



**CITY COUNCIL REGULAR MEETING**  
**Tuesday, September 12, 2023 6:00 P.M.**  
**Brewer City Hall Council Chambers**

- I. Call to Order** (Mayor Phanthay)
- II. Roll Call** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America** (Mayor Phanthay)
- A. Minutes of the August 8, 2023 Regular Meeting** (Councilor Ferris)
- B. Awards, Petitions and Public Comments**
  - 1. Proclamation: Substance-Abuse Recovery Month.  
(Mayor Phanthay)
  - 2. (2023-B026) RESOLVE Resolution of respect for Alan Wilcox.  
(Councilor Goss)
  - 3. (2023-B027) RESOLVE Recognize Ava Burke for her efforts to collect and donate backpacks to students in need. (Councilor Daniels)
  - 4. (2023-B028) RESOLVE Recognize the Brewer Unified Basketball Team.  
(Councilor Morin and Councilor Daniels)
  - 5. Presentation: Maine Law Enforcement Accreditation Program awards accreditation to the Brewer Police Department.
  - 6. Public Comments
- C. Consent Calendar**
  - 1. (2023-A109) ORDER Accept donation from Apex Metals to Brewer Parks and Recreation Department for Fall Program.  
(Councilor Morin)
  - 2. (2023-A110) ORDER Accept donation from Walkers Garage, LLC. to Brewer Parks and Recreation Department for Fall Program.  
(Councilor Ferris)
  - 3. (2023-A111) ORDER Accept donation from Gifford Electric to Brewer Parks and Recreation Department for Fall Program. (Councilor Goss)
  - 4. (2023-A112) ORDER Accept donation from Brewer Center for Health and Rehabilitation to Brewer Parks and Recreation Department for Fall Program. (Councilor Daniels)
  - 5. (2023-A113) ORDER Accept donation from James Palmer to the Brewer Public Library. (Councilor Morin)
  - 6. (2023-A114) ORDER Accept donation from Kivell Electric, LLC. to Brewer Parks and Recreation Department for Fall Program.  
(Councilor Ferris)
  - 7. (2023-A115) ORDER Accept donation from Mad Kat & Company Bar & Grill to Brewer Parks and Recreation Department for Fall Program.  
(Councilor Goss)
  - 8. (2023-A116) ORDER Accept donation from Lisa and Dan Fitzgerald to Brewer Parks and Recreation Department for the After School Program. (Councilor Daniels)

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9. (2023-A117) ORDER Accept donation from Twin City Tire to Brewer Parks and Recreation Department for Fall Program. (Councilor Morin)
10. (2023-A118) ORDER Allocate additional funds for completion of Parker Street construction project. (Councilor Ferris)
11. (2023-A119) ORDER Authorize purchase of replacement lawn mower for Parks and Recreation Department. (Councilor Goss)
12. (2023-A120) ORDER Authorize abatement of Fiscal Year 2023 taxes for Map 4, Lot 46-A, property of Ruhlin Properties, LLC. (Councilor Daniels)
13. (2023-A121) ORDER Commit Water Assessment to Treasurer for collection. (Councilor Morin)
14. (2023-A122) ORDER Commit Sewer Assessment to Treasurer for collection. (Councilor Ferris)
16. (2023-A123) ORDER Approve carry forward encumbrance of appropriated, but not expended, Fiscal Year 2023 funds for approved projects. (Councilor Goss)
17. (2023-A124) ORDER Accept sub recipient grant funds from Penobscot County. (Councilor Daniels)
18. (2023-A125) ORDER Accept donations from Winterport Boot Shop and Brewer Federal Credit Union to support Young Citizens' Safety Academy. (Councilor Morin and Councilor Ferris).

**D. Monthly Reports** (Councilor Daniels)

**E. Nominations, Appointments, Elections**

**Consent Calendar**

1. (2023-A126) ORDER Reappoint City Assessor. (Councilor Ferris)
2. (2023-B029) RESOLVE Accept resignation of Beverly Uhlenhake from the Brewer High School District Trustees. (Councilor Goss)

**F. Unfinished Business**

1. (2023-C016) ORDER Enact and add Chapter 52 of the Charter, Codes and Ordinances of the City of Brewer, entitled "City of Brewer Moratorium Ordinance on Large-Scale Solar Energy Systems". (Councilor Daniels)

**G. New Business**

1. (2023-C017) ORDER Amend Chapter 24 of the Charter, Codes and Ordinances of the City of Brewer, entitled "Land Use Code", Article 4, "Performance Standards", Section 439, Article 7, "Subdivision Review", Sections 710 and 711, and Article 14, "Definitions". (Councilor Goss)
2. (2023-A127) ORDER Convene in Executive Session Pursuant to Title 1, M.R.S.A. §405(6)(A) on a personnel matter. (Councilor Ferris)

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

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**I. ADJOURN**

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**A. Minutes of the August 8, 2023 Regular Meeting**

**ACTION:** Councilor Ferris moved that the minutes to the August 8, 2023 regular meeting be accepted and placed on file. Councilor Goss seconded the motion. The motion passed with a vote of 4-0.

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

1. Proclamation: Substance-Abuse Recovery Month.

Mayor Phanthay read the proclamation.

**PROCLAMATION  
SEPTEMBER 2023 SUBSTANCE-ABUSE RECOVERY  
MONTH**

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

WHEREAS, in the year 2020, the number of Recovery Community Centers throughout the state of Maine increased from 9 to 13 locations funded by the Maine Recovery Hub, currently there are 25 Recovery Community Centers; and

WHEREAS, in the year 2021, an estimated 631 deaths were caused by drug overdoses in Maine out of a reported 9,538 overdoses, an all-time high for the state, representing a 23% increase over 2020 with 77% of the deaths attributed to the consumption of fentanyl; in 2022 there were 723 deaths with 10,483 total overdoses recorded through emergency departments, EMS, reported community reversals, and law enforcement; the total number of overdoses recorded do not reflect reversed overdoses in which no emergency services were utilized; and

WHEREAS, during 2022 the State of Maine increased the number of harm reduction supplies administered: the Maine Naloxone Distribution Initiative purchased 42,267 kits (84,534 doses of naloxone), Tier 1 distributors issued 60,015 kits (120,030 doses of naloxone), and the Office of the Maine Attorney General distributed 1,498 kits (2,996 doses of naloxone); and the Maine Syringe Access Program reported distributing 2,368,746 syringes in 2022; and

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

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WHEREAS, the City of Brewer believes that substance abuse adversely impacts the quality of life for all and this requires a comprehensive and balanced approach focused on providing access to treatment and recovery services, education, and enforcement; and

WHEREAS, the City of Brewer recognizes that recovery is possible bringing light where there was darkness, hope where there was despair, connections when there was isolation, accomplishment, and love; recovery restores the sense of health and purpose; and is attainable with the right supports and personal commitment; and

WHEREAS, the City of Brewer encourages all people adversely impacted by substance use disorder to connect with resources and supports to make recovery possible and begin the journey towards a better life; and

WHEREAS, the City of Brewer recognizes and celebrates those in recovery for their journey and accomplishments, who are an example of what is possible.

