



**CITY COUNCIL REGULAR MEETING &  
2022 ANNUAL MEETING  
Tuesday, November 15, 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 October 11, 2022 Regular Meeting** (Councilor Ferris)
- B. Awards, Petitions and Public Comments**
  - 1. Swearing-In Ceremony Brewer Police Patrol Officer, Tanner Favreau  
Brewer Police Patrol Officer, Paul Hacker
  - 2. Presentation: Award for Meritorious Service to  
Brewer Police Patrol Officer Ryan Freeman
  - 3. Public Comments
- C. Consent Calendar**
  - 1. (2022-A180) ORDER Accept donation from Twin City Tile to Brewer Parks & Recreation Department for Spring Program. (Councilor Goss)
  - 2. (2022-A181) ORDER Accept donation from the Brewer Library Association to the Brewer Public Library. (Councilor Ferris)
  - 3. (2022-A182) ORDER Waive foreclosure of certain mobile home properties located in Brewer, Maine. (Councilor Morin)
  - 4. (2022-A183) ORDER Accept grant funds from Fiscal Year 2022 Homeland Security Grant Program. (Councilor Phanthay)
  - 5. (2022-A184) ORDER Accept funds from the Maine Municipal Association's Edward MacDonald Safety Enhancement Grant Program. (Councilor Goss)
  - 6. (2022-A185) ORDER Require tax payments be applied to the oldest outstanding taxes. (Councilor Ferris)
  - 7. (2022-A186) ORDER Accept two grants from the Maine Municipal Association Property & Casualty Pool Risk Reduction Enhancement Program for cybersecurity enhancements. (Councilor Morin)
  - 8. (2022-A187) ORDER Award contract for Geographic Information System internet services for the City of Brewer. (Councilor Phanthay)
  - 9. (2022-A188) ORDER Accept funds from the Harold Alford Center for the Advancement of Maine's Workforce. (Councilor Goss)
  - 10. (2022-A189) ORDER Amend Schedule of Fees. (Councilor Ferris)
- D. Monthly Reports** (Councilor Morin)
- E. Nominations, Appointments, Elections**
  - 1. (2022-B032) RESOLVE Declare the results of the November 8, 2022 City of Brewer Annual Municipal Election and State of Maine General Election. (Councilor Phanthay)

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**F. Unfinished Business**

1. (2022-C011) ORDER Amend Chapter 24 of the Charter, Codes and Ordinances of the City of Brewer, entitled “Land Use Code”, Article 2, “Administration and Enforcement”, Section 202; Article 3, “Zoning Districts”, Section 306 and Section 307; Article 4, “Performance Standards”, Section 429, and Section 442; Article 6, “Site Plan Review”; Article 7, “Subdivision Review”; and Article 14, “Definitions”.  
(Councilor Goss)
2. (2022-A190) ORDER Adopt dangerous building decision and order regarding 978 Wilson Street. (Councilor Ferris and Councilor Morin)
3. (2022-A191) ORDER Adopt dangerous building decision and order regarding 77 South Main Street. (Councilor Phanthay and Councilor Goss)

**G. New Business**

**H. New Items with Leave of Council**

**I. ADJOURN**

**IV. Call to Order 2022 Annual Meeting.** (City Clerk)

**V. Roll Call.** (City Clerk)

**A. Swearing in of Elected Officials** (City Clerk)

1. City Council Members
2. Superintending School Committee
3. Student Representative Member of the School Committee
4. Trustee of the High School District Trustees

**B. Election of Mayor** (City Clerk)

**C. Election of Deputy Mayor** (Mayor)

**D. Mayor’s Remarks**

**E. Establishment of Committees** (Mayor)

1. Committee on Finance
2. Sub-committee for Standing Boards & Committees
3. Council’s Liaison to the School Committee
4. Council’s Liaison to the Brewer Planning Board
5. Council’s Liaison to the Brewer Historical Society
6. Council’s Liaison to the Penobscot County Budget Committee
7. Council’s Liaison to the Parks & Recreation Committee
8. Council’s Liaison and Representative to the Bangor Area Recovery Network
9. Council’s Liaison to the Housing Authority

**F. Establishment of Chair and Vice-Chair of the Brewer School Committee** (Mayor)

**G. New Business**

1. (2022-B033) RESOLVE Establish Location for Regular Meetings.
2. (2022-B034) RESOLVE Establish Time and Dates of Regular Meetings.
3. (2022-B035) RESOLVE Adopt Ethical Principles for Excellence in Government.
4. (2022-B036) RESOLVE Adopt 10 Habits of Highly Effective City Councils.

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**VI. Adjourn 2022 Annual Meeting**  
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**A. Minutes of the October 11, 2022 Regular Meeting**

**ACTION:** Councilor Ferris moved that the minutes to the October 11, 2022 regular meeting be accepted and placed on file. Councilor Goss seconded the motion. The motion passed with a unanimous vote.

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**B. Awards, Petitions and Public Comments**

1. Swearing-In Ceremony            Brewer Police Patrol Officer, Tanner Favreau  
   Brewer Police Patrol Officer, Paul Hacker

The city clerk swore in Patrol Officers Tanner Favreau and Paul Hacker as new members of the Brewer Police Department. Councilor Goss presented a Brewer Challenge Coin each to Officer Favreau and to Officer Hacker.

2. Presentation:                            Award for Meritorious Service to  
   Brewer Police Patrol Officer Ryan Freeman

Public Safety Director Jason Moffit presented the Award for Meritorious Service to Brewer Police Patrol Officer Ryan Freeman. The Public Safety Director said that Officer Freeman’s selfless commitment to serve the Department was a boon to the City of Brewer. Councilor Goss presented a Brewer Challenge Coin to Officer Freeman.

**Public Comments**

There were none.

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**C. Consent Calendar**

2022-A180

November 15, 2022

TITLE:            ORDER,            ACCEPT DONATION FROM TWIN CITY TILE TO BREWER PARKS  
   AND RECREATION DEPARTMENT FOR SPRING PROGRAM.

Filed October 18, 2022  
By Jerry Goss

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$150 from Twin City Tile for support of the Spring Program; and

WHEREAS, it is the recommendation and request of the Parks & Recreation Director and the

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donor that this donation be appropriated and expended to supplement the Spring Program.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council herewith accepts this donation and is receipted to the Spring Program/League revenue account (0107123-300326); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of this money from the Spring Program/League expense account (0117121-506110).

**Statement of Fact:** This order accepts a contribution of \$150 from Twin City Tile to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Spring Program.

2022-A181

November 15, 2022

TITLE: ORDER, ACCEPT DONATION FROM THE BREWER LIBRARY  
ASSOCIATION TO THE BREWER PUBLIC LIBRARY.

Filed October 24, 2022  
By Joseph L. Ferris

WHEREAS, the Brewer Library Association has agreed to donate \$8,191 to the City of Brewer Public Library to support the purchase of four staff desks, four staff chairs, and five staff filing cabinets; and

WHEREAS, this office furniture will help staff work more comfortably and help to prevent injuries related to poor ergonomics.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council accepts this donation and authorizes its deposit into 0107204-300420 (Library Contributions/Donation); and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of these donated funds from 0117201-502200 (Library Office Supplies and Expenses) for the above purchase.

**Statement of Fact:** This order accepts the donation of \$8,191 from the Brewer Library Association for the purchase of four staff desks, four staff chairs, and five staff filing cabinets to be used by the City of Brewer Public Library.

*NOTE: The Brewer Public Library sends a letter of acknowledgement and appreciation on behalf of the City Council and the Library to all who contribute to the library.*



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2022-A183

November 15, 2022

TITLE: ORDER, ACCEPT GRANT FUNDS FROM FISCAL YEAR 2022 HOMELAND SECURITY GRANT PROGRAM.

Filed November 8, 2022  
By Soubanh Phanthay

WHEREAS, the Brewer Police Department has received a grant for \$15,450 through the Fiscal Year 2022 Homeland Security Grant Program; and

WHEREAS, these funds are designated for the purchase of information sharing software to be used by Police Departments in Penobscot County; and

WHEREAS, the City of Brewer will act as the fiscal agent and purchase the software for the regional program.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the appropriation and deposit of these funds into account #0600058-360000-58059 – FY22 HSGP Grant Revenue; and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account # 0600058-560000-58059 – FY22 HSGP Grant Expense.

**Statement of Fact:** The City of Brewer Police Departments received a \$15,450 grant for the purchase of information sharing software to be used by Police Departments in Penobscot County. The City of Brewer will act as fiscal agent for the purpose of purchasing the regional software.

2022-A184

November 15, 2022

TITLE: ORDER, ACCEPT FUNDS FROM MAINE MUNICIPAL ASSOCIATION'S EDWARD MACDONALD SAFETY ENHANCEMENT GRANT PROGRAM.

