in a ~~residential~~ property or any portion thereof, as that interest is recorded in the tax records of the City of Brewer or the Registry of Deeds of Penobscot County.

RESIDENTIAL PROPERTY

A. Shall mean:

- (1) Lot(s), plot(s), or parcel(s) of land on which ~~a any residential~~ building(s) ~~or a building(s) of mixed occupancy~~ is located; or
- (2) Residential building(s), including one-family dwelling(s), multiple dwellings, and rooming houses or boardinghouses; or
- (3) Residential occupancies in building(s) of mixed occupancy.
- (4) Lot(s), plot(s), or parcel(s) of land which are vacant.

B. For the purpose hereof, a "mixed occupancy building" means a building used for any purpose that also contains residential occupancy therein.

106.2 Declaration of public nuisance.

A. A disruptive property is hereby declared to be a public nuisance.

B. The owner of a ~~residential~~ property shall provide sufficient control, oversight, monitoring, and management of the property

City Council Minutes
Tuesday, April 12, 2022

to prevent the same from becoming a disruptive property.

C. The owner of a disruptive property shall be responsible for taking all necessary measures to abate or eliminate the public nuisance.

106.3 Disruptive property prohibited.

No owner of ~~residential~~ property shall maintain, or allow to be maintained or to exist on the owner's property, a disruptive property as defined in this Section. Each and every day that a disruptive event shall be permitted to occur on the property after it becomes classified by the Chief of Police as a disruptive property shall constitute a separate offense.

106.5 Notice of disruptive events or disruptive property.

A. Whenever the Police Chief determines that a disruptive event has occurred, the Police Chief shall notify the owner of the property as to the findings according to the number and frequency of prior disruptive events, if any, as provided below.

(1) First disruptive event. At the earliest time possible, but within not more than ~~seven (7)~~ twenty-one (21) days after the first disruptive event at a property, the Police Chief may serve the owner with a copy of this Section and a disruptive event notice advising the owner that the Police Department has documented the occurrence of a disruptive event at the owner's property. Copies of the disruptive event notice shall be provided to the City Manager, Code Enforcement Officer and the Fire Chief (The Public Safety Director in his capacity, or his designee, herein after collectively referred to as "Fire Chief"). The notice shall also advise the owner that subsequent events will result in the property being classified as a disruptive property, and warn the owner that failure to prevent the property from becoming a disruptive property will constitute a violation of this Section.

(2) Second disruptive event. At the earliest possible time, but within not more than ~~seven (7)~~ twenty-one (21) days after the second disruptive event at a property, the Police Chief may serve the owner with a copy of this Section and a disruptive event notice advising the owner that the Police Department has documented a second disruptive event at the owner's property. In the event that the property has accumulated at this time two (2) disruptive events within a sixty (60) day period, the Police Chief shall further notify the owner that the property has been classified as a disruptive property and that the owner is in violation of

City Council Minutes
Tuesday, April 12, 2022

this Section and is subject to a remediation process as set forth in this Section. Copies of the disruptive event notice shall be provided to the City Manager, Code Enforcement Officer and the Fire Chief.

(3) Third disruptive event. At the earliest time possible, but within not more than ~~seven (7)~~ twenty-one (21) days after the third (3rd) disruptive event at a property, the Police Chief may serve the owner with a copy of this Section and a disruptive event notice advising the owner that the Police Department has documented a third (3rd) disruptive event at the owner's property. In the event that the property has accumulated at this time three (3) disruptive events within a one hundred twenty (120) day period, the Police Chief shall further notify the owner that the property has been classified as a disruptive property and that the owner is in violation of this Section and is subject to a remediation process as set forth in this Section. Copies of the disruptive event notice shall be provided to the City Manager, Code Enforcement Officer, and the Fire Chief.

(4) Fourth disruptive event. At the earliest time possible, but within not more than ~~seven (7)~~ twenty-one days after the fourth (4th) disruptive event at a property, the Police Chief may serve the owner with a copy of this Section and a disruptive event notice advising the owner that the Police Department has documented a fourth (4th) disruptive event at the owner's property. In the event that the property has accumulated at this time four (4) disruptive events within a one hundred eighty (180) day period, the Police Chief shall further notify the owner that the property has been classified as a disruptive property and that the owner is in violation of this Section and is subject to a remediation process as set forth in this Section. Copies of the disruptive event notice shall be provided to the City Manager, Code Enforcement Officer, and the Fire Chief.