**NOW, THEREFORE, I, SOUBANH PHANTHAY**, Mayor of the City of Brewer, on behalf of the City Council and citizens of Brewer, do hereby proclaim the month of September 2023 as

**SUBSTANCE-ABUSE RECOVERY MONTH**

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

*Signed this twelfth day of September, 2023*

**Soubanh Phanthay, Mayor**

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Councilor Morin joined the meeting at 6:06 P.M.

Councilor Goss said that the Bangor Area Recovery Network (BARN) was a valuable institution in the City of Brewer and said it was important to spread the message that recovery is possible. Councilor Morin said it was important to make recovery visible and that the BARN was a valuable resource to Brewer and the surrounding area. Mayor Phanthay said that work of recovery is hard, but there are resources to help and give hope.

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2023-B026

September 12, 2023

TITLE: RESOLVE, RESOLUTION OF RESPECT FOR ALAN WILCOX.

Filed June 30, 2023

By Jerry Goss

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WHEREAS, on the 21<sup>st</sup> day of June 2023 death brought to a close the full and active life of Alan Roger Wilcox; and

WHEREAS, Alan was born in Columbia, South Carolina in 1944; and

WHEREAS, Alan graduated from Cape Elizabeth High School and then joined the United States Army; and

WHEREAS, Alan married his high school sweetheart Linda Perkins in 1966, and they shared fifty-seven years of marriage together; and

WHEREAS, Alan studied at Norwich Military College in Vermont, and then continued his education at the University of Maine where he obtained his bachelor's degree, master's degree, and certificate of advance studies in Education; and

WHEREAS, Alan became a teacher at Old Town High School where he taught for over thirty-years and also coached cross country; and

WHEREAS, Alan taught Adult Education classes at night and also taught classes at Unity College; and

WHEREAS, Alan served as a member of the Board of Commissioners of the Housing Authority of the City of Brewer for eleven years and played a significant role supporting the work of the Brewer Housing Authority; and

WHEREAS, Alan and Linda enjoyed camping and traveling, having visited Ireland, England, and every state in the continental United States.

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

BE IT FURTHER RESOLVED, that this resolution be spread upon the permanent records of the City of Brewer and that copies thereof be distributed to members of his family in testimony to the high esteem held for Alan Wilcox by the citizens and officials of the City of Brewer, Maine.

**ACTION:** Councilor Goss moved that the resolve be adopted. Councilor Ferris seconded the motion. Councilor Goss said that in teaching at Old Town, he was Alan's Commanding Officer in the History Department, and that in the Army Guard, Alan was his commanding officer in the military. Councilor Goss said that he was fortunate to have worked with Al and to have called him friend. Councilor Goss said that Al was being recognized so that his legacy would be embossed on the history of Brewer. Linda Wilcox, Alan's widow, expressed her gratitude to the Council. The motion passed with a unanimous vote.

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2023-B027

September 12, 2023

TITLE: RESOLVE, RECOGNIZE AVA BURKE FOR HER EFFORTS TO COLLECT AND DONATE BACKPACKS TO STUDENTS IN NEED.

Filed August 15, 2023

By Michele Daniels

WHEREAS, for her sixth birthday, Ava Burke of Brewer requested backpacks instead of gifts, collecting 12 backpacks for donation to the Penquis “We’ve Got Your Back” school supplies drive; and

WHEREAS, Ava saw the need of her peers, recognizing the cost of back-to-school supplies are a significant financial burden to many families, and wanted to gift fellow students with backpacks to boost their confidence; and

WHEREAS, Ava’s donation efforts have grown year-over-year; and

WHEREAS, in honor of her twelfth birthday, Ava recently rallied the support of her friends and family and donated 331 backpacks, an estimated value of \$7,000; and

WHEREAS, in total, Ava has donated over 750 backpacks since she first began.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith recognizes and commends the efforts of Ava Burke, to collect and donate backpacks to students in need.

**ACTION:** Councilor Daniels moved that the resolve be adopted. Councilor Goss seconded the motion. Councilor Daniels presented a Brewer Challenge Coin to Ava with the challenge to continue helping. Mayor Phanthay said that Ava had set an example for the adults, and that he was pleased that the next generation was being led by people like her. Councilor Goss said that Ava had set the pace for others to follow. The motion passed with a unanimous vote.

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2023-B028

September 12, 2023

TITLE: RESOLVE, RECOGNIZE THE BREWER UNIFIED BASKETBALL TEAM.

Filed August 16, 2023

By Jenn M. Morin and

Michele Daniels

WHEREAS, Unified Basketball is a modified version of basketball that blends students with disabilities with partner peers from the general education population; and

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WHEREAS, the Maine Principals Association (MPA) began sponsoring Unified Basketball in collaboration with Special Olympics of Maine during the 2014 school year; and

WHEREAS, Brewer High School began offering Unified Basketball in the winter of 2015 and since then hundreds of student-athletes have participated in Unified Basketball at Brewer High School; and

WHEREAS, in 2020, Brewer Community School added Unified Basketball to its interscholastic offerings; and

WHEREAS, beginning in 2022, Brewer High School and Bangor High School began collaborating on the season finale “Fill the Gym” basketball game featuring the Brewer Witches and the Bangor Rams, with hundreds of fans attending the first two contests in 2022 and in 2023; and

WHEREAS, many lifelong friendships have been discovered, and many student-athletes have found the confidence to try new team activities because of their experience with Unified Basketball.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council hereby recognizes the Brewer Unified Basketball Team for its efforts to bring together students with and without disabilities in the pursuit of athletic achievement, cooperation, and teamwork; and

BE IT FURTHER RESOLVED, that the Brewer City Council, on behalf of the citizens of the City of Brewer, congratulates the Brewer Unified Basketball Team for the success of the program.

**ACTION:** Councilor Morin moved that the resolve be adopted. Councilor Ferris seconded the motion. Councilor Morin presented Brewer Challenge Coins to several Unified Basketball Team alumni. Councilor Daniels said that she was a great fan of Unified Basketball, and that it made her happy to see the athletes competing and the spirit of team comradery. Councilor Daniels also recognized Brewer School Department Athletic Administrator David Utterback for his efforts in support of Unified Basketball. A parent of a Unified Basketball Team alumni praised the School Department Athletic Administrator noting that the Athletic Administrator continued to call Unified Basketball competitors and alumni his friends. Councilor Goss thanked the School Department Athletic Administrator for starting the Unified Basketball program in Brewer. Mayor Phanthay offered his congratulations to the Unified Basketball Team. The motion passed with a unanimous vote.

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5. Presentation: Maine Law Enforcement Accreditation Program awards accreditation to the Brewer Police Department.