Filed November 8, 2022  
By Jerry Goss

WHEREAS, the Brewer Police and Fire Departments have been awarded \$2,924.55 through the Maine Municipal Association's Edward MacDonald Safety Scholarship Program to help fund the cost of 45 high visibility safety vests for department staff; and

WHEREAS, this grant is expected cover the full cost of this purchase.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council,





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WHEREAS, these funds were given to support the upgrade of the City's firewall for increased cybersecurity and for cybersecurity training.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith accepts these grant funds and authorizes the deposit of \$3,000 to 0600504-360000-56001 (MMA RREGP-SONICWALL GRANT REV) and of \$2,019.89 to 0600504-360000-56002 (MMA RREGP-CYBER CONF GRANT REV); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of the \$3,000 from 0600504-560000-56001 (MMA RREGP-SONICWALL GRANT EXP) along with \$1,000 from 0115601-503100 (Technology Dept PC Replacement Plan) to pay for the City firewall upgrade project for increased cybersecurity; and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of the \$2,019.89 from 0600504-560000-56002 (MMA RREGP-CYBER CONF GRANT EXP) along with miscellaneous expenses from 0115601-500860 (Technology Dept Training, Conferences, & Mtgs) to attend cybersecurity training.

**Statement of Fact:** The City of Brewer received \$5,019.89 in grant funds from the MMA Property & Casualty Pool Risk Reduction Enhancement Grant Program to upgrade the City firewall for increased cybersecurity and to attend cybersecurity training. This order accepts the funds and authorizes their expenditure.

2022-A187

November 15, 2022

TITLE: ORDER, AWARD CONTRACT FOR GEOGRAPHIC INFORMATION SYSTEM INTERNET SERVICES FOR THE CITY OF BREWER.

Filed November 9, 2022

By Soubanh Phanthay

WHEREAS, the City of Brewer's current Geographic Information System (GIS) platform provider, PeopleGIS, raised its rates by twenty-five percent; and

WHEREAS, as a result, proposals were solicited, received and reviewed by the Assessing Department for a new partner to host the GIS internet services for the City of Brewer; and

WHEREAS, CAI Technologies of Littleton, New Hampshire was chosen to host Brewer's GIS internet services due to its lower cost, ease of use, and successful use by other Maine communities.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to execute a contract with CAI Technologies in an amount not to exceed \$12,500 for the City's GIS internet services, with half of that amount representing one-time implementation costs and

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the remainder representing the annual maintenance fee.

BE IT FURTHER ORDERED, that the cost of this contract shall be charged to 0115701-501160 (GIS Costs).

**Statement of Fact:** This order authorizes the City to contract with CAI Technologies for its GIS internet services.

2022-A188

November 15, 2022

TITLE: ORDER, ACCEPT GRANT FUNDS FROM THE HAROLD ALFOND CENTER FOR THE ADVANCEMENT OF MAINE'S WORKFORCE.

Filed November 9, 2022  
By Jerry Goss

WHEREAS, the City of Brewer has received several grants from the Harold Alfond Center for the Advancement of Maine's Work Force to support employee training opportunities; and

WHEREAS, the City expects to receive more grants from the Harold Alfond Center for the Advancement of Maine's Work Force this fiscal year.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith accepts these grant funds and authorizes their deposit into the miscellaneous revenue account of the recipient department; and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from the recipient department's training expense account to support staff training.

**Statement of Fact:** The City of Brewer has received grant funds from the Harold Alfond Center for the Advancement of Maine's Work Force to support employee training opportunities. This order accepts the funds and authorizes their expenditure.

2022-A189

November 15, 2022

TITLE: ORDER, AMEND SCHEDULE OF FEES.

Filed November 9, 2022  
By Joseph L. Ferris

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

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NOW, THEREFORE, BE IT ORDERED, that the Schedule of Fees shall be amended as follows:

**SCHEDULE OF FEES**

**CITY PLANNER**

- Site plan review
  - Minor \$~~200.00~~ ~~100.00~~ per application
  - Major \$~~300.00~~ ~~200.00~~ per application
  - Staff level amendment \$~~100.00~~ per application
  - Approval extension \$~~100.00~~ per application
- Subdivision plans
  - Minor & major \$250.00 per application
  - Major subdivisions additional per lot fee \$~~50.00~~ ~~25.00~~ per application
- Planned unit development \$40.00 per application
- Contract zoning \$350.00 per application
- Zoning ordinance amendments \$~~250.00~~ ~~150.00~~ per application
- Fill and grading plan \$~~150.00~~ ~~100.00~~ per application
- Technical review escrow fee (see Chapter 24)
- Impact fees (see Chapter 24 & 38)

**CODE ENFORCEMENT**

- Departmental review (#3) \$ ~~100.00~~ ~~75.00~~

**Statement of Fact:** The Planning Department recommends this change to the schedule of fees following a consideration of how much staff time is dedicated to reviewing development projects and what other municipalities charge. The new categories proposed are within the Land Use Code and would clarify their fees by adding to this list.

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

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**D. Monthly Reports**

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

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**E. Nominations, Appointments, Elections**

2022-B032

November 15, 2022

TITLE: RESOLVE, DECLARE THE RESULTS OF THE NOVEMBER 8, 2022 CITY OF BREWER ANNUAL MUNICIPAL ELECTION AND STATE OF MAINE GENERAL ELECTION.

Filed November 9, 2022  
By Soubanh Phanthay

WHEREAS, the City of Brewer Annual Municipal Election and the State of Maine General Election were held on November 8, 2022; and

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

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

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**STATE OF MAINE RETURN OF VOTES CAST**

**MUNICIPALITY: BREWER - 1 (1-1)**

**GOVERNOR**

82 HUNKLER, SAM  
2,028 LEPAGE, PAUL R.  
2,108 MILLS, JANET T.  
16 BLANK

**STATE SENATOR (District 10)**

2,066 CAMMACK, RALPH E. JR.  
2,061 LYFORD, PETER A.  
107 BLANK

**REPRESENTATIVE TO THE LEGISLATURE (District 20)**

2,003 MORIN, JENNIFER MARIE  
2,050 O'CONNELL, KEVIN J.M.  
74 BLANK

**REPRESENTATIVE TO THE LEGISLATURE (District 24)**

49 HATHAWAY, RODERICK ALLEN  
53 PERRY, JOSEPH C.  
5 BLANK

**JUDGE OF PROBATE**

2,095 BRANDMEIR, ZACHARY WILLIAM  
1,743 SEANEY, BETH L.  
396 BLANK

**COUNTY TREASURER**

1,932 BOUCHER, KIMBERLY A. G.  
2,115 MOWER, GLENN E.  
187 BLANK

**REGISTER OF DEEDS**

3,380 BULAY, SUSAN F.  
854 BLANK

**SHERIFF**

3,444 MORTON, TROY JAMES  
790 BLANK

**DISTRICT ATTORNEY (District 5)**

3,146 ALMY, R. CHRISTOPHER  
1,088 BLANK

**REPRESENTATIVE TO CONGRESS (District 2)**

232 BOND, TIFFANY  
2,062 GOLDEN, JARED FORREST  
1,798 POLIQUIN, BRUCE  
142 BLANK

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**CITY OF BREWER, MAINE  
RETURN OF VOTES CAST**

At a legal meeting of the inhabitants of consolidated ward one in the City of Brewer, qualified by the Constitution and Laws of the State of Maine to vote for Representatives held on November 8, 2022 the said inhabitants gave in their vote for two members of the City Council for 3-year terms, one member of the School Committee for a 3-year term, and one member of the High School Trustees for a 5-year term and the same were received, sorted, counted, declared and registered in open ward meeting, by the Warden who presided, and in the presence of the Ward Clerk and City Clerk, who formed a list of the whole number of ballots given in, and of the persons voted for, and made a record thereof as follows:

FOR TWO MEMBERS OF THE CITY COUNCIL (3-YEAR TERMS)

Soubanh Phanthay	had	1,319
Michele LaBree Daniels	had	1,971
Howard F. Kroll	had	518
Shane Boyes	had	1,266
Donald C. Corey	had	1,113

FOR ONE MEMBER OF THE SCHOOL COMMITTEE (3-YEAR TERM)

Kayla Dunn	had	3,381
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FOR ONE MEMBER OF THE HIGH SCHOOL DISTRICT TRUSTEES (5-YEAR TERM)

Ruth-Marie Spellman	had	2,336
Timothy Daniels	had	1,255

Total Ballots Cast: 4,210

**ACTION:** Councilor Phanthay moved that the resolve be adopted. Councilor Goss seconded the motion. The motion passed with a unanimous vote.