(5) Fifth disruptive event. At the earliest time possible, but within not more than ~~seven (7)~~ twenty-one (21) days after the fifth (5th) disruptive event at a property, the Police Chief may serve the owner with a copy of this Section and a disruptive event notice advising the owner that the Police Department has documented a fifth (5th) disruptive event at the owner's property. In the event that the property has accumulated at this time five (5) disruptive events within a three hundred sixty (360) day period, the Police Chief shall further notify the owner that the property has been classified as a disruptive

City Council Minutes
Tuesday, April 12, 2022

property and that the owner is in violation of this Section and is subject to a remediation process as set forth in this Section. Copies of the disruptive event notice shall be provided to the City Manager, Code Enforcement Officer, and the Fire Chief.

B. Method of service. For the purposes of this Section, notices to the owner shall be served in the following ways:

- (1) By certified mail, with address correction and return receipt requested and by first-class mail with address correction requested; or
- (2) In a manner requested in writing by the property owner and by first-class mail with address correction requested; or
- (3) In-hand service by an Officer.
- (4) Posted in a conspicuous place at the entrance to the structure, if a structure is present.

Statement of Fact: This order amends the section entitled “Disruptive Property” to change the required notification period for a disruptive event from 7 days to 21 days, to add the notification method of posting the notice in a conspicuous location at an entrance to the property, and to allow any property to be declared a disruptive property (current language limits it solely to residential).

ACTION: Councilor Phanthay moved that the amendment be enacted. Councilor Morin seconded the motion. The motion passed with a 4-0 vote.

**G. New Business
Consent Calendar**

2022-C004

April 12, 2022

TITLE: ORDER, AMEND CHAPTER 40 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “WATER DEPARTMENT”, ARTICLE 3, TO ADD SECTIONS 303. “CLEAR SPACE AROUND HYDRANTS AND 304. “SNOW PLACED ON OR AROUND HYDRANTS”.

Filed March 25, 2022
By Joseph L. Ferris

BE IT ORDAINED, by the Brewer City Council that Chapter 40 of the Charter, Codes, and Ordinances of the City of Brewer entitled “Water Department”, Article 3 “Terms and Conditions”, shall

City Council Minutes
Tuesday, April 12, 2022

be amended by adding the following sections:

SECTION 303. CLEAR SPACE AROUND HYDRANTS.

A clear space of not less than ten feet (10') each side and ten feet (10') behind each hydrant shall be maintained, the spacing each side of the hydrant will extend to the roadway. The clear space will extend from the base of the hydrant to twenty-five feet (25') in the air. (i.e.-rock walls, trees, shrubs, lights, poles, structures, mailboxes, etc.)

All current encumbrances shall be removed at the owner's expense. Existing encumbrances will not be allowed to remain. Owners will have no more than thirty (30) days from the date of mailing of a letter using Certified Mail to remove existing encumbrances.

Failure to remove these encumbrances will result in them being removed by the Water Department and the owner of the encumbrance charged. The utility will charge the owner at the following rates: \$50.00 per hour during normal business hours of 8:00 a.m. to 4:00 p.m., Monday through Friday plus the cost of equipment rental/use, disposal fees if applicable.

SECTION 304. SNOW PLACED ON OR AROUND HYDRANTS

No person or party shall deposit or cause to be deposited any large body of ice or heap of snow around or on a fire hydrant or in such a manner as to limit the accessibility of a hydrant. The prohibited zone will be not less than ten feet (10') each side, ten feet (10') behind the hydrant and will extend to the roadway.

Owners will have no more than twenty-four (24) hours from the time of notification to remove the ice and/or snow.

Failure to remove the ice and/or snow will result in the property owner being charged for its removal around or on a hydrant to ensure sufficient clear space. Ice and/or snow removed will be placed on property or proximate properties where the hydrant is located. The utility will charge the owner at the following rates: \$50.00 per hour during normal business hours of 8:00 a.m. to 4:00 p.m., Monday through Friday plus the cost of equipment rental, if applicable.