Shawn O’Leary of Dirigo Safety, on behalf of the Maine Chiefs of Police Association and the Maine Law Enforcement Accreditation Program presented a plaque recognizing the accreditation of the Brewer Police Department to City of Brewer Public Safety Director Jason Moffit. Mr. O’Leary said that this was a significant achievement as the Brewer Police Department was only the twenty-third police department



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to receive accreditation out of one-hundred-and-thirty departments in the State of Maine. The Public Safety Director thanked his staff for making the achievement possible. Mayor Phanthay thanked the Public Safety Director for his leadership and said that the Police Department staff were amazing. Councilor Goss said that the City of Brewer had the best Police Department in the State and declared the City Council's unwavering support for the Brewer Police Department. Councilor Morin thanked the Public Safety Director and congratulated him on the Police Department's achievement. Councilor Daniels praised the Brewer Police Department for its commitment to training and innovation. Councilor Ferris said that no outstanding achievement of the Brewer Police Department surprised him anymore. Mayor Phanthay agreed with Councilor Goss' comment that the City Council supported the Brewer Police Department, and congratulated the Department.

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**Public Comments**

Two alumni of the Brewer Unified Basketball Team expressed their thanks to the Council.

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**C. Consent Calendar**

2023-A109

September 12, 2023

TITLE: ORDER, ACCEPT DONATION FROM APEX METALS TO BREWER PARKS AND RECREATION DEPARTMENT FOR FALL PROGRAM.

Filed August 14, 2023

By Jenn M. Morin

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$100 from Apex Metals for support of the Fall Soccer 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 Fall 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 Fall Program/League revenue account (0107123-300328); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of this money from the Fall Program/League expense account (0117121-506130).

**Statement of Fact:** This order accepts a contribution of \$100 from Apex Metals to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Fall Soccer Program.

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2023-A110

September 12, 2023

TITLE: ORDER, ACCEPT DONATION FROM WALKERS GARAGE, LLC. TO  
BREWER PARKS AND RECREATION DEPARTMENT FOR FALL  
PROGRAM.

Filed August 14, 2023  
By Joseph L. Ferris

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$100 from Walkers Garage, LLC for support of the Fall Soccer 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 Fall 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 Fall Program/League revenue account (0107123-300328); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of this money from the Fall Program/League expense account (0117121-506130).

**Statement of Fact:** This order accepts a contribution of \$100 from Walkers Garage, LLC. to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Fall Soccer Program.

2023-A111

September 12, 2023

TITLE: ORDER, ACCEPT DONATION FROM GIFFORD ELECTRIC TO BREWER  
PARKS AND RECREATION DEPARTMENT FOR FALL PROGRAM.

Filed August 14, 2023  
By Jerry Goss

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$100 from Gifford Electric for support of the Fall Soccer 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 Fall 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 Fall Program/League revenue account (0107123-300328); and

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BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of this money from the Fall Program/League expense account (0117121-506130).

**Statement of Fact:** This order accepts a contribution of \$100 from Gifford Electric to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Fall Soccer Program.

2023-A112

September 12, 2023

TITLE: ORDER, ACCEPT DONATION FROM BREWER CENTER FOR HEALTH AND REHABILITATION TO BREWER PARKS AND RECREATION DEPARTMENT FOR FALL PROGRAM.

Filed August 14, 2023  
By Michele Daniels

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$100 from VK Brewer, LLC d/b/a Brewer Center for Health and Rehabilitation for support of the Fall Soccer 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 Fall 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 Fall Program/League revenue account (0107123-300328); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of this money from the Fall Program/League expense account (0117121-506130).

**Statement of Fact:** This order accepts a contribution of \$100 from Brewer Center for Health and Rehabilitation to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Fall Soccer Program.

2023-A113

September 12, 2023

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

Filed August 15, 2023  
By Jenn M. Morin

WHEREAS, the Brewer Public Library received a donation of \$1,000 from James Palmer; and



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2023-A115

September 12, 2023

TITLE: ORDER, ACCEPT DONATION FROM MAD KAT & COMPANY BAR &  
GRILL TO BREWER PARKS AND RECREATION DEPARTMENT  
FOR FALL PROGRAM.

Filed August 16, 2023  
By Jerry Goss

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$100 from MKBG, LLC d/b/a Mad Kat & Company Bar and Grill for support of the Fall Soccer 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 Fall 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 Fall Program/League revenue account (0107123-300328); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of this money from the Fall Program/League expense account (0117121-506130).

**Statement of Fact:** This order accepts a contribution of \$100 from Mad Kat & Company Bar and Grill to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Fall Soccer Program.

2023-A116

September 12, 2023

TITLE: ORDER, ACCEPT DONATION FROM LISA AND DAN FITZGERALD TO  
BREWER PARKS AND RECREATION DEPARTMENT FOR THE  
AFTER SCHOOL PROGRAM.

Filed August 17, 2023  
By Michele Daniels

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$1,000 from Lisa and Dan Fitzgerald for support of the After School 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 After School 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 After School Program revenue account (0107123-300324); and





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BE IT FURTHER ORDERED, the Brewer City Council hereby declares the Parks and Recreations Department's 2016 Scag Turf Tiger Mower, Unit #608 surplus and authorizes the City Manager or his designee to dispose of it by allowing for trade in to offset the purchase price of the 2023 Kubota ZD1211 Zero-Turn Mower.

			<i>Net Price</i>	<i>Net Price</i>
		<i>Model</i>	<i>Mower Only</i>	<i>With Bagger</i>
Dorr's Equipment		ZD1211-3-60	\$ 10,521.00	\$ 14,760.00
Bradstreet Lawn & Garden		Turf Tiger II		\$ 16,807.00
Green Way Equipment		Z994	\$ 12,797.64	\$ 17,229.29
A & P Small Engine		Bad Boy Renegade		\$ 19,324.89
MB Tractor & Equipment		ZD1211-3-60	\$ 15,943.21	\$ 22,240.48

**Statement of Fact:** The replacement of riding mower #608 was approved in the FY24 CIP budget. This order authorizes the purchase of the replacement mower.

2023-A120

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TITLE: ORDER, AUTHORIZE ABATEMENT OF FISCAL YEAR 2023 TAXES FOR MAP 4, LOT 46-A, PROPERTY OF RUHLIN PROPERTIES, LLC.

Filed September 6, 2023  
By Michele Daniels

WHEREAS, in Fiscal Year 2023 (FY23), the owner of the property at Map 4 Lot 46-A, Eastern Avenue in Brewer was assessed for a building lot on a parcel of land that was completely enrolled in the Tree Growth Current Use Program; and

WHEREAS, the error was made by a private contractor working for the property owner and then the error was carried forward by the City Assessor; and

WHEREAS, this parcel was not supposed to have a building lot reserved on the Current Use Application; and

WHEREAS, the time elapsed from the date of commitment is more than 365 days, requiring abatement by this Council.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith authorizes the FY23 abatement of \$28,000 in assessed value for the buildable lot incorrectly assessed by no fault of Ruhlin Property, LLC.; and



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BE IT FURTHER ORDERED, that the City of Brewer, by vote of its City Council, herewith authorizes the appropriation and expenditure of \$613.20 from 0100100-300004 (Tax Abatements) to be funded by monies from 0119901-509810 (Overlay) for the purpose of refunding to Ruhlin Properties LLC the FY23 real estate taxes assessed in error.