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**F. Unfinished Business**

2022-C011

October 11, 2022

TITLE: ORDER, AMEND CHAPTER 24 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED "LAND USE CODE", ARTICLE 2, "ADMINISTRATION AND ENFORCEMENT", SECTION 202; ARTICLE 3, "ZONING DISTRICTS", SECTION 306, AND SECTION 307; ARTICLE 4, "PERFORMANCE STANDARDS", SECTION 429, AND SECTION 442; ARTICLE 6, "SITE PLAN REVIEW"; ARTICLE 7, "SUBDIVISION REVIEW"; AND ARTICLE 14, "DEFINITIONS".

Filed October 4, 2022  
By Jerry Goss

BE IT ORDAINED, by the Brewer City Council that Chapter 24, of the Charter, Codes and Ordinances of the City of Brewer, entitled "Land Use Code", shall be amended as follows:

**ARTICLE 2 ADMINISTRATION AND ENFORCEMENT**

**202 CODE ENFORCEMENT OFFICER PERMIT REQUIRED**

**202.3 CHANGE OF USE**

The change of any premises from one category of land use to any other land use. Additional approvals may be required per this Land Use Code under Article 3, Section 306.5 Schedule of Uses.

**202.4 ACTIVITIES LISTED IN THE SCHEDULE OF LAND USES**

Any activity listed in Article 3 Section 306.5 of this Land Use Code as requiring a permit from the Code Enforcement Officer. No permit may be issued under this provision for an activity which is part of a site or project requiring Planning Board or City staff approval until such approval has been granted Site Plan Review Approval until such approval has been granted by the Planning Board.

**202.5 SITE PLAN REVIEW ACTIVITIES**

Any activity approved by the Planning Board under the Site Plan Review provisions of Article 6 of this Land Use Code and/or any approval from the City Planner pursuant to Site Plan Amendments under Article 6, Section 610 of this Land Use Code.

**202.6 ADDITIONAL USES IN PREVIOUSLY APPROVED SITE PLANS**

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Any addition of uses inside a building having previously received Site Plan Review Approval from the Planning Board-, not requiring an additional Planning Board or City staff approval.

**202.7 DEPARTMENTAL REVIEW ACTIVITIES MINOR EXPANSIONS OF PREVIOUSLY APPROVED SITE PLANS**

Any activity approved by City departments under the Departmental Review provisions of Article 3, Section 306.5 of this Land Use Code.

~~Construction or expansion of accessory structures or uses, addition of an accessory uses, expansion of a primary building or structure, or expansion of an un-vegetated area on a site or project which has received Site Plan Review Approval from the Planning Board or approval from the City Planner pursuant to Article 6, Section 610 of this Land Use Code.~~

**205 APPLICANT RESPONSIBILITY**

**205.2 COMMENCEMENT AND COMPLETION OF WORK (#2)(#14)**

Construction and alteration activities on projects for which a permit has been granted under this Section shall commence within six (6) months of the date of issuance of the permit and shall be substantially completed within twelve (12) months of that date. Activities which are not commenced or substantially completed within the time limits provided above shall be subject to a new application and the permit issued under this Section shall be considered void. Activities may be extended, one or more times for additional periods of 90 days each, by the Code Enforcement Officer, if an application for an extension is submitted not later than thirty (30) days prior to expiration of the prior permit.

In their sole discretion, the Code Enforcement Officer may require a performance bond or other financial assurance where completion of a project is precluded by winter conditions or other factors prior to issuing a permanent or temporary Certificate of Occupancy, provided the following:

1. Public safety is assured at the project's current state of completion, including, but not limited to, meeting various building, life safety, electrical, and sewer codes. The Code Enforcement Officer shall also consider traffic access, drainage, and potential degradation to use of the land based on temporary use at the current stage of project completion.
2. A bond or other financial assurance, posted by the applicant and acceptable in form to the Code Enforcement Officer and/or City Solicitor, for completion of required improvements as estimated by the applicant using standard cost estimating methods and including a contingency figure. Said estimate shall be acceptable to the Code Enforcement Officer with input from the City Engineer. Said bond shall establish a date by which the balance of the improvements shall be completed. The applicant shall name the City of Brewer to access said money, if needed, and shall keep the bond active and current until the required improvements are completed.



**ARTICLE 3 ZONING DISTRICTS**

**306 SCHEDULE OF USES**

**306.1 SYMBOLS USED IN SCHEDULE OF USES AND THEIR PROCESSES**

**3. PERMIT PROCESS**

For parcels with existing approved site plans, a change of use to a use not requiring site plan approval can be approved through the Code Office review and approval (P) process provided the site meets the required Performance Standards contained in Article 4 of this Land Use Code for the new use and the site is in compliance with the existing approved site plan except for this change of use.

**306.5 SCHEDULE OF USES**

*[NOTE: The paragraph below is currently included in section 306.5 at the bottom of each page in this section. This amendment would place the wording in this location and delete from the other pages to simplify the matrix.]*

Any non-residential uses allowed with or without a permit which creates 5,000 square feet of new gross floor area, or creates 5,000 square feet or greater of new un-vegetated area in the development, separately or collectively, shall be subject to Site Plan Review. Any proposed non-residential uses allowed, with or without a permit, exceed the 5,000 square foot area for new gross floor area or new un-vegetated area, or any proposed combination of the two activities, within a two (2) year period shall be considered cumulative activity and shall require site plan review. (#17)

USE	RURAL	LDR	MDR-1	MDR-2	HDR	HDR-2	CB	GB	IND	IND-2	OR	PB	DD
<b>COMMERCIAL USES</b>													
<u>Self-Service Storage Facility</u>								<u>S-18</u>	<u>S</u>				

Footnotes to Schedule of Land Uses

\*\* Permits are not required when a Utility Permit or Street Opening Permit has been issued. Permits are not required when the utility is located entirely upon the premises of the customer requesting service or for the purpose of maintenance except when a Utility Permit or Street Opening Permit is required. All utilities, both public and private, must be installed underground when located within the right-of-way and/or 150 feet from the right-of-way property line of any accepted City street within the Professional Business (PB) District and along the entirety of Dirigo Drive. This requirement does not apply to Parkway South Wilson Street, and Greenpoint Road except for those areas within or 150 feet from Dirigo Drive as described prior. (#10)

18. All buildings for this use shall have a three hundred (300) foot setback from Wilson Street.

**307 DIMENSIONAL REQUIREMENTS (#31)**

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307.1 SCHEDULE OF DIMENSIONAL REQUIREMENTS

All parcels of land, structures and uses shall meet or exceed the following minimum dimensional requirements. Non-conforming parcels of land cannot be created unless otherwise indicated in this ordinance. Letters adjacent to some dimensional requirements refer to notes at the end of the schedule which contain additional requirements.

**ARTICLE 4 PERFORMANCE STANDARDS**

**429 SHIPPING CONTAINERS ~~AS STORAGE BUILDINGS PROHIBITED~~**

**429.1** It is the intent of the City of Brewer to prohibit, except in strictly regulated circumstances as shown in 429.2 below, the placement and use of any shipping container as ~~a an accessory~~ structure or storage building within the city limits.

**429.2** No person shall place or cause to be placed or use or permit the use of any shipping container as an accessory structure, storage building or living unit within the City limits except as noted below: that licensed and bonded contractors may utilize shipping containers for temporary housing of equipment and/or materials during construction for a period not to exceed one year where a building permit has been approved until such time as a Certificate of Occupancy is issued.

1. Licensed and bonded contractors may utilize shipping containers for temporary housing of equipment and/or materials during construction for a period not to exceed one year where a building permit has been approved until such time as a Certificate of Occupancy is issued.
2. The Code Enforcement Officer and/or the Planning Board can approve the use of a shipping container for temporary storage until enough product is gathered to be moved off-site.
3. Shipping containers may not be used for human occupation as residential and/or commercial space.
4. Within the Industrial (IND) zone as an accessory use only if meets all of the following standards:
  - a. A building permit and Certificate of Occupancy shall be required for all shipping containers by the Code Enforcement Officer.
  - b. The use, in combination with the primary use and accessory uses on the same lot, does not exceed maximum lot coverage requirements as set forth in this ordinance.
  - c. The shipping containers shall comply with all minimum building setbacks as set forth in this ordinance.
  - d. Shipping containers may be stacked but cannot exceed the maximum building height per this ordinance.
  - e. The shipping container and associated maneuvering areas shall not displace any parking spaces utilized to meet parking standards of Section 424 of this ordinance.
  - f. Shipping containers shall not be placed in any location where it will create pedestrian or vehicular traffic hazards or interfere with orderly traffic circulation.