Statement of Fact: This order adds the requirement to keep the area around fire hydrants clear, and prohibits the dumping of snow and ice on or around fire hydrants. Obstructed access to fire hydrants is potentially dangerous and can limit the operations of the Fire Department in an emergency situation.

2022-C005

April 12, 2022

TITLE: ORDER, CREATE CHAPTER 50 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED "E-911, ROAD NAMES, AND LOCATION IDENTIFICATION SIGNAGE".

Filed April 6, 2022
By Jenn M. Morin

City Council Minutes
Tuesday, April 12, 2022

BE IT ORDAINED, by the Brewer City Council that Chapter 50, of the Charter, Codes and Ordinances of the City of Brewer, entitled “E-911, Road Names, and Location Identification Signage”, shall be adopted as follows:

CHAPTER 50 – E-911, ROAD NAMES, AND LOCATION IDENTIFICATION SIGNAGE

100. Purpose.

The purpose of this Ordinance is to enhance the easy and rapid location of properties by law enforcement, fire, rescue, and emergency medical services personnel in the City of Brewer. This is a life safety issue and is of utmost importance to the City of Brewer.

101. Authority.

This Ordinance is adopted pursuant to and consistent with Municipal Home Rule Powers as provided for in Article VIII, Part 2, § 1, of the Constitution of the State of Maine, Title 30-A M.R.S.A. § 3001, and the Brewer City Charter.

102. Addressing Officer.

The Addressing Officer shall be appointed by the City Council. This appointment shall continue until a replacement officer is required.

The Addressing Officer is authorized to and shall assign road names and numbers to all properties, both on existing and proposed streets, roads, and ways, in accordance with the criteria in this Ordinance. The Addressing Officer shall also assign numbers to apartments, units, suites, and other purposes per E911 guidelines with input from the Brewer Public Safety Department.

The Addressing Officer shall also be responsible for maintaining the following official records of this Ordinance:

- a) A City map for official use showing street, road, and way names and numbers.
- b) An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned numbers.
- c) An alphabetical list of all streets, roads, and ways with property owners listed in order of their assigned numbers.

103. Compliance and Responsibility.

Unless otherwise noted herein, the installation, cost, and maintenance of all required signage is the responsibility of the property owner.

Every person whose duty is to display the assigned number shall remove any different number, which

City Council Minutes
Tuesday, April 12, 2022

might be mistaken for, or confused with, the number assigned in conformance with this Ordinance.

The Code Enforcement Office shall not issue a Certificate of Occupancy for any structure or use until all E911 addressing signage is in place and in compliance with this Ordinance.

104. Appeal.

Any person or entity aggrieved by the decision of the Addressing Officer may appeal to the Brewer City Council. The decision of a simple majority of the City Councilors present and voting at the meeting at which the grievance is considered shall be binding on the Addressing Officer and the aggrieved party.

105. Enforcement and Penalties.

This Ordinance shall be enforced by the Code Enforcement Officer. Any person who shall affix or suffer to be affixed to, or shall allow to remain upon any building, a different number from the number designated by the Addressing Officer shall be subject to a civil penalty as set forth in this section.

A civil penalty of up to Fifty (\$50.00) Dollars per day, with each day being a separate violation, may be assessed by the Maine District Court against any person or entity violating this Ordinance. The City of Brewer shall also be entitled to its reasonable attorney fees and costs from the person or entity found to have violated this Ordinance.

106. New Developments and Subdivisions.

All new construction and subdivisions shall be named and numbered in accordance with the provisions of this Ordinance and as follows:

- a) New Construction. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to procure an assigned number from the Addressing Officer. This shall be done prior to the Code Enforcement Officer issuing a Certificate of Occupancy.
- b) All new commercial construction and alterations to existing commercial construction shall submit to the Addressing Officer, a floor plan of the building(s) showing the layout of the building and/or leased space.
- c) The Code Enforcement Officer shall not issue a Certificate of Occupancy for any structure or use until all the E911 addressing signage is in place and plans have been submitted in compliance with these standards.
- d) New Subdivisions. Any prospective developer shall request a road name(s) as part of the submission to the Planning Board and will be reviewed as part of the technical review as defined in Article 7 of Chapter 24 Brewer Land Use Code of the City of Brewer Charter, Codes, and Ordinances. The review by the Addressing Officer will comply with this ordinance.