**Statement of Fact:** A forester for Ruhlin Properties, LLC. failed to remove a parcel sold in 2002 from the Tree Growth Current Use parcel resulting in an overassessment. This order authorizes an abatement of one year’s tax for the buildable lot.

2023-A121

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TITLE: ORDER, COMMIT WATER ASSESSMENT TO TREASURER FOR COLLECTION.

Filed September 6, 2023

By Jenn M. Morin

WHEREAS, under Chapter 40 of the Charter, Codes and Ordinances of the City of Brewer, entitled “Water Department”, a water charge is assessed to water users.

NOW, THEREFORE WE, the Brewer City Council does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$778,561.58** at the established rate, as provided by Title 30-A M.R.S.A., §3406 (supp [1991] and Title 38 M.R.S.A., §1208 [1989]) and as such sections may be amended from time to time; and

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

EVENT	COMMITMENT	COMMENTS
September 2023	\$771,294.09	
June 2023	\$2,503.28	
July 2023	\$1,616.89	
August 2023	\$3,147.32	
TOTAL	<b>\$778,561.58</b>	



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2023-A123

September 12, 2023

TITLE:           ORDER,           APPROVE CARRY FORWARD ENCUMBRANCE OF  
APPROPRIATED, BUT NOT EXPENDED, FISCAL YEAR 2023  
FUNDS FOR APPROVED PROJECTS.

Filed September 6, 2023  
By Jerry Goss

BE IT ORDERED, that the Brewer City Council herewith authorizes and approves the carry forward of funds in the following accounts from the end of Fiscal Year 2023 to Fiscal Year 2024 as follows:

<b>Account #</b>	<b>Description</b>	<b>Carry Forward</b>
0115201-501070	Assessor – Miscellaneous Professional Services	\$10,000.00
0115201-502200	Assessor – Office Supplies	\$1,361.83
0115301-502200	Manager – Office Supplies	\$127.17
0115501-502300	Finance – Computer Software	\$8,476.00
0115601-501150	Technology – Network Services	\$1,150.00
0115601-502300	Technology – Computer Software	\$4,426.00
0115601-503100	Technology – PC Replacement Plan	\$8,380.00
0115701-501560	Economic Dev – Internet/Email	\$3,720.00
0115701-505240	Economic Dev – Greater Bangor 4 <sup>th</sup> of July	\$7,500.00
0115801-501070	Police Admin – Misc Professional Services	\$1,296.00
0115811-500860	Police Patrol – Training, Conferences, Mtgs	\$50.00
0115811-502900	Police Patrol – Misc Supplies	\$500.00
0115911-502810	Fire – Uniforms and Protective Clothing	\$5,565.00
0115911-502900	Fire – Misc Supplies	\$500.00
0115911-504100	Fire – Equipment Maintenance and Repair	\$1,770.66
0115911-504200	Fire – Vehicle Maintenance and Repair	\$2,238.46
0116001-501040	Code – Contracted Services	\$45,000.00
0116100-504100	General Protections – Equipmnt Maint & Repair	\$4,125.00
0116500-501110	Service Agency – Transit Operating Exp	\$69,136.00
0116500-501111	Service Agency – Transit Capital Reserve Exp	\$25,792.00
0116611-501044	Public Works – Contracted Svcs – Line Painting	\$2,547.06
0116661-501046	Public Works – Contracted Svcs – Tree Removal	\$20,000.00
0117000-500800	Employee Benefits – Workers Compensation	\$11,446.68
0117111-502750	Parks and Rec –Doyle Field	\$1,430.00
0117111-502575	Parks and Rec – Maple Street Park	\$1,200.00
0117121-506120	Parks and Rec – Summer Program / League	\$181.44
0117201-502770	Library – Non-Print Materials	\$47.97
0117201-504000	Library – Building Maint and Repair	\$137.72
	<b>General Fund Total</b>	<b><u>\$238,104.99</u></b>

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0717501-501060	Water Admin – Other (Technology)	\$390.00
0717502-500800	Water Admin – Workers Compensation	\$1,090.16
0717703-502600	Water Plant – Internal Lab Expenses	\$112.00
	<b>Water Fund Total</b>	<b>\$1,592.16</b>
0817502-501060	Sewer Admin – Other (Technology)	\$390.00
0817502-500800	Sewer Admin – Workers Compensation	\$1,090.16
0817702-501085	Sewer Plant – Sludge Disposal	\$14,808.64
0817702-503200	Sewer Plant – Reserve Machinery & Equipment	\$70,025.00
0817702-504000	Sewer Plant – Building Maint and Repair	\$3,308.50
0817702-504100	Sewer Plant – Equipment Maint and Repair	\$824.96
	<b>Sewer Fund Total</b>	<b>\$90,447.26</b>

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

2023-A124

September 12, 2023

TITLE:       ORDER,       ACCEPT SUB RECIPIENT GRANT FUNDS FROM PENOBSBOT COUNTY.

Filed September 6, 2023  
 By Michele Daniels

WHEREAS, the Brewer Police Department has received a grant for \$83,050 in the form of an American Rescue Plan Act (ARPA) sub recipient grant for Penobscot County; and

WHEREAS, these funds have been designated to purchase materials to improve the Brewer Police Department firing range facility in June of 2024; and

WHEREAS, the Maine Army National Guard will provide the labor and equipment for this improvement project.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the appropriation and deposit of these funds into account 0600058-360000-58063 FIRING RANGE REHAB-GRANT REV; and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the expenditure of these funds from account 0600058-560000-58063 FIRING RANGE REHAB-GRANT EXP.

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**Statement of Fact:** The City of Brewer Police Departments received a \$83,050 grant for the purchase of materials for the 2024 firing range improvement project. These funds will be used to purchase fill, lumber, and other supplies and the Maine Army National Guard will provide labor and machinery.

2023-A125

September 12, 2023

TITLE:           ORDER,           ACCEPT DONATIONS FROM WINTERPORT BOOT SHOP AND  
BREWER FEDERAL CREDIT UNION TO SUPPORT YOUNG  
CITIZENS' PUBLIC SAFETY ACADEMY.

Filed September 7, 2023  
By Jenn M. Morin and  
Joseph L. Ferris

WHEREAS, the Brewer Police and Fire Departments received donation for \$250 from Winterport Boot Shop; and

WHEREAS, the Brewer Police and Fire Departments received donation for \$500 from Brewer Federal Credit Union; and

WHEREAS, these funds were designated to help offset the cost of the Young Citizens' Public Safety Academy.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the appropriation and deposit of the donated funds into account 060058-360015-58062 PUB SFTY JR ACADEMY DONATIONS; and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the expenditure of these funds from account 06000058-560000-58062 PUB SFTY JR ACADMY EXP.