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- g. Shipping containers shall not be placed over or in any location where it could interfere with City infrastructure such as catch basins and sewer manholes.
- h. Shipping containers may contain hazardous materials only if a list of such materials, along with containment method, is supplied to the Code Officer for approval and it also meets all State and/or Federal regulations.
- i. The exterior of shipping containers shall contain no signs or advertising material visible from any public way or abutting property. Container manufacturer markings are exempt.
- j. All shipping containers shall be structurally sound. Their exterior surfaces shall be free of rust, holes, sharp edges, torn or damaged siding, exposed wiring or any other defects which could endanger health or safety.
- k. All shipping containers must be empty or used for storage purposes only.
- l. All shipping containers must be used by the on-site business or owner of the property and cannot be leased to others. Shipping containers cannot be used for self-storage units.

442. SOLAR ENERGY SYSTEMS

442.2 Permitting and Allowed Locations.

442.2.2 Large-scale ground- or pole-mounted solar energy systems are allowed in all zoning districts subject to dimensional standards and performance standards contained in this section as well as the dimension standards in Article 3, section 307 and the performance standards in this Article. All such systems must receive major site plan approval from the Brewer Planning Board plus obtain building permits and all other required permits from the Brewer Code Enforcement Office. A license through the Brewer City Clerk's Office may be required per Chapter 20 of the City of Brewer Charter, Codes, and Ordinance. The applicant shall submit documentation that demonstrates the project satisfies the requirements of the utility, electrical and structural plans that have been stamped by a Maine licensed engineer, and any required approvals from the Maine Department of Environmental Protection. Site plan technical review escrow money from the applicant may be used by the City to retain expert evaluation, evaluate additional project requirements, and information submitted or conduct studies that it finds necessary in order to determine whether requirements are met.

442.7.6 Access – Access drives shall be constructed and maintained to allow for maintenance and emergency vehicles at all times including winter conditions. Said access drives shall remain clear of brush and trees that would affect emergency vehicles access. All roadways shall have a minimum width of twelve (12) feet and a minimum radius length of forty-five (45) feet. Access drives shall be constructed of a minimum of eighteen (18) inches of gravel and shall be maintained as necessary. Should undergrowth develop in the roadway, the owner will be responsible for the removal of this growth. The owner will be required to grade the surface when passage becomes difficult.

442.7.9 Environmental – Negative environmental impacts, including, but not limited to, wetland disturbance, rare or endangered plant species disturbance, and sensitive wildlife habitat impacts, shall be minimized to the maximum extent possible. All disturbed areas must be graded

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and seeded/landscaped with native vegetation. The owner or operator shall prepare a vegetation management plan associated with the operation of the system. The plan shall identify measures it will use to effectively manage vegetation, including methods such as, but not limited to, vegetating the solar array area in a pollinator-friendly manner for bees, butterflies, and allowing the area for the grazing of farm animals.

Fenced enclosures around the solar arrays shall utilize wildlife permeable fencing to accommodate smaller animals. Options for wildlife-permeable fencing include the use of larger mesh fencing with large (12-in x 12-in) holes along the bottom of the fence, spaced evenly along the entire perimeter of the fence line every 20-25 feet.

The applicant shall clearly show all wetland impacts on the site plan. A note on the plan shall include a list and amount of all direct and indirect impacts. Direct impacts would include items such as roads, slabs, foundations, poles, and posts. Indirect impacts would include items such as the areas under the panels.

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

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

- a) The anticipated life of the project.
- b) The anticipated present value cost of decommissioning. Decommissioning, salvage value, and land restoration costs shall be included in the decommissioning cost calculation. The plan shall specifically include a breakdown of each task, including but not limited to, the following:
  - Project management.
  - Removal of solar modules, panels, trackers, and other components.
  - Removal of tracker and panel foundations.
  - Removal of electrical collection systems (including wires, lines, poles).
  - Removal of fences.
  - Site and road restoration.
- c) An explanation of the calculation of the cost of decommissioning, including project management, labor, equipment, and transportation costs.
- d) The physical plan for decommissioning.
- e) A surety to cover the cost of decommissioning.

**ARTICLE 6 SITE PLAN REVIEW**

**603 APPLICATION PROCEDURE**

**603.1 SUBMISSION TO CITY PLANNER (#2) (#6) (#37)**

Persons seeking site plan review shall submit four (4) copies of the site plans and accompanying written information including the application form, meeting the specifications of Section 606 with the Planning Department City Planner along with a non-refundable application fee as set forth in the then current City Council adopted fee schedule, payable to the City of Brewer four weeks prior to the Planning Board meeting.

Upon receipt of these materials, the City Planner or designee shall review the application to determine whether all the information requested in Section 606 has been provided. The applicant shall be notified of any deficiencies within five business days and given the opportunity to correct them.

**603.2 TECHNICAL REVIEW**

After it has been determined that the application and site plan conform to the requirements for submission, the ~~applicant shall file four copies of the plan and supporting information, including a written request for waivers of any item(s) specified therein with the City Planner four weeks prior to the Planning Board meeting.~~ The City Planner or designee shall conduct a technical review of the materials to determine compliance with the provisions of this Land Use Code. During this process, the City Planner or designee shall consult with the City Engineer, Police Chief, Fire Chief, Water Department Superintendent, Treatment Plant Superintendent, Code Enforcement Officer, and any other individuals or agencies, as deemed necessary. (#4)(#6)

Within ten working days after the application has been deemed complete, the City Planner or designee shall notify the applicant in writing of any technical deficiencies in the application or site plan, and recommend modifications. The applicant may then revise the plan addressing the staff recommendations or request Planning Board review without amendment. The City Planner or designee shall submit written recommendation(s) to the Planning Board and provide a copy of such to the applicant.

**603.3 FILING OF APPLICATION AND SITE PLAN FOR PUBLIC HEARING (#2) (#4)**

The applicant shall submit ~~two mylar site plans and fifteen~~ fourteen (14) copies of the site plan submission ~~plus the applicable fee~~ to the Planning Department City Planner at least fifteen days prior to a scheduled Planning Board meeting or as indicated in the tech review letter. The City Planner or designee shall give one copy of the application ~~and site plan~~ to the Code Enforcement Officer and to the City Engineer. The applicant shall also submit two rolled plans of the site plan drawing for Planning Board signatures.

**606 REQUIRED INFORMATION (#2)**

**606.1 INFORMATION FOR ALL SUBMISSIONS**

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6. Location, height in stories, ground floor area and first floor elevation of existing and proposed buildings and other structures, including use and proposed use thereof. The number of floors, square footage for each floor, and use for each floor included on site plan and in narratives.
10. Location and arrangement of proposed off-street parking loading areas and their appurtenant drives and maneuvering areas. Calculations determining the minimum required amount of parking spaces shall be included. The distance from the parking spaces to the nearest property line shall be labeled.
11. Specifications for landscaping/screening including species, spacing and height at time of planting of trees or shrubs are used; where earthen ~~beams~~ berms are used, slope, base dimensions and vegetation cover used; where fencing is employed, height, type and material of fencing.
19. All existing and proposed contours of the entire site with spot elevations at critical areas. No more than two foot contour intervals shall be used, unless the City Engineer determines that large contour intervals are adequate to evaluate the effect on adjacent property and site conditions. All plans showing contour lines and/or elevations shall include a note stating the basis of elevation and who/how the contours were determined. On plans with proposed improvements, a temporary benchmark shall be included.
21. All existing and proposed ~~set~~ setback dimensions.

### 606.3 OTHER INFORMATION

1. When a development has a use with specific Performance Standards included in Article 4 of this Land Use Code, the application shall include sufficient information to show said Performance Standards are met. Such uses include, but are not limited to, narcotic treatment facilities, marijuana uses, and solar energy systems.
2. ~~1.~~ In cases where construction or operation of the proposed project may adversely affect such things as light, noise, public safety or cause electromagnetic effects, the applicant may be required to provide expert outside testimony at the applicant's expense.
3. ~~2.~~ Such additional information as requested in writing by the City Planner to insure compliance with the terms of this Land Use Code.

### 607 STANDARDS GOVERNING SITE PLAN REVIEW

#### 607.5 ACCESS (#4) AND PARKING

10. The site has adequate maneuvering areas, loading zones, and parking to meet the minimum ordinance requirements and the project needs. Parking shall also meet minimum ADA requirements.

### 608 SCREENING MAINTENANCE REQUIREMENTS

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As a condition of any site plan review approval, the applicant shall furnish the City of Brewer an irrevocable letter of credit, performance bond, cash, or other form of security approved by the Code Enforcement Office Planning Board and accepted by the City Council, equal to at least 15% of all planting required for screening, buffering, and/or internal parking area. The dollar amount shall be proposed by the applicant and found acceptable by the Code Enforcement Office. The bond shall be binding for a minimum of two years commencing on the final approval of the Code Enforcement Office and the issuance of the permanent Certificate of Occupancy, and shall be subject to the condition that such plantings be maintained in accordance with the terms of the site plan approval and in a good and healthy condition.