City Council Minutes
Tuesday, April 12, 2022

107. Streets, Roads, and Ways.

107.1 Naming of Streets, Roads, and Ways.

All streets, roads, and ways that serve more than one property shall be named regardless of whether the ownership is public or private. A “street, road, or way” as used in this Ordinance refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare. “Property” refers to any property on which a more or less permanent structure or use has been erected or could be placed. A name assigned to a street, road, or way by the Addressing Officer shall not constitute or imply acceptance of the road as a public way.

The following criteria shall govern the naming system:

- a) No two streets, roads, or ways shall be given the same name (e.g., no Pine Road and Pine Lane). No unauthorized street signs shall be installed on any public or private street or way.
- b) Any person violating this section will be subject to a civil penalty as described in Section II a.
- c) No two streets, roads, or ways should have similar-sounding names (e.g., Beech Street and Peach Street).
- d) Each street, road, or way shall have the same name throughout its entire length.
- e) The Addressing Officer, Public Works Director, and Public Safety Director have the right to decline any proposed name by a majority vote of the three based on these criteria and common dispatching verbiage.

107.2. Street Signs.

The street signs for new public roads shall be purchased and installed by the landowner and/or developer. Replacement and maintenance of these signs are the responsibility of the landowner and/or developer until such time as the City takes ownership of the new road right-of-way.

The City will obtain and complete the initial installation of street signs for private ways at the locations where they intersect with public ways at no cost to the property owner(s), all future repairs after the initial installation shall be the responsibility of the property owner. The City will assist the property owner to acquire a replacement sign and the property owner may request the City do the repairs with the understanding they, the property owner, will be responsible for all cost, materials, and labor associated with said repair. This cost shall be added to the property owner’s tax bill as a special assessment if not paid within 120 days from the date due.

108. Property Address.

City Council Minutes
Tuesday, April 12, 2022

108.1. Address number.

In the residential part of the City, every lot with a forty (40) foot front shall be designated with a separate number, and in the business portion, every lot with a ten (10) foot front shall be designated with a separate number.

The business part of the City is embraced in the following limits; State Street to North Main Street, North Main Street from State Street and South Main Street to Brimmer Street including all streets on the northerly side of North Main and South Main Streets from State Street to Brimmer Street, Center Street to Howard Street, Howard Street, Parker Street to Howard Street, Church Street, Union Street to a point two hundred (200) feet southeasterly from its junction with North Main Street, Wilson Street to a point two hundred (200) feet southeasterly from its junction with North and South Main Street. On all streets the odd numbers shall be on the right-hand side, and the even numbers on the left-hand side, in the progressive order of numbering, commencing with the lowest number and proceeding there from with increasing numbers from their point of origin.

The following criteria shall govern the numbering system:

- a) The numbering upon North and South Main Streets shall commence at their junction at said Wilson Street. The numbering upon the streets leading from the Penobscot River and streets parallel, shall commence at the end nearest the river. The numbering on all cross streets shall commence at the end nearest to said Wilson Street. All lots shall be numbered in the progressive order of numbering in accordance with the unit designated.
- b) For dead-end streets, roads, and ways, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.
- c) The number assigned to each structure shall be that of the numbered interval falling closest to the building entry or the driveway of said structure as determined by the Addressing Officer.
- d) Every structure shall have one principal number and each use or occupancy shall receive a suite or unit number.

108.2 Sign design and location.

The signage design and location of the assigned numbers shall be in the following manner:

- a) Number on the Structure. Where the structure is within fifty (50) feet of the edge of the street, road, or way right-of-way, the assigned number shall be displayed on the front of the structure within six (6) inches of the front door or entry, or alternate location recommended by the Fire Chief or designee.