**Statement of Fact:** The City of Brewer Police and Fire Departments received donations of \$250 from Winterport Boot Shop and a \$500 from Brewer Federal Credit Union to offset the cost of the 2023 Young Citizens' Public Safety Academy. The funds are intended for food, activities, and other associated costs.

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

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**D.     Monthly Reports**

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

\*\*\*

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**E. Nominations, Appointments, Elections  
Consent Calendar**

2023-A126

September 12, 2023

TITLE: ORDER, REAPPOINT CITY ASSESSOR.

Filed August 29, 2023  
By Joseph L. Ferris

WHEREAS, Title 30-A M.R.S.A, §2552(1(C)), provides that "... the city council, by ordinance, may provide for a single assessor... who is appointed for a term not exceeding 5 years."; and

WHEREAS, the Charter, Codes and Ordinances of the City of Brewer Chapter 5, entitled "Assessor", Section 101 "Establishment" states, "The Assessor may be appointed by the City Council for a term not to exceed five (5) years."; and

WHEREAS, current City Assessor for the City of Brewer Valerie J. Moon was appointed on September 11, 2018, the five-year term for her appointment expiring on September 11, 2023.

NOW, THEREFORE, BE IT ORDERED, that Valerie J. Moon of Surry, Maine is herewith reappointed to the position of City Assessor for the City of Brewer effective September 12, 2023; and

BE IT FURTHER ORDERED, that Ms. Moon's term shall expire on September 12, 2028.

**Statement of Fact:** City Assessor Valerie Moon was appointed in 2018, and her term expired on September 11. This order reappoints the City Assessor for a five-year term.

2023-B029

September 12, 2023

TITLE: RESOLVE, ACCEPT RESIGNATION OF BEVERLY UHLENHAKE FROM THE BREWER HIGH SCHOOL DISTRICT TRUSTEES.

Filed August 14, 2023  
By Jerry Goss

WHEREAS, Beverly Uhlenhake has submitted her resignation from the High School District Trustees of the City of Brewer, by electronic mail, dated August 7, 2023; and

WHEREAS, the Brewer City Council must accept this resignation and declare a vacancy on the High School District Trustees of the City of Brewer for the unexpired term of Beverly Uhlenhake before a replacement can be appointed to fill this vacancy.

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NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council herewith accepts Beverly Uhlenhake's resignation from the High School District Trustees of the City of Brewer effective August 7, 2023 and declares that, on that date, a vacancy shall exist on the High School District Trustees and the City Council shall proceed to fill that vacancy for the unexpired term, which term shall expire November 19, 2024.

**Statement of Fact:** Beverly Uhlenhake submitted her resignation from the High School District Trustees of the City of Brewer on August 7, 2023. This resolve accepts her resignation and declares a vacancy so that the Council can appoint a replacement for the unexpired term.

**ACTION:** Councilor Ferris moved that the order on the consent calendar have passage and that the resolve be adopted. Councilor Goss seconded the motion. The motion passed with a unanimous vote.  
\*\*\*

**F. Unfinished Business**

2023-C016

August 8, 2023

TITLE: ORDER, ENACT AND ADD CHAPTER 52 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED "CITY OF BREWER MORATORIUM ORDINANCE ON LARGE-SCALE SOLAR ENERGY SYSTEMS".

Filed July 31, 2023  
By Michele Daniels

WHEREAS, the City of Brewer first created local regulations for solar energy systems in 2020;  
and

WHEREAS, there have been many site plan applications received for large-scale solar energy systems with five projects receiving site plan approval; and

WHEREAS, there continues to be interest in developers creating large-scale solar energy systems in Brewer; and

WHEREAS, there have been recommendations by State agencies and other organizations for improving designs and performance standards for such projects; and

WHEREAS, the City of Brewer desires to review and revise ordinances to include such recommendations and provide the best regulations for the residents of the City of Brewer for orderly and responsible development; and

WHEREAS, a moratorium is necessary for the City to review and revise its Land Use Code and other applicable Codes and Ordinance to determine, prepare, and adopt ordinance/code provisions to

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better address large-scale solar energy systems in order to avoid serious public harm or overburdening of public facilities; and

WHEREAS, the process for amending local ordinances takes several months for public hearing, Planning Board review and recommendation, and City Council posting and action; and

WHEREAS, it is anticipated that said review and development of recommended ordinance changes will take at least one hundred and eighty (180) days from the date the City enacts this Moratorium Ordinance on Large-Scale Solar Energy Systems.

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Brewer that the following Chapter 52 entitled “Moratorium Ordinance on Large-Scale Solar Energy Systems” be, and hereby is, enacted, and, in furtherance thereof, the City Council does hereby declare a moratorium on the acceptance and processing of any applications in the City regarding Large-Scale Solar Energy Systems. For the purpose of this moratorium “Large-Scale Solar Energy Systems” shall be the same as defined in Article 14 of the Brewer Land Use Code; and

BE IT FURTHER ENACTED, that this Moratorium Ordinance shall remain in effect for one hundred and eighty (180) days from the date of enactment of this Ordinance, unless extended, repealed, or modified by the City Council, for express purpose of drafting an amendment or amendments to the City’s current Land Use Code and other applicable Codes and Ordinances to adequately address large-scale solar energy systems; and

BE IT FURTHER ENACTED, that notwithstanding the provisions of 1 M.R.S.A. §302 or any other law to the contrary, this Ordinance, when enacted, shall apply to and govern any land use or zoning regulations for which an application for a site plan or any other required approval has not been granted final approval (including without limitation any pending proceeding) by the Code Enforcement Officer, Planning Board, or other City officials or boards prior to the enactment date of this Ordinance; and

BE IT FURTHER ENACTED, that during the time this Moratorium Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the City shall accept, process, approve deny, or in any other way act upon any application for a license, site plan review, and/or any other permits or licenses related to Large-Scale Solar Energy Systems; and

BE IT FURTHER ENACTED, that those provisions of the City’s current Land Use Code and other applicable Codes and Ordinances that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained and as it may be extended as permitted by law, but not otherwise; and

BE IT FURTHER ENACTED, that if a person or entity is in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance, and the City shall be entitled to all rights available to it in law and equity, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney’s fees and costs in prosecuting any such violations; and



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BE IT FURTHER ENACTED, that should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

**Statement of Fact:** This Moratorium Ordinance is to prevent local review and approval of Large-Scale Solar Energy Systems that are not currently approved by the Brewer Planning Board for a period of one hundred eighty (180) days from the date of enactment of this Moratorium Ordinance.