~~609~~ **TEMPORARY CERTIFICATE OF OCCUPANCY**

~~609.1~~ — Where completion of a project is precluded by winter conditions and the structure meets building, electrical and sewer codes, as ascertained by the Code Enforcement Officer, a temporary Certificate of Occupancy may be issued upon a finding of the Board that:

- ~~1. Public safety is assured at the project's state of completion, including — but not limited to — meeting the various building, life safety, electrical and sewer codes. The Board shall also consider: Traffic access, drainage and potential degradation to use of land based on temporary use at the existing stage of project completion.~~
- ~~2. A bond, or other financial assurance, acceptable in form to the City Solicitor, for completion of required improvements as estimated by the City Engineer using standard cost estimating methods and including a contingency figure, will be posted by the applicant.~~
- ~~3. Delay of project completion is solely due to conditions beyond the control of the project, and an economic hardship (rather than inconvenience) would result from not granting a \*temporary use of the structure.  
❖ Such temporary certificate of occupancy shall have a time limit of six (6) months from the Board's decision in writing.~~

~~609.2~~ — The Code Enforcement Officer may issue a temporary Certificate of Occupancy for other than winter conditions if:

- ~~1. The improvements shown on the approved site plan have been substantially completed;~~
- ~~2. Applicant has posted a bond or other financial assurance accepted by the City Council to assure completion, and~~
- ~~3. Establishment of a date by which the balance of the improvements shown on the approved site plan shall be completed.~~

~~610~~ **609 CERTIFICATE OF OCCUPANCY**

No Certificate of Occupancy shall be issued by the Code Enforcement Officer unless the applicant shall certify under oath in writing all improvements shown on the approved site plan or as amended, including screening, planting, and landscaping, have been completed. The Code Enforcement Officer may also require a Certificate of Compliance stamped by a registered professional engineer



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or a registered land surveyor be provided by the applicant at the applicant's expense if the Code Enforcement Officer deems it necessary prior to the issuing of the Certificate of Occupancy.

Prior to issuance of a Certificate of Occupancy, the City Planner shall provide to the Code Enforcement Officer written verification that the landscaping and/or plantings have been completed to the specifications of the site plan approval by the Planning Board.

If the Planning Board requires the applicant to submit an "as built" site plan, the Code Enforcement Officer shall not issue the Certificate of Occupancy until the "as built" site plan is received.

The applicant may request, or the Code Enforcement Office may require, a performance bond or other financial assurance where completion of a project is precluded by winter conditions or other factors as per Article 2 of this Land Use Code.

## **610 SITE PLAN AMENDMENTS**

~~For the purposes of this Section, an approved Site Plan can be modified as follows:~~

Minor revisions to an approved site plan may be permitted by the City Planner, subject to the following conditions:

- 610.1** A narrative and revised plan showing the revision is submitted (in three copies) to the Planning Department City Planner.
- 610.2** The City Engineer and Code Enforcement Officer agrees that the proposed change is a "minor revision" and that the proposed change does not violate this Land Use Code or materially change a plan approved by the Planning Board.
- 610.3** If the City Engineer or Code Enforcement Officer requests it, the proposed plan revision will be placed on the agenda of the next Planning Board Meeting for the Board's review.
- 610.4** Minor revisions to the Site Plan may be approved by the City Planner, provided that such "minor revision" will not materially alter the layout or scale of the development nor its impact on its surroundings, nor will it specifically:
  - 1. Expand the size of a project by increasing the number of lots or dwelling units; or by increasing the gross floor area of a primary use structure; or by adding a primary use structure or an accessory use structure containing more than two hundred (200) square feet of gross floor area to the site;
  - 2. Violate the provisions of any City Code or Ordinance;
  - 3. Delete landscaping, screening or buffer yard elements;
  - 4. Change the number of vehicular access points to the public street system or significantly alter the location of such access drives; and
  - 5. Reduce the number of parking spaces below the number required by this ordinance or significantly alter on-site vehicular circulation.
- 610.5** Major revisions to an approved site plan require review and approval as if a new project.



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**705 MINOR SUBDIVISION REVIEW PROCESS**

705.2 PROCEDURE

705.2.9 SIGNATURES. Upon approving the Final Plan, those members of the Planning Board voting for approval shall sign ~~two (2) reproducible copes (mylars) and two (2)~~ paper copies of the approved subdivision plan.

705.2.11 FILING OF APPROVED FINAL PLAN. After the City Council has approved any contracts and bonds and they have been filed with the City Clerk, the City shall record the subdivision plans and documents in the Registry of Deeds at the expense of the applicant using the escrowed technical review/recording fee funds as provided by the Article. Any subdivision not recorded in the Registry of Deeds within ninety (90) days of the date which the plan is approved and signed by the Planning Board or ninety (90) days after City Council approval on any contracts or bonds, whichever is later, shall become null and void.

The City Planner, or designee, shall scan said signed plan and make available to the City Assessor and Code Enforcement Office. ~~shall forward the second mylar to the City Assessor. One paper signed paper copy shall be forwarded to the Code Office and one copy retained by the City Planner.~~

705.3 SUBMISSIONS

2. FINAL PLAN. The subdivision plan for a Minor Subdivision shall contain information as specified in Section 707 and consist of two rolled paper site plan sheets ~~reproducible, stable based transparencies, one to be recorded at the Registry of Deeds, the other to be filed at the municipal office,~~ and fifteen copies of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. The plans reproducible transparencies shall be signed and embossed with the seal of the individual responsible for preparation of the plan. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border lines on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. In addition, one copy of the Plan(s) reduced to a size of 8 1/2 by 11 inches or 11 by 17 inches shall be submitted.

**706 MAJOR SUBDIVISION REVIEW PROCEDURES**

**706.1 PROCEDURE**

706.1.7 PLANNING BOARD DECISION ON PRELIMINARY PLAN. Within thirty days from the public hearing, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact on the application, and approve, approve with conditions, or deny the preliminary plan application. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

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When granting approval to a preliminary plan, the Board shall state the conditions of such approval, if any, with respect to:

The specific changes which it will require in the final plan;  
The character and extent of the required improvements for which waivers may have been requested and which the Board finds may be waived without jeopardy to the public health, safety, and general welfare; and

Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval by the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the approval of the final plan, the Board may require that additional information be submitted and changes in the plan be made as a result of further study of the proposed subdivision or as a result of new information received. No ~~mylars~~ or signatures on the Preliminary Plan shall be required.

706.1.15 SIGNATURES. Upon approving the Final Plan, those members of the Planning Board voting for approval shall sign ~~two (2) reproducible copies (mylars) and~~ two (2) paper copies of the approved subdivision plan.

706.1.17 FILING OF APPROVED FINAL PLAN. After the City Council has approved any contracts and bonds and they have been filed with the City Clerk, the City shall record the subdivision plans and documents in the Registry of Deeds at the expense of the applicant using the escrowed technical review/recording fee funds as provided by the Article. Any subdivision not recorded in the Registry of Deeds within ninety (90) days of the date which the plan is approved and signed by the Planning Board or within ninety (90) days of City Council approval on any contracts or bonds, whichever is later, shall become null and void.

~~The City Planner, or designee, shall scan said signed plan and make available to the City Assessor and Code Enforcement Office shall forward the second mylar to the City Assessor. One signed paper copy shall be forwarded to the Code Office and one copy retained by the City Planner.~~

## 706.2 SUBMISSIONS

2. PLAN. The subdivision plan for a Major Subdivision shall contain information as specified in Section 707 and consist of two ~~rolled paper site plan sheets reproducible, stable-based transparencies, one to be recorded at the Registry of Deeds, the other to be filed at the municipal office,~~ and fifteen copies of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. The ~~plans reproducible transparencies~~ shall be signed and embossed with the seal of the individual responsible for preparation of the plan. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border lines on the left side for binding and a one inch margin outside the border along the remaining

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sides. Space shall be provided for endorsement by the Board. In addition, one copy of the Plan(s) reduced to a size of 8 1/2 by 11 inches or 11 by 17 inches shall be submitted.

**ARTICLE 14 DEFINITIONS**

**Self-Service Storage Facility:** A building, group of buildings, or portion of building consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

**Statement of Fact:** This ordinance amendment is proposed to clarify items, update procedures, and better address uses. The Planning Board held a public hearing on September 12, 2022 and voted unanimously to recommend that these amendments to Chapter 24, “Land Use Code” be adopted as written.