City Council Minutes
Tuesday, April 12, 2022

- b) Number at the Street, Road, or Way Line. Where the structure is over fifty (50) feet from the edge of the street, road, or way right-of-way, the assigned number shall be displayed on a post, fence, wall, the mail box, or on some structure at the property line adjacent to the walk or access drive to the numbered structure. If the number is displayed on a mailbox mounted on a fence or post, it shall be so displayed that it can be read by drivers or occupants of any vehicle passing it on either a right hand or left hand side of the road such as a double-sided sign.
- c) Size, Style, and Color of Number. Numbers and letters shall be white reflective with black reflective background and a white reflective trim. Font shall not be cursive. Sizes are as follows:
1. Single family residential: Street number shall be four (4) inches on six (6) inch background. Background width shall be no less than eight (8) inches.
 2. Multi-unit residential: Street number shall be six (6) inches on eight (8) inch background. Background width shall be no less than ten (10) inches. Individual units shall have a three (3) inch letter on a five (5) inch background. Background width shall be no less than seven (7) inches.
 3. Single Commercial: Street number shall be nine (9) inches on eleven (11) inch background. Background width shall be no less than twelve (12) inches. Smaller size may be approved by Fire Chief or designee.
 4. Multi-Unit Commercial: Street number shall be nine (9) inches on eleven (11) inch background. Background width shall be no less than twelve (12) inches. Individual units shall have six (6) inch unit number on eight (8) inch background. Background width shall be no less than eight (8) inches.
 5. Any structure referenced in Chapter 9, Article 3A, Section 201 of the City of Brewer's Charter, Codes, and Ordinances will be subject to review by the Fire Chief or designee for proper numbering size.

109. Apartments and Units.

All multi-unit structures shall be identified in the following manner:

- a) Multi-unit residential buildings shall have one property number followed by a unit number, such as 235 Maple Street, Apt. A. Property owners shall be responsible for the placement of letters on each external and internal door leading to each apartment such as Apt. A, B, C.
- b) Multi-unit commercial buildings shall number units, 1,2,3, etc on both front and back entrances. The back entrance must be marked with an eight (8) inch reflective back and white sign.

City Council Minutes
Tuesday, April 12, 2022

- c) Commercial properties with interior suites/units must clearly identify each suite/unit on the wall immediately to the right of the door and outside the swing of said door, in compliance with the 2019 Americans with Disabilities Act.
- d) Any multi-unit residential property or commercial property with an installed elevator shall display a suite or unit number directory in plain sight in area directly outside of the elevator.

110. Door Numbering.

Occupancies with a gross area in excess of 3,000 square feet shall have all exterior doors numbered, sequentially in a clockwise manner from the main entrance on both the exterior and interior of the doors. Each number shall also be accompanied by the letter A, B, C, or D based on geographical location. The numbers shall be a minimum of six (6) inches in height with an eight (8) inch background so as to be readily visible. Background width shall be no less than ten (10) inches. Signs shall have white reflective numbers on a black reflective background with white trim. One and two-family dwellings are exempt from the requirement of door numbering. The Fire Chief or designee shall assign door numbers and letters.

Statement of Fact: This ordinance creation is proposed in order to update ordinances on E-911, road names, and location identification signage.

2022-C006

April 12, 2022

TITLE: ORDER, AMEND CHAPTER 21 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “STREET USE”, ARTICLE 5, “NAMING OF STREETS, ROADS, AND WAYS UNDER THE E-911 SYSTEM”.

Filed April 6, 2022
By Soubanh Phanthay

BE IT ORDAINED, by the Brewer City Council that Chapter 21, of the Charter, Codes and Ordinances of the City of Brewer, entitled “Street Use”, Article 5 “Naming of Streets, Roads, and Ways under the E-911 System” shall be amended as follows:

ARTICLE 5. Naming of Streets, Roads, and Ways under the E-911 System
(#3)

The naming and signage of all streets, roads, and ways shall follow Chapter 50 of the City of Brewer Charter, Codes, and Ordinances.