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

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**G. New Business**

2023-C017

September 12, 2023

TITLE: ORDER, AMEND CHAPTER 24 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “LAND USE CODE”, ARTICLE 4, “PERFORMANCE STANDARDS”, SECTIONS 439, ARTICLE 7, “SUBDIVISION REVIEW”, SECTIONS 710 AND 711, AND ARTICLE 14, “DEFINITIONS”.

Filed August 18, 2023  
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 by revising the following subsections to, Article 4, Article 7, and Article 14:

**Article 4 Performance Standards**

**439 STORMWATER MANAGEMENT**

**439.1 General standards.**

1. Adequate provision must be made for the collection and disposal of stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system, which must not have adverse impacts on abutting or downstream properties.
2. To the extent possible, the drainage system must retain stormwater on the site using the natural features of the site.
3. The applicant must demonstrate that on and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding

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and erosion of areas, or that he/she will be responsible for whatever improvements are needed to provide the required increase in capacity and/or mitigation.

4. All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review system.
5. The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.
6. The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.
7. Non-stormwater discharges to the City's storm drainage system are prohibited as detailed in Chapter 31, ~~Article 6-B, Sections 605 A, B, and C~~ of the City of Brewer's Charter, Codes and Ordinances.
8. Developments ~~disturbing over 1 acre of area~~ required to meet the LID standards of section 439.2 below are required to provide a continuing stormwater management plan with annual inspections and reporting per Chapter 31, ~~Article 6-C~~ of the City of Brewer's Charter, Codes and Ordinances.

439.2 Low Impact Development (LID) standards and review.

In addition to the general standards listed in section 439.1, these standards apply to all activities which create a disturbed area of either a) one or more acres of land, b) less than one acre of land if part of a larger common plan of development or sale that as approved or amended would create a disturbed area of one acre or more, or c) less than one acre of land if located within the Felts Brook watershed as noted below.

Felts Brook is the City's priority watershed and may be at risk of becoming an urban-impaired stream as a result of current and future development and therefore must be protected to the greatest extent practicable. Unreasonable impacts on any waterbody or wetland due to pollutants shall be adequately addressed.

1. The City of Brewer Environmental Services Department shall review the proposed work and determine if the LID standards and review process is required.
2. If determined the LID standards and review process is not required, the City of Brewer Environmental Services Department shall be allowed access to the site during earthwork for inspections. Any deficiencies pertaining to stormwater management and/or erosion control shall be reported to the Brewer Code Office for enforcement.

439.2.1 LID Standards.

The design of the project shall include the following LID measures:

1. Minimize site clearing.
2. Protect natural drainage systems.
3. Minimize decrease in Time of Concentration.
4. Minimize impervious area.
5. Minimize effect of impervious area.
6. Minimize soil compaction.

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7. Minimize lawns and maximize landscaping that encourages runoff retention.
8. Provide vegetated open channel conveyance systems.
9. Meet stormwater quality treatment and retention requirements.

The design, plans, and documentation shall include:

1. Locations of all “sensitive areas” as identified by qualified professions and a description of how the applicant has prioritized the protection of the “sensitive areas” in the following order:
  - a) Waters of the State and Shoreland Zoning
  - b) Protected natural resources
  - c) Predevelopment drainage ways
  - d) High permeability soils (for natural infiltration)
  - e) Maine native vegetation and climate resilient northeast native vegetation
  - f) Significant and essential wildlife habitats
2. Limits of disturbance shown on plans and at construction sites (using flagging, fencing, signs, or other means to provide a clear indication).
3. Demonstration that stream crossing for Waters of the State have been designed in accordance with Maine Stream Smart Principles to preserve natural pre-development drainage ways. Exception: stream crossings over portions of streams that are artificially channelized are not subject to this requirement.
4. Preservation of the natural pre-development drainage ways by using the natural flow patterns and pathways for the post-construction drainage system. The applicant may submit an “alternative analysis” which demonstrates that this performance standard is impractical. Exception: If the Time of Concentration for a predevelopment drainage way is the same as or shorter than the post-development drainage way.
5. Meet stormwater treatment measures in accordance with Chapter 500 Section 4.C General Standards, 4.C (2) Treatment requirements, 4.C Phosphorus Standard (for lake watersheds only) and additionally:
  - a) Individual stormwater treatment measures may not treat more than one acre of impervious area.
  - b) Vegetation used in stormwater treatment measures and general buffers shall be Maine native vegetation or climate resilient northeastern native vegetation.
6. Provide volume control on-site (through infiltration or storage) in accordance with the following:
  - a) Volume control for new impervious area times:
    - 0.4 inches of rain for type A soils.
    - 0.25 inches of rain for type B soils.
    - 0.1 inches of rain for type C soils.
    - No infiltration for type D soils.
  - b) May not use stormwater treatment measures with lines for this requirement.
7. Minimize impervious area and the effect of impervious area from road runoff by designing treatment of at least 70% of roadway runoff be directed into a stormwater treatment measure.
8. Minimize impervious area from parking areas by using a maximum parking space stall dimension of 9-foot x 18-foot stall, with the exception for public safety.

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9. Runoff from on-site roofs, sidewalks, and peak-use overflow parking runoff shall be directed into stormwater treatment buffers or stormwater treatment infiltration measures.
10. Construction equipment movement, laydown areas, and parking shall be restricted to the designated disturbed areas. Areas to be vegetated shall be tilled and the soils amended with organic matter as needed based on the results of soil tests.
11. Snow storage areas shall be depicted on plans. The location of snow storage areas in stormwater treatment measures and Shoreland Zoning setback buffers shall be prohibited.

439.2.2 LID Review and Approval Process.

When an activity is required to obtain Planning Board approval (such as, but not limited to, site plan, subdivision, fill/grading), these LID standards and submittals shall be included, as applicable, in said approval applications. For all other activities, the applicant shall obtain approval from the Municipal Environmental Review Authority. Criteria for approval shall be that the project protects sensitive areas, provides on-site volume control, provides treatment of stormwater, and minimizes impervious areas.

The applicant shall include the following information for review:

1. Project narrative and documentation describing:
  - a) The overall approach to their stormwater management on the site.
  - b) A listing of stormwater treatment measures that will be in use and which will be maintained privately and which will be offered to the municipality for operation. Reference is made to Chapter 31 of the City of Brewer's Charter, Codes and Ordinances for private maintenance.
  - c) Documentation and plans to demonstrate how the LID standards are met.
  - d) A rationale for any exceptions from the LID standards.
2. Contact information (ie. Name, state license number, company if applicable, phone number, mailing address, physical address, and email address) of all Maine Licensed Landscape Architects, Maine Certified Soil Scientists, Maine Professional Engineers, and any other state licensed professionals working on the project.
3. Project plans consisting of a graphic representation of the site at a scale no smaller than 1 inch = 100 feet showing:
  - a) Waters of the State and their associated Shoreland Protection areas.
  - b) Protected natural resources.
  - c) Predevelopment drainage areas, pathways, and associated Time of Concentration.
  - d) High permeability soils.
  - e) Maine native and climate-resilient northeastern native vegetation in general buffer areas and shoreland zoning buffer areas.
  - f) Significant and essential wildlife habitats.
  - g) Limits of disturbance.
  - h) Post-development drainage areas, pathways, and associated Time of Concentration.
  - i) Locations of snow storage areas.
  - j) Stormwater treatment measures.
4. The applicant shall submit the following information pertaining to infiltration:

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- a) Information required by Chapter 500 Section (7)(D)(5)(c) Infiltration Submittals including a plan for use of de-icing materials, pesticides and fertilizers within the drainage area of any infiltration Stormwater Treatment Measures.
- b) Locations of any Uncontrolled Hazardous Substance Sites, Voluntary Response Action Program sites, RCRA Corrective Action sites, or Petroleum Remediation sites on or adjacent to the site.

## **Article 7 Subdivisions**

### **710 PERFORMANCE STANDARDS**

#### 710.2 POLLUTION

- 1. The proposed subdivision shall not discharge waste water to a water body without a license from the Maine Department of Environmental Protection.
- 2. Discharges of storm water shall be treated to remove fat, oil, grease, ~~and~~ sediment, trash, and other solid debris prior to discharge into surface water bodies. When the subdivision is within the watershed of a great pond, the storm water shall be treated in order to remove excess nutrients.

#### 710.7 SEWAGE DISPOSAL

- 1. Public System
  - A. Any subdivision within two hundred (200) feet of an existing public sewer must connect to the public sewer system unless specifically allowed otherwise by the Brewer Environmental Services Department. All connections and sewers shall meet the requirements of Chapter 31 of the City of Brewer Charter, Codes, and Ordinances. ~~Any subdivision within the area designated in the comprehensive plan for future public sewage disposal service shall be connected to the public system.~~
  - B. When a subdivision is proposed to be served by the public sewage system, the complete collection system within the subdivision, including manholes and pump stations, shall be installed at the expense of the applicant.
  - C. The Director of Environmental Services shall certify that providing service to the proposed subdivision is within the capacity of the system's existing collection and treatment system or improvements planned to be complete prior to the construction of the subdivision.
  - D. The Director of Environmental Services and/or the City Engineer shall review and approve the construction drawings for the sewerage system. The size and location of laterals, collectors, manholes, and pump stations shall be reviewed and approved in writing by the servicing sewer department.
- 2. Private Systems
  - A. Private sewage systems shall meet the requirements of Chapter 31 of the City of Brewer Charter, Codes, and Ordinances and all applicable State regulations. ~~When a proposed~~

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~~subdivision is not within the area designated for public sewage disposal service in the comprehensive plan, connection to the public system shall not be permitted. Sewage disposal shall be private subsurface waste water disposal systems or a private treatment facility with surface discharge.~~

- B. The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the latest requirements of the State of Maine Subsurface Wastewater Disposal Rules.
- 1) The site evaluator shall certify in writing that all test pits which meet the requirements for a new system represent an area large enough to install a disposal area on soils which meet the Disposal Rules.
  - 2) On lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.

710.15 STORM WATER MANAGEMENT

1. Adequate provision shall be made for the management of the quantity and quality of all storm water generated within the subdivision, and any drained ground water through a management system of swales, culverts, underdrains, storm drains and best management practices equivalent to those described in the Maine Erosion and Sediment Control Best Management Practices (BMPs) Manual for Designers and Engineers, October 2016, published by the Maine Department of Environmental Protection, in conformance with the policies of the comprehensive plan. The storm water management system shall be designed to meet the following standards:
  - A. Quantity. Peak post- development discharge rates shall be limited to the pre-development levels for the 2-year, 10-year, and 25-year frequency, 24-hour duration storm unless storm water from the subdivision will drain directly into a major water body such as a great pond or the ocean.
2. Where necessary to achieve the above standards, there shall be provided easements or drainage rights-of-way ~~with~~ for existing and proposed swales, culverts, catch basins, stormwater pipes, or other means of treating and/or channeling surface water within the subdivision and over other properties. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided as necessary. The subdivision plan shall include who will own and be responsible for the maintenance and/or replacement of the storm drainage system. Such responsibility may be designated to the individual lot owner on which the infrastructure is located or may be a group or entity. A Homeowners Association ~~may~~ shall be created to own and maintain all stormwater infrastructure that is not within the public right of way. All stormwater infrastructure that is not within the public right of way will not be maintained by the City. If the City is required to perform maintenance to infrastructure owned by the lot owner, group, entity, or

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Homeowners Association, all expenses that are incurred will be charged to said owner the Homeowners Association for reimbursement, including labor by City Staff.

3. The stormwater management plan shall will be required to meet the requirements of Article 4, section 439 of this Land Use Code and Chapter 31, ~~Articles 6-B, and 6-C~~ of the City of Brewer's Charter, Codes and Ordinances. The stormwater management plan shall also include These sections refer to post construction stormwater monitoring and maintenance requirements for all persons discharging into the City storm sewer system.
4. Whenever State or Federal permits are required for a proposed subdivision plan application, whichever standard between City, State, or Federal standards is more strict shall govern.

## 711 DESIGN GUIDELINES

### 711.5 STORM WATER MANAGEMENT DESIGN GUIDELINES (#44)

3. The minimum pipe size for any storm drainage pipe shall be 15 inches for driveway entrances and eighteen inches for cross culverts. If site conditions prohibit the use of minimum size culverts, the City Engineer or Planning Board may consider allowing the use of a smaller diameter pipe. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be bedded in a fine granular material, containing no stones larger than three inches, lumps of clay, or organic matter, reaching a minimum of six inches below the bottom of the pipe extending to a minimum of twelve inches above the top of the driveway pipe and eighteen inches above the cross culvert.

## Article 14 Definitions

**Buffer, Stormwater Treatment:** A buffer constructed in accordance with Appendix F in Chapter 500 for the purposes of providing pollutant removal.

**Buffer, Shoreland Zoning Setback:** A buffer required by municipal Shoreland Zoning to protect Water of the State.

**Chapter 500:** Chapter 500 of the Maine Department of Environmental Protection's Rules ("Stormwater Management Rules").

**Climate Resilient Northeast Native Vegetation:** Plants identified as native to the Northeast as identified by the Northeast Regional Invasive Species & Climate Change (RISCC) Network or a Maine Licensed Landscape Architect.

**Disturbed Area:** All land areas that are stripped, graded, grubbed, filled, or excavated at any time during the site preparation or removing vegetation for, or construction of, a site. Cutting of trees, without grubbing, stump removal, disturbance, or exposure of soil is not considered Disturbed Area. Disturbed Area does not include routine maintenance but does include redevelopment and new Impervious Areas.



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**Disturbed Area Routine Maintenance:** is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Paving impervious gravel surfaces provided that an applicant or permittee can prove the original line and grade and hydraulic capacity shall be maintained and original purpose of the gravel surface remains the same is considered routine maintenance. Replacement of a building is not considered routine maintenance of the building and is therefore considered Disturbed Area.

**Impervious Area:** The total area of a Parcel covered with a low-permeability material that is highly resistant to infiltration by water, such as asphalt, concrete, or rooftop, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common Impervious Areas include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and macadam or other surfaces which similarly impede the natural infiltration of stormwater. Pervious pavement, pervious pavers, pervious concrete, and under drained artificial turf fields are all considered impervious. For the purpose of determining whether a Site exceeds the Impervious Surface thresholds requiring conformance to LID performance standards, the municipality may exclude these from calculation of Impervious Area if these are designed to be infiltration Stormwater Treatment Measures.

**Low Impact Development (LID):** The broad approach to site planning that preserves natural resources, processes, and habitat, defines what portions of the site are suitable for development and then utilizes stormwater treatment measures to manage runoff from the proposed developed impervious areas. In LID, stormwater treatment measures using natural processes such as vegetated buffers are given preference over constructed treatment Stormwater Treatment Measures. The goals of LID are to minimize the environmental impacts of the development.

**Maine Native Vegetation:** Vegetation including grass seed mixtures, identified as native to Maine from lists maintained by: US Department of Agriculture Hardiness Zones by the Maine Cooperative Extension, Wild Seed Project, Regional Soil and Water Conservation District, Maine YardScaping Program, or a Maine Licensed Landscape Architect.

**Municipal Environmental Review Authority:** The municipal official or body that has jurisdiction over the land use approval or permit required for the new development or redevelopment. The Municipal Environmental Review Authority shall consist of the City Planner, Code Enforcement Officer, City Engineer, and Environmental Services Director and/or their designees.

**Runoff:** The rainwater, stormwater, meltwater, precipitation, condensate, or other liquid material that drains off an area of land, building, structure, etc. in sheet form, channelized, concentrated flow, or drainage way.

**Stormwater Treatment Measures -** a stormwater management system or innovative treatment measure as described in Maine DEP Chapter 500 4.c.(3) Types of treatment measures allowed. These measures include wet ponds, vegetated soil filters, infiltration, buffers, or innovative treatment measures. For purposes of this Ordinance these are cumulatively referred to as Stormwater Treatment Measures, or individually referred to as Stormwater Treatment Wet Pond, Stormwater Treatment Vegetated Soil



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Filter, Stormwater Treatment Infiltration Measure, Stormwater Treatment Buffer, or Stormwater Treatment Innovative Measure.

Stream crossing designed in accordance with Maine Stream Smart Principles - A Stream Crossing designed by a Maine Professional Engineer who has completed the Maine Audubon Society Stream Smart Workshops (Parts I and II), which includes the standards recommended by that program's stream span, elevation, slope and skew and substrate to promote passage of fish and other organisms and to limit road-damaging flows from extreme weather.

Time of Concentration - The same as "Time of concentration" defined in Maine DEP Chapter 500.

Waters of the State - See 38 M.R.S. §361-A (7).

**Wildlife Habitat, Significant or Essential Wildlife Habitat:** Areas identified by the Maine Department of Inland Fisheries and Wildlife as having significant or essential value as habitat for ~~animals-~~ endangered or threatened species and any areas identified in the municipality's Comprehensive Plan.

**Statement of Fact:** These ordinance amendments are proposed in order to meet the requirements of the latest State of Maine's MS4 General Permit (stormwater) and to clarify environmental items in the local subdivision regulations. The Planning Board held a public hearing on August 7, 2023 and unanimously made the recommendation to adopt these amendments to Chapter 24 Land Use Code as written. There were no public comments.

**ACTION:** Councilor Goss moved that the amendment be certified and filed with the city clerk for posting. Councilor Ferris seconded the motion. The motion passed with a unanimous vote.

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2023-A127

September 12, 2023

TITLE: ORDER, CONVENE IN EXECUTIVE SESSION PURSUANT TO TITLE 1  
M.R.S.A. §405(6)(A) ON A PERSONNEL MATTER.

Filed August 15, 2023  
By Joseph L. Ferris

BE IT ORDERED, that the Brewer City Council convene in executive session pursuant to Title 1, Maine Revised Statutes Annotated, §405(6)(A) on a personnel matter.

**ACTION:** Councilor Ferris moved that the order have passage. Councilor Goss seconded the motion. The motion passed with a unanimous vote. Mayor Phanthay said that the Council would recess to go into executive session and then reconvene to consider one more item.

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

Councilor Ferris-present  
Councilor Daniels-present  
Mayor Phanthay-present

Councilor Goss-present  
Councilor Morin-present

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

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

**ACTION:** Mayor Phanthay introduced Order 2023-A128 “Extend the City Manager’s Employment Contract.” under suspension of the rules. Mayor Phanthay asked the city clerk to poll the Council to see if there was unanimous consent to take up the order. The Council members voted 3 to 2 on the matter of taking up Order 2023-A128: Councilor Ferris, Councilor Goss, and Councilor Morin in favor; Councilor Daniels and Mayor Phanthay opposed; there was not unanimous consent to take up the order.  
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Councilor Goss said that he felt it was the obligation of the Council to take up the order and asked why there was not unanimous consent. Councilors expressed that it had not been clear whether the vote was to take up the order or if it was a vote on the order itself.

**ACTION:** Mayor Phanthay re-introduced Order 2023-A128 “Extend the City Manager’s Employment Contract.” under suspension of the rules. Mayor Phanthay asked the city clerk to poll the Council to see if there was unanimous consent to take up the order. The Council members voted 5 to 0 unanimous consent to take up Order 2023-A128 under suspension of the rules.  
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2023-A128

September 12, 2023

TITLE: ORDER, EXTEND THE CITY MANAGER’S EMPLOYMENT CONTRACT.

Filed September 12, 2023  
By Jerry Goss and  
Joseph L. Ferris

WHEREAS, the Brewer City Council has completed a performance evaluation of the City Manager, Stephen M. Bost; and

WHEREAS, the City Council believes it to be in the best interest of the citizens, businesses, employees and staff of the City of Brewer to extend the term of the City Manager’s employment contract.

NOW, THEREFORE, BE IT ORDERED, that Section 2(A) of the Employment Contract of the City Manager, Stephen M. Bost, is amended to provide for an expiration date of June 30, 2026, and in all other respects, the Employment Contract will remain in full force and effect.

City Council Minutes  
Tuesday, September 12, 2023

**ACTION:** Councilor Goss moved that the order have passage. Councilor Ferris seconded the motion. The motion passed with a vote of 3-1: Councilor Goss, Councilor Ferris, and Councilor Morin voted in favor of the motion; Councilor Daniels voted against the motion; Mayor Phanthay abstained.  
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**I. ADJOURN**

**ACTION:** Mayor Phanthay declared the meeting adjourned, unless doubted, at 7:39 P.M.  
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ADJOURNED, ATTEST: \_\_\_\_\_ Vincent P. Migliore  
City Clerk

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