**ACTION:** Councilor Goss moved that the amendment be enacted. Councilor Ferris seconded the motion. Councilor Phanthay asked for clarification on what the amendment would accomplish. The City of Brewer Planning Director Linda Johns noted that the amendment would address a number of concerns. The Planning Director said that the amendment to Article 2 would address administrative matters, allowing Code Enforcement Office to assess performance bonds rather than the Planning Board, and clarifying the timeframe for Planning Board submissions. The Planning Director said that the amendment to Article 3 clarifies explicitly that non-conforming parcels cannot be created. The amendment to Article 4 loosens limitations on shipping containers, and updates requirements for solar energy systems. The amendment to Article 6 addresses site plan reviews and clarifies time-frames, and also removes the requirement for applicants to submit mylar plans. The amendment to Article 7 also removes the requirement for applicants to submit mylar plans. The Planning Director said that the amendment to Article 14 adds a definition for “self-service storage”. The motion passed with a unanimous vote.

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2022-A190

November 15, 2022

TITLE: ORDER, ADOPT DANGEROUS BUILDING DECISION AND ORDER  
REGARDING 978 WILSON STREET.

Filed November 10, 2022  
By Joseph L. Ferris and  
Jenn M. Morin

WHEREAS, on October 11, 2022, after proper notice and hearing, the Brewer City Council adjudged the building located at 978 Wilson Street to be a dangerous building within the meaning of 17 M.R.S. §§ 2851-2859 (“Dangerous Buildings Laws”); and

WHEREAS, the Dangerous Buildings Laws requires the City Council to issue a written decision and order; and

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WHEREAS, attached hereto is a written Decision and Order regarding the building at 978 Wilson Street as detailed therein.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby adopts and issues the aforescribed Decision and Order regarding the building at 978 Wilson Street, as evidenced by the signatures to be affixed thereto; and

NOW, THEREFORE, BE IT FURTHER ORDERED, that the City Manager or his designee is hereby authorized and directed to take such further necessary and appropriate actions to implement this vote.

**Statement of Fact:** This Order adopts and issues the attached Decision and Order regarding a dangerous building at 978 Wilson Street.

**DANGEROUS BUILDING**  
**DECISION AND ORDER**

*Pursuant to 17 M.R.S. §§ 2851-2859*

**TO: Bruce R. Blackmer**  
**14 Enterprise Drive**  
**Dedham, ME 04429-4729**

**Building at 978 Wilson Street, Brewer, Maine**

The Brewer City Council, acting as the municipal officers of the City of Brewer, hereby adopt and issue this Decision and Order pursuant to 17 M.R.S. § 2851 et seq. (Maine Dangerous Buildings statutes) with respect to a building on property with an address of 978 Wilson Street, Brewer, Maine, as more particularly described in a deed from Key Bank of Maine to Bruce R. Blackmer, dated June 13, 1994, and recorded in Book 5673, Page 181, of the Penobscot County Registry of Deeds.

**Preliminary**

This is a dangerous building proceeding under 17 M.R.S. § 2851-2859. A Notice of Hearing was served on the property owner, Bruce R. Blackmer (the “Property Owner” or “Mr. Blackmer”), and on all parties-in-interest, in accordance with 17 M.R.S. §§ 2851 and 2857.

The City Council convened a hearing on the matter in accordance with the Dangerous Buildings statute on October 11, 2022 at 6:00 p.m. at Brewer City Hall at 80 North Main Street, Brewer.

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Participants at the October 11, 2022 public hearing included Kristie Rines, Brewer Code Enforcement Officer (“CEO Rines”), and Mr. Blackmer.

Information concerning the history and condition of the building at 978 Wilson Street, including a number of photographs and reports, were presented by CEO Rines. Mr. Blackmer also participated by providing testimony.

**Factual Findings**

Based on the testimony and other evidence presented, including without limitation photographs, reports, and testimony of CEO Rines, the City Council hereby finds as follows:

1. The aforescribed building is located on property having a street address of 978 Wilson Street, Brewer, Maine, and as depicted on the City Assessor’s maps as Tax Map 3, Lot 32.
2. The current owner is Bruce R. Blackmer per the deed referenced previously in this Decision and Order.
3. The building located at 978 Wilson Street is a wood frame construction building that is in extremely poor condition (e.g., holes in roof visible from the public way). As testified to by CEO Rines, this building is in a general state of disrepair due to inadequate maintenance and structural integrity issues.
4. It was CEO Rines’ conclusion that the aforescribed building, as it currently exists, poses a hazard due to deterioration and inadequate maintenance, and is a nuisance or is dangerous in its present state in accordance with 17 M.R.S § 2851.

**Conclusions of Law**

Based on the foregoing findings of fact, the Brewer City Council finds that the aforescribed building located on the property at 978 Wilson Street constitutes a dangerous building within the meaning of 17 M.R.S. § 2851. Specifically, the City Council further finds that this building is unsafe; unstable; constitutes a fire hazard; is unfit for human occupancy; and is otherwise dangerous to life or property.

**Disposal and Expenses**

Based on the foregoing findings of fact and conclusions of law, the City Council hereby determines:

1. The aforescribed building at 978 Wilson Street is a dangerous building within the meaning of 17 M.R.S. § 2851, as evidenced by the photographs (e.g., holes in roof), City reports, and testimony of CEO Rines, and must be disposed of by demolition as

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set forth herein unless timely rehabilitated by the Property Owner consistent with this Decision and Order.

2. The Property Owner shall repay to the City of Brewer all expenses pursuant to 17 M.R.S. § 2853.

**ORDER**

NOW THEREFORE, based on the foregoing, the City Council hereby ORDERS as follows:

1. Within ninety (90) days starting the day after October 11, 2022, i.e., by January 10, 2023, the Property Owner shall:
  - a. Rehabilitate the aforescribed building at 978 Wilson Street to completely abate the dangerous conditions by January 10, 2023, as follows:
    - i. Submit to the City Code Enforcement Office, and be approved by the Code Enforcement Officer, a written rehabilitation work plan from a qualified structural engineer for any and all work that must be completed to abate the dangerous conditions in compliance with applicable ordinances and codes of the City of Brewer (the “Rehabilitation Work Plan”) by December 9, 2022;
    - ii. Obtain all necessary permits or approvals to complete the scope of work in the Rehabilitation Work Plan; and
    - iii. Submit a final written report on or before January 10, 2023 from a structural engineer certifying the dangerous conditions have been completely abated.

**OR**

- b. Otherwise, by January 10, 2023, the Property Owner shall remove or demolish, or cause to be removed or demolished, the aforescribed building at 978 Wilson Street, including removal of all structural appurtenances, debris, trash, footers, etc., and shall fill and compact the remaining foundation/hole to the grade level of the lot.
2. If the Property Owner elects to rehabilitate the aforescribed building at 978 Wilson Street and has not completed rehabilitation by January 10, 2023 but has otherwise demonstrated substantial progress towards completing rehabilitation (e.g., demonstrated ability and willingness to satisfactorily rehabilitate this building by performing continuous work to substantially address the dangerous conditions consistent with this Decision and Order), as determined at the Council’s discretion the

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Council may extend the deadline for such rehabilitation work to be completed. It is expected the Council will hold a regular meeting on January 10, 2023. To receive consideration of an extension, prior to January 10, 2023 the Property Owner must submit in writing an extension request with documentation of progress achieved as of the date of the request in order to be considered for placement on the Council's agenda for the expected regular meeting on January 10, 2023.

3. No occupancy or use of the aforescribed building at 978 Wilson Street may occur unless in compliance with this Decision and Order and all applicable City of Brewer ordinances and codes.
4. Repay all expenses to the City of Brewer as set forth in 17 M.R.S. § 2853.
5. In the event the Property Owner shall fail to repay the City of Brewer's expenses; or shall fail to rehabilitate the aforescribed building at 978 Wilson Street by January 10, 2023 (unless extended); or shall fail to remove or demolish this building, or cause the same to be removed or demolished by January 10, 2023; or shall fail to fill around the existing open foundation/hole, as required, by January 10, 2023, the City shall proceed to demolish the aforescribed building at 978 Wilson Street and fill the open foundation/hole as provided in 17 M.R.S. § 2853, with the City's expenses, including without limitation attorney's fees, to be recovered by as provided in that section or otherwise as available in law.
6. In the event the City proceeds to demolish the aforescribed building at 978 Wilson Street consistent with this Decision and Order, the City shall first follow applicable procedures and requirements as set forth in 30-A M.R.S. §3106 regarding "covered property" as defined therein.
7. The City Clerk shall record and cause service of attested copies of this Decision and Order in accordance with 17 M.R.S. § 2851(3).