City Council Minutes
Tuesday, April 12, 2022

Section 501. Purpose

~~The purpose of this Article is to enhance the easy and rapid location of properties by law enforcement, fire, rescue, and emergency medical services personnel in the City of Brewer.~~

Section 502. Authority

~~This Article is adopted pursuant to and consistent with Municipal Home Rule Powers as provided for in Article VIII, Part 2, § 1, of the Constitution of the State of Maine, Title 30-A M.R.S.A. § 3001, and the Brewer City Charter.~~

Section 503. Administration

~~This Article shall be administered by the Addressing Officer, who is authorized to and shall assign road names and numbers to all properties, both on existing and proposed streets, roads, and ways, in accordance with the criteria in Sections 505, 505a, and 506. The Addressing Officer shall also be responsible for maintaining the following official records of this ordinance:~~

- ~~a. — A City map for official use showing street, road, and way names and numbers.~~
- ~~b. — An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned numbers.~~
- ~~c. — An alphabetical list of all streets, roads, and ways with property owners listed in order of their assigned numbers.~~

Section 504. Addressing Officer

~~The Addressing Officer shall be appointed by the Mayor. This appointment shall continue until a replacement officer is required.~~

Section 505. Naming System

~~All streets, roads, and ways that serve more than one property shall be named regardless of whether the ownership is public or private. A “street, road, or way” as used in this Article refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare. “Property” refers to any property on which a more or less permanent structure has been erected or could be placed. A name assigned to a street, road, or way by the Addressing Officer shall not constitute or imply acceptance of the road as a public way.~~

~~The following criteria shall govern the naming system:~~

- ~~a. — No two streets, roads, or ways shall be given the same name (e.g., no Pine Road and Pine Lane). No unauthorized street signs shall be installed on any public or private street or way. Any person violating this section will be subject to a civil penalty as described in Section 11a.~~
- ~~b. — No two streets, roads, or ways should have similar-sounding names (e.g., Beech Street and Peach Street).~~

City Council Minutes
Tuesday, April 12, 2022

~~c. — Each street, road, or way shall have the same name throughout its entire length.~~

~~Section 505(a). Street Signs.~~

~~The City will obtain and install street signs for private ways at the locations where they intersect with public ways. The City will also obtain and install street signs on private ways that do not intersect with public ways and the owner or owners of the private ways shall be responsible for reimbursing the City for the costs of the sign and their installation.~~

~~Section 506. Numbering System~~

~~In the residential part of the City, every lot with a forty (40) foot front shall be designated with a separate number, and in the business portion, every lot with a ten (10) foot front shall be designated with a separate number.~~

~~The business part of the City is embraced in the following limits; State Street to North Main Street, North Main Street from State Street and South Main Street to Brimmer Street including all streets on the northerly side of North Main and South Main Streets from State Street to Brimmer Street, Center Street to Howard Street, Howard Street, Parker Street to Howard Street, Church Street, Union Street to a point two hundred (200) feet southeasterly from its junction with North Main Street, Wilson Street to a point two hundred (200) feet southeasterly from its junction with North and South Main Street. On all streets the odd numbers shall be on the right hand side, and the even numbers on the left hand side, in the progressive order of numbering, commencing with the lowest number and proceeding there from with increasing numbers from their point of origin.~~

~~The following criteria shall govern the numbering system:~~

~~a. — Main Street, now so called, shall be divided at Wilson Street and henceforth be known from Wilson Street to the Eddington line, as North Main Street; from Wilson Street to the Orrington line, South Main Street; and the numbering upon said North and South Main Streets shall commence at their junction at said Wilson Street. The numbering upon the streets leading from the Penobscot River and streets parallel, shall commence at the end nearest the river. The numbering on all cross streets shall commence at the end nearest to said Wilson Street. All lots shall be numbered in the progressive order of numbering in accordance with the unit designated.~~

~~b. — For dead end streets, roads, and ways, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.~~

~~c. — The number assigned to each structure shall be that of the numbered interval falling closest to the front door or the driveway of said structure if the front door cannot be seen from the main road.~~

~~d. — Whenever practical, every structure with more than one (1) principal use or occupancy shall have a separate number for each use or occupancy.~~

~~Apartments will have one property number followed by an apartment number, such as 235 Maple Street, Apt. 2. Property owners shall be responsible for the placement of numbers on each external and internal door leading to each apartment such as Apt. 1,2,3 or A, B, C.~~

City Council Minutes
Tuesday, April 12, 2022

Section 507. Compliance

~~All owners of structures shall, by the date stipulated in Section 510, display and maintain in a conspicuous place on said structure, the assigned numbers in the following manner:~~

~~a. — Number on the Structure. Where the structure is within fifty (50) feet of the edge of the street, road, or way right-of-way, the assigned number shall be displayed on the front of the structure in the vicinity of the front door or entry.~~

~~b. — Number at the Street, Road, or Way Line. Where the structure is over fifty (50) feet from the edge of the street, road, or way right-of-way, the assigned number shall be displayed on a post, fence, wall, the mail box, or on some structure at the property line adjacent to the walk or access drive to the numbered structure. If the number is displayed on a mailbox mounted on a fence or post, it shall be so displayed that it can be read by drivers or occupants of any vehicle passing it on either a right hand or left hand side of the road.~~

~~c. — Size, Style, and Color of Number. Numbers shall be a minimum of four (4) inches high, shall be numeric not cursive letters and be of a contrasting color to its background.~~

~~d. — Every person whose duty is to display the assigned number shall remove any different number, which might be mistaken for, or confused with, the number assigned in conformance with this ordinance.~~

~~Interior Location. All residents and other occupants are requested to post their assigned number and road name adjacent to their telephone for emergency reference.~~

Section 508. New Developments and Subdivisions

~~All new construction and subdivisions shall be named and numbered in accordance with the provisions of this ordinance and as follows:~~

~~a. — New Construction. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to procure an assigned number from the Addressing Officer. This shall be done at such time the Code Enforcement officer performs an electrical service inspection.~~

~~New Subdivisions. Any prospective subdivider shall show a proposed street, road, or way name on the pre-application submission to the Planning Board and will be reviewed as part of the technical review as defined in Chapter 11, Section 603.2 of the City of Brewer Ordinances. The review by the Addressing Officer will comply with Section 505 of this Article.~~

Section 509. Appeal

~~Any person or entity aggrieved by the decision of the Addressing Officer may appeal to the Brewer City Council. The decision of a simple majority of the City Councilors present and voting at the meeting at~~

City Council Minutes
Tuesday, April 12, 2022

~~which the grievance is considered shall be binding on the Addressing Officer and the aggrieved party.~~

~~Section 510. Implementation Date~~

~~This Article shall become effective when enacted by the Brewer City Council. It shall be the duty of the Addressing Officer to notify by mail each property owner and the Post Office of their new address at least sixty (60) days prior to the effective date of their use. It shall be the duty of each property owner to post new property numbers, in accordance with this Article, by the stated date of effective use. If the owner of any buildings, after receiving said notice from the Addressing Officer, shall fail to comply with any of the provisions of the notification within Thirty (30) days after receipt thereof, he or she shall be subject to a civil penalty, reasonable attorney fees and costs as set forth in Section 11(a). On new structures, numbering will be installed prior to final inspection or when the structure is first used or occupied, whichever occurs first.~~

~~Section 511. Enforcement and Penalties.~~

~~This Article shall be enforced by the Code Enforcement Officer. Any person who shall affix or suffer to be affixed to, or shall allow to remain upon any building, a different number from the one (1) designated by the Addressing Officer shall be subject to a civil penalty as set forth in this section.~~

~~a. A civil penalty of up to Twenty Five (\$25.00) Dollars per day, with each day being a separate violation, may be assessed by the Maine District Court against any person or entity violating this Article. The City of Brewer shall also be entitled to its reasonable attorney fees and costs from the person or entity found to have violated this Article.~~

Statement of Fact: This ordinance creation is proposed in order to update ordinances on E911, road names, and location identification signage.

2022-C007

April 12, 2022

TITLE: ORDER, AMEND CHAPTER 9 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED "FIRE PREVENTION", ARTICLE 3, "INSPECTIONS AND PERMITS".