**This decision may be appealed to Superior Court under the Maine Rules of Civil Procedure, Rule 80B. If this order is not timely complied with and no timely appeal is taken, the Brewer City Council may undertake the ordered corrective action at City's expense and recover all expenses, including without limitation reasonable attorney's fees by means of a special tax or civil action.**

*[Signatures appear on next page]*

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**Dated this 15th day of November, 2022.**

**BREWER CITY COUNCIL**

\_\_\_\_\_  
Michele Daniels, Mayor

\_\_\_\_\_  
Soubanh Phanthay, Deputy Mayor

\_\_\_\_\_  
Jerry Goss

\_\_\_\_\_  
Joseph Ferris

\_\_\_\_\_  
Jenn Morin

#####

A true copy, attest:

\_\_\_\_\_  
Vincent Migliore, City Clerk  
Brewer, Maine

[seal]



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

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2022-A191

November 15, 2022

**TITLE: ORDER, ADOPT DANGEROUS BUILDING DECISION AND ORDER  
REGARDING 77 SOUTH MAIN STREET.**

Filed November 10, 2022  
By Soubanh Phanthay and  
Jerry Goss

WHEREAS, on October 11, 2022, after proper notice and hearing, the Brewer City Council adjudged the building located at 77 South Main Street to be a dangerous building within the meaning of 17 M.R.S. §§ 2851-2859 (“Dangerous Buildings Laws”); and

WHEREAS, the Dangerous Buildings Laws requires the City Council to issue a written decision and order; and

WHEREAS, attached hereto is a written Decision and Order regarding the building at 77 South Main Street as detailed therein.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby adopts and issues the aforescribed Decision and Order regarding the building at 77 South Main Street, as evidenced by the signatures to be affixed thereto; and

NOW, THEREFORE, BE IT FURTHER ORDERED, that the City Manager or his designee is hereby authorized and directed to take such further necessary and appropriate actions to implement this vote.

**Statement of Fact:** This Order adopts and issues the attached Decision and Order regarding a dangerous building at 77 South Main Street.

**DANGEROUS BUILDING**  
**DECISION AND ORDER**

*Pursuant to 17 M.R.S. §§ 2851-2859*

**TO: Bruce R. Blackmer**  
**14 Enterprise Drive**

**Dedham, ME 04429-4729**

**Building at 77 South Main Street, Brewer, Maine –  
the “Bennett Building”**

The Brewer City Council, acting as the municipal officers of the City of Brewer, hereby adopt and issue this Decision and Order pursuant to 17 M.R.S. § 2851 et seq. (Maine Dangerous Buildings statutes) with respect to a building on property with an address of 77 South Main Street, Brewer, Maine, as more particularly described in a deed from Stephen E. Dolley and Calvin E. True, Trustees under the will of Henry F. Drummond, dated November 16, 2000, and recorded in Book 7532, Page 139, of the Penobscot County Registry of Deeds.

**Preliminary**

This is a dangerous building proceeding under 17 M.R.S. § 2851-2859. A Notice of Hearing was served on the property owner, Bruce R. Blackmer (the “Property Owner” or “Mr. Blackmer”), and on all parties-in-interest, in accordance with 17 M.R.S. §§ 2851 and 2857.

The City Council convened a hearing on the matter in accordance with the Dangerous Buildings statute on October 11, 2022 at 6:00 p.m. at Brewer City Hall at 80 North Main Street, Brewer.

Participants at the October 11, 2022 public hearing included Kristie Rines, Brewer Code Enforcement Officer (“CEO Rines”), and Mr. Blackmer.

Information concerning the history and condition of the building at 77 South Main Street, including a number of photographs and reports, were presented by CEO Rines. Mr. Blackmer also participated by providing testimony. The specific building at issue is identified as the “Bennett Building” as depicted in Schedule A-1 to the deed recorded in Book 7532, Page 139.

**Factual Findings**

Based on the testimony and other evidence presented, including without limitation photographs, reports, and testimony of CEO Rines, the City Council hereby finds as follows:

1. The Bennett Building is located on property having a street address of 77 South Main Street, Brewer, Maine, and as depicted on the City Assessor’s maps as Tax Map 29, Lot 111.
2. The current owner is Bruce R. Blackmer per the deed referenced previously in this Decision and Order.

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3. The Bennett Building located at 77 South Main Street is a brick/wood frame construction building that is in extremely poor condition (e.g., holes in roof visible from the public way). As testified to by CEO Rines, this building is in a general state of disrepair due to inadequate maintenance and structural integrity issues.
4. It was CEO Rines' conclusion that the aforescribed Bennett Building, as it currently exists, poses a hazard due to deterioration and inadequate maintenance, and is a nuisance or is dangerous in its present state in accordance with 17 M.R.S § 2851.

**Conclusions of Law**

Based on the foregoing findings of fact, the Brewer City Council finds that the Bennett Building located on the property at 77 South Main Street constitutes a dangerous building within the meaning of 17 M.R.S. § 2851. Specifically, the City Council further finds that this building is unsafe; unstable; constitutes a fire hazard; is unfit for human occupancy; and is otherwise dangerous to life or property.

**Disposal and Expenses**

Based on the foregoing findings of fact and conclusions of law, the City Council hereby determines:

1. The Bennett Building at 77 South Main Street is a dangerous building within the meaning of 17 M.R.S. § 2851, as evidenced by the photographs (e.g., holes in roof), City reports, and testimony of CEO Rines, and must be disposed of by demolition as set forth herein unless timely rehabilitated by the Property Owner consistent with this Decision and Order.
2. The Property Owner shall repay to the City of Brewer all expenses pursuant to 17 M.R.S. § 2853.

**ORDER**

NOW THEREFORE, based on the foregoing, the City Council hereby ORDERS as follows:

1. Within ninety (90) days starting the day after October 11, 2022, i.e., by January 10, 2023, the Property Owner shall:
  - a. Rehabilitate the Bennett Building to completely abate the dangerous conditions by January 10, 2023, as follows:
    - i. Submit to the City Code Enforcement Office, and be approved by the Code Enforcement Officer, a written rehabilitation work plan from a

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qualified structural engineer for any and all work that must be completed to abate the dangerous conditions in compliance with applicable ordinances and codes of the City of Brewer (the “Rehabilitation Work Plan”) by December 9, 2022;

- ii. Obtain all necessary permits or approvals to complete the scope of work in the Rehabilitation Work Plan; and
- iii. Submit a final written report on or before January 10, 2023 from a structural engineer certifying the dangerous conditions have been completely abated.

**OR**

- b. Otherwise, by January 9, 2023, the Property Owner shall remove or demolish, or cause to be removed or demolished, the Bennett Building, including removal of all structural appurtenances, debris, trash, footers, etc., and shall fill and compact the remaining foundation/hole to the grade level of the lot.
2. If the Property Owner elects to rehabilitate the Bennett Building and has not completed rehabilitation by January 10, 2023 but has otherwise demonstrated substantial progress towards completing rehabilitation (e.g., demonstrated ability and willingness to satisfactorily rehabilitate the Bennett Building by performing continuous work to substantially address the dangerous conditions consistent with this Decision and Order), as determined at the Council’s discretion the Council may extend the deadline for such rehabilitation work to be completed. It is expected the Council will hold a regular meeting on January 10, 2023. To receive consideration of an extension, prior to January 4, 2023, the Property Owner must submit in writing an extension request with documentation of progress achieved as of the date of the request in order to be considered for placement on the Council’s agenda for the expected regular meeting on January 10, 2023.
  3. No occupancy or use of the Bennett Building may occur unless in compliance with this Decision and Order and all applicable City of Brewer ordinances and codes.
  4. Repay all expenses to the City of Brewer as set forth in 17 M.R.S. § 2853.
  5. In the event the Property Owner shall fail to repay the City of Brewer’s expenses; or shall fail to rehabilitate the Bennett Building by January 10, 2023 (unless extended); or shall fail to remove or demolish the Bennett Building, or cause the same to be removed or demolished by January 10, 2023; or shall fail to fill around the existing open foundation/hole, as required, by January 10, 2023, the City shall proceed to demolish the Bennett Building and fill the open foundation/hole as provided in 17 M.R.S. § 2853, with the City’s expenses, including without limitation attorney’s fees, to be recovered by as provided in that section or otherwise as available in law.

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6. In the event the City proceeds to demolish the Bennett Building consistent with this Decision and Order, the City shall first follow applicable procedures and requirements as set forth in 30-A M.R.S. §3106 regarding “covered property” as defined therein.
7. The City Clerk shall record and cause service of attested copies of this Decision and Order in accordance with 17 M.R.S. § 2851(3).

**This decision may be appealed to Superior Court under the Maine Rules of Civil Procedure, Rule 80B. If this order is not timely complied with and no timely appeal is taken, the Brewer City Council may undertake the ordered corrective action at City’s expense and recover all expenses, including without limitation reasonable attorney’s fees by means of a special tax or civil action.**

*[Signatures appear on next page]*

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**Dated this 15th day of November, 2022.**

**BREWER CITY COUNCIL**

\_\_\_\_\_  
Michele Daniels, Mayor

\_\_\_\_\_  
Soubanh Phanthay, Deputy Mayor

\_\_\_\_\_  
Jerry Goss

\_\_\_\_\_  
Joseph Ferris

\_\_\_\_\_  
Jenn Morin

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A true copy, attest:

\_\_\_\_\_  
Vincent Migliore, City Clerk  
Brewer, Maine

[seal]



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The city clerk noted that in advance of the meeting, he had met with Ruth-marie Spellman and swore her in as a Trustee of the Brewer High School District Trustees for a five-year term.

**B. Election of Mayor**

The city clerk heard nominations for a City Council Member to serve as City Mayor for the upcoming year. Councilor Goss nominated Soubanh Phanthay for Mayor. Nominations ceased. Soubanh Phanthay was elected Mayor of the Brewer City Council by unanimous vote. The city clerk swore in Soubanh Phanthay as City Mayor. The city clerk turned the proceedings over to Mayor Phanthay.

**C. Mayor's Remarks**

In his remarks, Mayor Phanthay said that he was looking forward to his term and looking forward to the growth of the City. Mayor Phanthay said that in the upcoming year he would focus on making Brewer as business friendly as possible, and on making public spaces in Brewer enjoyable. Mayor Phanthay expressed his gratitude to those that had supported him in the election, and thanked the Council for their support in electing him as Mayor.

**D. Election of Deputy Mayor**

Mayor Phanthay heard nominations for a City Council Member to serve as Deputy Mayor for the upcoming year. Councilor Goss nominated Jenn Morin for Deputy Mayor. Nominations ceased. Jenn Morin was elected Deputy Mayor by unanimous vote. The city clerk swore in Jenn Morin as Deputy Mayor.

Councilor Goss expressed his gratitude to Michele Daniels for her service to the City of Brewer as Mayor for the previous two years. Councilor Goss said of Councilor Daniels that her growth had been tremendous, and her dedication had been unquestioned, and that it would be appropriate for the Council to recognize her efforts and say, "Well done."

Mayor Phanthay added that Councilor Daniels had been a great mentor to him, that it had been an honor to serve under her leadership, and that he looked forward to working with her in the future.

**E. Establishment of Committees**

Mayor Phanthay made the following committee appointments for the upcoming year:

- All City Councilors appointed to the Committee on Finance.
- Councilor Daniels and Councilor Morin appointed to serve as sub-committee to interview candidates for standing boards and committees.
- Mayor Phanthay and Councilor Morin appointed as liaisons to the School Committee.
- Councilor Ferris and Councilor Daniels appointed as Council liaisons to the Brewer Planning Board.



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- Councilor Daniels and Councilor Goss appointed as the Council’s liaisons to the Brewer Historical Society.
- Councilor Daniels appointed as the Council’s liaison to the Penobscot County Budget Committee.
- Mayor Phanthay appointed as the Council’s liaison to the Parks and Recreation Committee.
- Councilor Goss appointed as the Council’s liaison and representative to the Bangor Area Recovery Network.
- Councilor Goss appointed as the Council’s liaison and representative to the Housing Authority.

**F. Establishment of Chair and Vice-Chair of the Brewer School Committee**

Mayor Phanthay announced that Kevin Forrest had been elected Chairman of the Brewer School Committee, and that Matthew Damon had been elected Vice-Chairman.

**G. New Business**

2022-B033 November 15, 2022

TITLE: RESOLVE, ESTABLISH LOCATION FOR REGULAR MEETINGS.

Filed November 9, 2022  
By Joseph L. Ferris

WHEREAS, the Charter of the City of Brewer requires that the City Council establish a place for holding its regular meetings.

NOW, THEREFORE, BE IT RESOLVED, that for and during the year from November 15, 2022 and including November 21, 2023, the place for holding regular meetings of the City Council will be established as the Arthur C. Verow Council Chambers in Brewer City Hall, 80 North Main Street, Brewer, Maine.

**ACTION:** Councilor Ferris moved that the resolve be adopted. Councilor Goss seconded the motion. The motion passed with a unanimous vote.

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2022-B034 November 15, 2022

TITLE: RESOLVE, ESTABLISH TIME AND DATES OF REGULAR MEETINGS.

Filed November 9, 2022  
By Jerry Goss

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WHEREAS, the Charter of the City of Brewer provides that a regular meeting of the City Council shall be held at least once per month.

NOW, THEREFORE, BE IT RESOLVED, that for and during the year from November 15, 2022 to and including November 21, 2023 regular meetings of the City Council shall be held at 6:00 p.m. on the following dates:

Tuesday	December	13, 2022	6:00 P.M.
Tuesday	January	10, 2023	6:00 P.M.
Tuesday	February	14, 2023	6:00 P.M.
Tuesday	March	14, 2023	6:00 P.M.
Tuesday	April	11, 2023	6:00 P.M.
Tuesday	May	9, 2023	6:00 P.M.
Tuesday	June	13, 2023	6:00 P.M.
Tuesday	July	11, 2023	6:00 P.M.
Tuesday	August	8, 2023	6:00 P.M.
Tuesday	September	12, 2023	6:00 P.M.
Tuesday	October	10, 2023	6:00 P.M.
Tuesday	November	21, 2023	6:00 P.M.

**ACTION:** Councilor Goss moved that the resolve be adopted. Councilor Daniels seconded the motion. The motion passed with a unanimous vote.

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2022-B035

November 15, 2022

TITLE: RESOLVE, ADOPT ETHICAL PRINCIPLES FOR EXCELLENCE IN GOVERNMENT.

Filed November 9, 2022

By Jenn Morin

WHEREAS, public service is a public trust and public servants have the obligation to serve the public's interest and to perform and serve with integrity; and

WHEREAS, the many difficult decisions facing public servants involve tough choices between competing claims which involve loyalty to the City, respect for authority, recognition of the policy role of City Council positions, responsiveness to the public's right-to-know and sensitivity to the need for confidentiality when appropriate; and

WHEREAS, an individual's character is measured through the management of one's ego, envy, timidity, ambition and/or craving for personal publicity.

NOW, THEREFORE, BE IT RESOLVED, that the true Brewer public servant:

- *will not act out of spite, bias, or favoritism;*

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- *contributes to a climate of mutual trust and respect;*
- *does not succumb to peer or political pressure;*
- *refuses to let official action be influenced by personal relationships, including those arising from past or prospective employment;*
- *has the courage of his or her convictions;*
- *does not try to shift blame to others;*
- *never forgets that he or she is working for the people – all the people;*

NOW, THEREFORE BE IT RESOLVED, That the members of the Brewer City Council formally adopt and actively pursue the Ethical Principles for Public Servants provided by the “Council for Excellence in Government,” 1992; and

BE IT FURTHER RESOLVED, that copies of this proclamation of ethics be provided to all appointed personnel of the City and the City Manager for dissemination to all employees of the City of Brewer.

**ACTION:** Councilor Morin moved that the resolve be adopted. Councilor Ferris seconded the motion. The motion passed with a unanimous vote.

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2022-B036

November 15, 2022

TITLE: RESOLVE, ADOPT 10 HABITS OF HIGHLY EFFECTIVE CITY COUNCILS.

Filed November 9, 2022

By Michele L. Daniels

WHEREAS, Thomas Cronin, a recognized authority on public policy, has observed hundreds of governing bodies over many years and has identified 10 “habits” of highly effective municipal councils; and

WHEREAS, it is the sense of the Brewer City Council that adopting and observing these 10 “habits” can make the Brewer City Council highly effective and competent in leading the community.

NOW, THEREFORE, BE IT RESOLVED, that the 10 “habits” of Highly Effective Councils, set forth below, are herewith adopted by the Brewer City Council for the 2023 calendar year:

1. Think and Act Strategically
2. Understand and Demonstrate the Elements of Teams and Teamwork
3. Master Small-Group Decision Making
4. Clearly Define Roles and Relationships
5. Establish and Abide by a Council-Staff Partnership
6. Make a Systematic Evaluation of Policy Implementation
7. Allocate Council Time and Energy Appropriately

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- 8. Set Clear Rules and Procedures for Council Meetings
- 9. Get a Valid Assessment of the Public's Concerns and An Evaluation of the Council's performance
- 10. Practice Continuous Personal Learning and Development as a Leader

**ACTION:** Councilor Daniels moved that the resolve be adopted. Councilor Goss seconded the motion. The motion passed with a unanimous vote.

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**VI. Adjourn 2022 Annual Meeting**

**ACTION:** Councilor Daniels moved that the meeting be adjourned. Councilor Goss seconded the motion. The motion passed with a unanimous vote. The meeting was adjourned at 6:31 P.M.

ADJOURNED, ATTEST: \_\_\_\_\_ Vincent P. Migliore  
City Clerk

A TRUE COPY, ATTEST: \_\_\_\_\_ Brewer, Maine