Filed April 6, 2022
By Joseph L. Ferris

BE IT ORDAINED, by the Brewer City Council that Chapter 9, of the Charter, Codes and Ordinances of the City of Brewer, entitled "Fire Prevention", Article 3 shall be amended as follows to remove sections 305 and 306 and to add Article 3B:

ARTICLE 3. INSPECTIONS AND PERMITS

~~**SECTION 305. EMERGENCY ENTRY SYSTEMS.** The owner or builder of any new or rehabilitated civic, commercial, institutional, or industrial occupancies and all residential occupancies of~~

City Council Minutes
Tuesday, April 12, 2022

~~more than 10 units utilizing a common entry lobby, will provide, at their expense, one or more Knox Lock Boxes on the structure for the Fire Department's use. Said boxes will be located on the exterior of the building in location(s) designated by the Fire Chief.~~

~~**SECTION 306. NOTICE OF LIGHTWEIGHT TRUSS CONSTRUCTION.** All buildings and structures in Brewer that are constructed using lightweight trusses of any material as structural or load bearing members will be labeled to notify emergency responders of the existence of said truss construction. The owners and tenants of all such buildings and structures will allow the fire department to attach and maintain a notice or sign on the exterior of the building / structure, dimensions of which will be 4 inches by 4 inches or smaller. The signs / labels will be supplied by the Fire Department.~~

ARTICLE 3B. ENTRY SYSTEMS AND INFORMATIONAL SIGNAGE.

SECTION 100. PURPOSE.

~~The provisions of this section shall be applicable to both new construction and existing buildings as of the effective date of this section.~~

SECTION 101. E-911, ROAD NAMES, AND BUILDING IDENTIFICATION SIGNAGE.

~~**101.1.** All streets, roads, and ways shall be named and signed according to the requirements of Chapter 50, of the City of Brewer's Charter, Codes, and Ordinances.~~

~~**101.2.** All buildings, apartments, units, and all applicable doors numbering shall be identified and signed according to the requirements of Chapter 50, of the City of Brewer's Charter, Codes, and Ordinances.~~

~~**SECTION 102. EMERGENCY ENTRY SYSTEMS.** The owner or builder of any new or rehabilitated civic, commercial, institutional, or industrial occupancies and all residential occupancies of more than 10 units utilizing a common entry lobby, will provide, at their expense, one or more Knox Lock Boxes on the structure for the Fire Department's use. Said boxes will be located on the exterior of the building in location(s) designated by the Fire Chief.~~

~~**SECTION 103. NOTICE OF LIGHTWEIGHT TRUSS CONSTRUCTION.** All buildings and structures in Brewer that are constructed using lightweight trusses of any material as structural or load bearing members will be labeled to notify emergency responders of the existence of said truss construction. The owners and tenants of all such buildings and structures will allow the fire department to attach and maintain a notice or sign on the exterior of the building / structure, dimensions of which will be 4 inches by 4 inches or smaller. The signs / labels will be supplied by the Fire Department.~~

~~**SECTION 104 FIRE DEPARTMENT SPRINKLER CONNECTIONS.** All buildings with a fire department sprinkler connection shall have identifying signage reading "FDC". At minimum, said sign shall be six (6) inches in height, red and white reflective, and be located directly above the connection. The building owner is responsible for installing and maintaining the signage.~~

City Council Minutes
Tuesday, April 12, 2022

SECTION 105 SPRINKLER CONTROL ROOMS. All buildings with a sprinkler control room shall have identifying signage reading “SPRINKLER CONTROL ROOM”. At minimum, said sign shall be six (6) inches in height, red and white reflective, and located on exterior doors that have direct access to a sprinkler room. The building owner is responsible for installing and maintaining the signage.

Statement of Fact: This ordinance creation is proposed in order to update ordinances on E911, road names, and location identification signage.

ACTION: Councilor Ferris moved that the amendments on the consent calendar be certified and filed with the City Clerk for posting. Councilor Morin 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 Ferris moved that the meeting be adjourned. Councilor Phanthay seconded the motion. The motion passed with a 4-0 vote. The meeting was adjourned at 6:22 P.M.

ADJOURNED, ATTEST: _____ Vincent P. Migliore
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine