

**CITY COUNCIL REGULAR MEETING &
2023 ANNUAL MEETING
Tuesday, November 21, 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 October 12, 2023 Regular Meeting and Minutes of the November 13, 2023 Special Meeting** (Councilor Morin)
- B. Awards, Petitions and Public Comments**
 - 1. Public Comments
- C. Consent Calendar**
 - 1. (2023-A140) ORDER Accept donation from Bangor Tire Company to Brewer Parks and Recreation Department for Fall Dodgeball Program. (Councilor Ferris)
 - 2. (2023-A141) ORDER Authorize purchase of replacement highway sweeper for Public Works. (Councilor Goss)
 - 3. (2023-A142) ORDER Authorize funding to repair stormwater outfall on Riverview Terrace. (Councilor Daniels)
 - 4. (2023-A143) ORDER Declare City property surplus and authorize disposal of said property. (Councilor Morin)
 - 5. (2023-A144) ORDER Authorize Purchase of Winter Sand. (Councilor Ferris)
 - 6. (2023-A145) ORDER Tax Release Deed, Map 46, Lot 5, land and buildings on 86 Birchwood Boulevard, Brewer, Maine. (Councilor Goss)
 - 7. (2023-A146) ORDER Accept funds to the City of Brewer from the Brewer Business Alliance. (Councilor Daniels)
 - 8. (2023-A147) ORDER Waive foreclosure of lien on Map 22, Lot 165, property located in Brewer, Maine. (Councilor Morin)
 - 9. (2023-A148) ORDER Waive foreclosure of lien on Map 32, Lot 79, located in Brewer, Maine. (Councilor Ferris)
 - 10. (2023-A149) ORDER Waive foreclosure of certain mobile home properties located in Brewer, Maine. (Councilor Goss)
 - 11. (2023-A150) ORDER Appropriate funds to Heddericg Field renovations. (Councilor Daniels)
 - 12. (2023-A151) ORDER Accept donation from the Estate of Sarah and Mary Lynn Eason to Brewer Parks and Recreation Department for Afterschool Program Scholarships. (Councilor Morin)
 - 13. (2023-A152) ORDER Amend Schedule of Fees. (Councilor Ferris)
 - 14. (2023-A153) ORDER Authorize repairs to Public Works fuel tank. (Councilor Goss)

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- 15. (2023-A154) ORDER Accept grant awards from the Maine Drinking Water Program for water line replacements and purchase of vacuum excavation truck. (Councilor Daniels)
- 16. (2023-A155) ORDER Accept 2023 Congressionally directed spending grant funds for replacement of Doyle Field lights. (Councilor Morin)
- 17. (2023-A156) ORDER Accept grant funds from Walmart. (Councilor Ferris)
- 18. (2023-A157) ORDER Authorize purchase of Police Firearms. (Councilor Goss)
- 19. (2023-A158) ORDER Authorize contract extension with Constellation Energy. (Councilor Daniels)

D. Monthly Reports (Councilor Morin)

E. Nominations, Appointments, Elections

- 1. (2022-B034) RESOLVE Declare the results of the November 7, 2023 City of Brewer Annual Municipal Election and State of Maine Referendum Election. (Councilor Ferris)

F. Unfinished Business

Consent Calendar

- 1. (2023-C018) ORDER Amend Chapter 24 of the Charter, Codes and Ordinances of the City of Brewer, entitled “Land Use Code”, Article 3 “Zoning Districts”, Section 306.5, and Article 4 “Performance Standards”, Section 443. (Councilor Daniels)
- 2. (2023-C019) ORDER Amend Chapter 24 of the Charter, Codes and Ordinances of the City of Brewer, entitled “Land Use Code”, Article 4, “Performance Standards”, Section 402, and Article 14, “Definitions”. (Councilor Morin)

G. New Business

Consent Calendar

- 1. (2023-C020) ORDER Amend Chapter 22 of the Charter, Codes and Ordinances of the City of Brewer, entitled “Solid Waste Ordinance”, Article 8, Section 8.12 “Fees”, Article 10, Section 10.13 “Fee Schedule”, and Article 11, Section 11.3 “Universal Waste”. (Councilor Goss)
- 2. (2023-C021) ORDER Amend Chapter 31 of the Charter, Codes and Ordinances of the City of Brewer, entitled “Sewer and Pretreatment Ordinance”. (Councilor Daniels)
- 3. (2023-C022) ORDER Amend Chapter 24 of the Charter, Codes and Ordinances of the City of Brewer, entitled “Land Use Code”, Article 3 “Zoning Districts”, Section 306.5, and Article 4 “Performance Standards”, Section 444. (Councilor Morin)

H. New Items with Leave of Council

I. ADJOURN

IV. Call to Order 2023 Annual Meeting. (City Clerk)

V. Roll Call. (City Clerk)

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- A. Swearing in of Elected Officials** (City Clerk)
 - 1. City Council Member
 - 2. Superintending School Committee Members
 - 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. (2023-B035) RESOLVE Establish Location for Regular Meetings.
 - 2. (2023-B036) RESOLVE Establish Time and Dates of Regular Meetings.
 - 3. (2023-B037) RESOLVE Adopt Ethical Principles for Excellence in Government.
 - 4. (2023-B038) RESOLVE Adopt 10 Habits of Highly Effective City Councils.
 - 5. (2023-A159) ORDER Convene in Executive Session Pursuant to Title 1, M.R.S.A. §405(6)(A) on a personnel matter.

VI. Adjourn 2023 Annual Meeting

A. Minutes of the October 12, 2023 Regular Meeting and Minutes of the November 13, 2023 Special Meeting

ACTION: Councilor Morin moved that the minutes to the October 12, 2023 regular meeting and the minutes of the November 13, 2023 special 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

Public Comments

Councilor Goss presented a plaque to Councilor Ferris:

Presented to Joseph L. Ferris, November 21, 2023, in recognition of his outstanding service to the citizens of Brewer as City Councilor, Deputy-Mayor, and Mayor, 2002 to 2023.

Councilor Goss: They asked me if I could say a few words, and for Joe I can't say a few words. His commitment to Brewer has been outstanding. He bleeds orange-and-black like the rest of us, but he leads the way. For fourteen years, I've sat here with him. If I started to step out of line, I'd get a little nudge, and I really appreciate that because, I remember Joe when he was in High School, and watched him come up through. But I guess the best thing to say, that would summarize everything is, when you leave the City Council after twenty-one years, and they've named the Community Center after you, that sort of says it all. Joe, you've left your mark, and thank you.

Councilor Ferris: Thank you, Jerry, and thank you to the Council for this plaque. I've enjoyed my twenty-one years. I had a wonderful time. We had some hard moments; we had some great moments: most of them were great. We've served with some great people. Waiting for tonight, for some reason, that half-hour from five-thirty to six, it took forever. We have a great City, and we have a great City Council, and our Department Heads too: wonderful work. So, I'm proud to be where I've always been proud to be, in Brewer. So, thanks for the award, and the kind words, and I'll keep an eye on things.

Councilor Daniels said that Councilor Ferris had been a tremendous resource, and praised his analysis and attention to detail. Councilor Daniels said that Councilor Ferris would be greatly missed. Councilor Morin praised Councilor Ferris as a reassuring voice on the Council, and thanked him for all he had done and his years of service. Mayor Phanthay said that Councilor Ferris was a careful and attentive listener. Mayor Phanthay praised Councilor Ferris, and said that Councilor Ferris' words were few but thought-provoking. Mayor Phanthay congratulated Councilor Ferris on twenty-one years of service on the Council.

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C. Consent Calendar

2023-A140

November 21, 2023

TITLE: ORDER, ACCEPT DONATION FROM BANGOR TIRE COMPANY TO
BREWER PARKS AND RECREATION DEPARTMENT FOR FALL
DODGEBALL PROGRAM.

Filed October 12, 2023
By Joseph L. Ferris

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$100 from Bangor Tire Company for support of the Fall Dodgeball 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 Bangor Tire Company to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Fall Dodgeball Program.

2023-A141

November 21, 2023

TITLE: ORDER, AUTHORIZE PURCHASE OF REPLACEMENT HIGHWAY
SWEEPER FOR PUBLIC WORKS.

Filed October 16, 2023
By Jerry Goss

WHEREAS, bids were solicited, received, and evaluated for the purchase of a new mechanical highway sweeper to replace the City of Brewer's 2016 Elgin Pelican NP mechanical sweeper (Public Works Unit #430), as included and approved in the Fiscal Year 2024 (FY24) Capital Improvement Program (CIP) budget; and

WHEREAS, C. N. Wood North, Inc. of Westbrook, Maine provided the City with the lowest of the four bids received in the amount of \$239,900, which includes the trade-in deduction of \$40,000 allotted for Public Works Unit #430.

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NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, authorize the purchase from C. N. Wood North, Inc. in the amount of \$239,000 for the purchase of a 2024 Elgin Pelican NP mechanical sweeper; and

BE IT FURTHER ORDERED, that the current Public Works Unit #430, the 2016 Elgin Pelican NP mechanical sweeper, be released and transferred ownership to C. N. Wood North, Inc. once the replacement sweeper has been delivered to the City of Brewer; and

BE IT FURTHER ORDERED, that this purchase be charged to the FY24 CIP account 0510133-551349, titled “Sweeper #430”, and be paid for using American Rescue Plan Act (ARPA) funding as approved in the FY2024 CIP.

Street Sweeper FY 24 BID CANVAS				
Bids Opened at 2:00 PM on Wednesday October 11, 2023				
Vendor	<u>C. N. Wood</u>	<u>Environmental Equipment</u>	<u>Allied Equipment</u>	<u>Allied Equipment</u>
Make	Elgin	Isuzu NRR	Global	Global
Model	Pelican NP	M4TE Schwarze	M-3	M-3
Year	2024	2024	2023	2024
1. Bid Price: (Dual Side Broom)	\$279,900	\$328,801	\$288,618	\$304,312
2. Trade-in	\$40,000	\$26,000	\$30,000	\$30,000
3. Bid Price: (Item 1 minus item2)	\$239,900	\$302,801	\$258,618	\$274,312
Warranty	1 year standard plus 2 year extended	3 years or 3600 hours	3 year full	3 year full
Delivery Date	March 1, 2024	September 1, 2024	October 25, 2023	February 8, 2024

Statement of Fact: The Public Works Department is looking to replace the City’s eight-year-old highway sweeper with over 1,700 work hours logged. The existing mechanical sweeper is the Department’s workhorse and does the majority of the heavy sweeping in the spring. Total approved funds in the FY24 CIP for this purchase is \$300,000.

2023-A142

November 21, 2023

TITLE: ORDER, AUTHORIZE FUNDING TO REPAIR STORMWATER OUTFALL ON RIVERVIEW TERRACE.

Filed October 31, 2023
By Michele Daniels

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WHEREAS, the SW48 has not been use during the last two winters due to the availability of a newer version of the machine.

NOW, THEREFORE, BE IT ORDERED, that Brewer Public Works Unit #416, the 1986 SW48 Bombardier sidewalk plow including any spare parts and attachments, be declared surplus property; and

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

BE IT FURTHER ORDERED, that the funds received from the sale of said surplus property be receipted to the CIP Sale of Asset revenue account (0500100-300410).

Statement of Fact: The City’s 1986 SW48 Bombardier sidewalk plow was replaced by a used 2003 SW48 Bombardier plow back in 2021. Before eliminating the 1986 machine, the Public Works Department wanted to be certain that the 2003 model was more capable and user friendly, and as durable as the older model. Since acquiring the 2003 SW48, the 1986 machine has not been used.

2023-A144

November 21, 2023

TITLE: ORDER, AUTHORIZE PURCHASE OF WINTER SAND.

Filed November 6, 2023

By Joseph L. Ferris

WHEREAS, winter sand bids were solicited, and scheduled to be received on October 30, 2023 for the purchase of approximately 1,500 cubic yards of sand for the upcoming winter season; and

WHEREAS, the City of Brewer did not receive bids on or before October 30, 2023; and

WHEREAS, due to a lack of bids the Public Works Director reached out directly to potential suppliers requesting quotes; and

WHEREAS, R.F. Jordan & Sons of Ellsworth has provided the City of Brewer with the lowest of the two quotes received for acceptable winter sand at \$15.00 per yard.

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to R.F Jordan & Sons, up to the amount of \$22,500 for supply and delivery of 1,500 cubic yards of sand; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to Public Works account 0116671-502540, titled, “Sand Purchases”; and

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

Winter Sand Quote Canvass FY24	
Vendor Name and Address	Cost per Cubic/ Yard FY2024
R.F Jordan & Sons Elsworth, ME 04605	\$15.00
Wellman Paving Winterport, ME 04496	\$20.00
Clisham Construction Winterport, ME 04496	No price
Lee's Concrete Inc. Winterport, ME 04496	No Price
Dirigo Materials Bangor, ME 04401	No Price
Gardner Cons Hermon, ME 04401	No Price
Hughes Bros. Inc Hampden, ME 04444	No Price

Statement of Fact: The City did not receive any winter sand bids through the formal bidding process. To expedite the process (due to the time of year), specifications were sent via email requesting quotes from numerous potential suppliers. Wellman Paving quoted \$20 per yard, while five other providers offered no price. The City has ample supply to start the winter but would likely not have enough sand in stock to get through the entire winter.

2023-A145

November 21, 2023

TITLE: ORDER, TAX RELEASE DEED, MAP 46, LOT 5, LAND AND BUILDINGS ON
86 BIRCHWOOD BOULEVARD, BREWER, MAINE.

Filed November 8, 2023
By Jerry Goss

BE IT ORDERED, that a municipal Release Deed be issued to Tyrone R. Spain and Heidi Gowen, of Brewer, County of Penobscot, releasing all interest that the City of Brewer may have acquired by virtue of tax liens on the property at 86 Birchwood Boulevard, Brewer, Maine; and

BE IT FURTHER ORDERED that the City Manager be herewith authorized to execute this Release Deed on behalf of the City of Brewer.

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Statement of Fact: This order authorizes the release of the interest in 86 Birchwood Boulevard that the City acquired by virtue of foreclosed Tax and Sewer liens, which has now been paid in full. A total of \$23,750.00 was collected, \$20,687.25 in principal along with \$2,612.50 in interest and \$450.25 in costs.

**RELEASE DEED
Tyrone R. Spain and Heidi Gowen**

City of Brewer, a body politic located in the County of Penobscot, State of Maine, for consideration paid, **releases to Tyrone R. Spain and Heidi Gowen , against whom taxes were assessed**, of Brewer, County of PENOBSBOT, State of Maine, the land in Brewer, County of Penobscot, State of Maine as follows:

Map 46, Lot 5 of the Assessor’s Tax Maps of the
City of Brewer, Maine.

Excepting and reserving all public easements or other public interests in the
above-described parcel for roads, sewers, or other purposes

The purpose of this deed is to release any interest the
City of Brewer has in and to the above described
Property by virtue of the following Liens:

<u>Volume</u>	<u>Page</u>
14532	223
14858	34
15192	319
15569	89
16081	68
13636	56
13843	297
13975	250
14109	288

City of Brewer has caused this deed to be sealed with its corporate seal and signed in its corporate name by Eric Glidden, its Interim City Manager, duly authorized this 27th day of November AD 2023

WITNESS:

CITY OF BREWER

Eric Glidden
Interim City Manager
Duly authorized

STATE OF MAINE

PENOBSBOT, ss

DATE November 27, 2023

Personally appeared the above named Eric Glidden, Interim City Manager, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the said City of Brewer.

Before me,

Mary J. Marquis, Notary Public-Maine
My Commission expires February 4, 2029

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2023-A146

November 21, 2023

TITLE: ORDER, ACCEPT FUNDS TO THE CITY OF BREWER FROM BREWER
BUSINESS ALLIANCE.

Filed November 8, 2023

By Michele Daniels

WHEREAS, the City of Brewer Economic Development Office organizes the Brewer Riverwalk and other events in collaboration with the Brewer Business Alliance to support local Brewer businesses and the Brewer Waterfront; and

WHEREAS, the Brewer Business Alliance has decided to transfer the funds collected from 2023 Brewer Riverwalk Festival to the City of Brewer; and

WHEREAS, the City of Brewer has agreed to manage the funds in order to support economic development related activities along the waterfront and other City events.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council herewith accepts funds in the total of \$14,014 from the Brewer Business Alliance and directs that the funds be deposited in the Riverwalk Events special revenue account (0200000-320000-57003); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from the Riverwalk Events expense account (0200000-520000-57003) for the purpose of funding events that support economic activities related to the Brewer Waterfront and City of Brewer events.

Statement of Fact: The City of Brewer Economic Development Office received funds from the Brewer Businesses Alliance to help fund events in Brewer that support the Brewer Waterfront and promote economic activity in the City of Brewer.

2023-A147

November 21, 2023

TITLE: ORDER, WAIVE FORECLOSURE OF LIEN ON MAP 22 LOT 165 PROPERTY
LOCATED IN BREWER, MAINE.

Filed November 8, 2023

By Jenn M. Morin

WHEREAS, on June 21, 2022, after notices were provided in accordance with state law, the City of Brewer filed at the Penobscot Registry of Deeds a lien against a one-acre, landlocked property with an assessed value of \$3,000 located between Sedgeunkedunk Stream and the railroad tracks in Brewer, Maine (Tax Map 22, Lot 165) for failure to pay Fiscal Year 2022 (FY22) taxes; and

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Statement of Fact: This order waives the automatic foreclosure on two mobile homes that still owe 2022 taxes, because they are located on leased land. This action prevents the City from becoming liable for past due rent, utilities, and other costs related to these mobile homes' land leases. Waiving foreclosure does not preclude the City from seeking foreclosure on a property at some point in the future.

2023-A150

November 21, 2023

TITLE: ORDER, APPROPRIATE FUNDS TO HEDDERICG FIELD RENOVATIONS.

Filed November 8, 2023

By Michele Daniels

WHEREAS, the City of Brewer School Department has begun the renovation of Heddericg Field behind Brewer High School; and

WHEREAS, when complete, the Heddericg Field complex will include a multipurpose artificial turf athletic field, a series of tennis and pickleball courts, and spectator seating; and

WHEREAS, the majority of funding for this work will come from a general obligation bond of up to four million dollars; and

WHEREAS, later phase plans, not covered by the anticipated bond financing, include construction of restroom facilities, which will enhance the ability of the School to host community events at the renovated fields; and

WHEREAS, the City would like to maximize the community benefits of the renovation project by funding construction of the restroom facilities so they can be completed as soon as possible.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, hereby authorizes the appropriation and expenditure of up to \$250,000 in Unassigned Fund Balance (0109800-300901) to the Brewer School Department (94000000-005430) to be used to design and construct restroom facilities at the renovated Heddericg Field complex.

Statement of Fact: This order authorizes the appropriation of up to \$250,000 in Unassigned Fund Balance to the School Department be used to design and construct restroom facilities at the renovated Heddericg Field complex.

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2023-A151

November 21, 2023

TITLE: ORDER, ACCEPT DONATION FROM MARY LYNN EASON ON BEHALF OF THE ESTATE OF SARAH EASON TO BREWER PARKS AND RECREATION DEPARTMENT FOR AFTERSCHOOL PROGRAM SCHOLARSHIPS.

Filed November 13, 2023
By Jenn M. Morin

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$500 from the Mary Lynn Eason on behalf of the Estate of Sarah Eason for Afterschool Program Scholarships; 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 afterschool 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 Afterschool Program revenue account (0107123-300324); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of this money from the Afterschool Program revenue account (0107123-300324).

Statement of Fact: This order accepts a contribution of \$500 from the Mary Lynn Eason on behalf of the Estate of Sarah Eason to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support Afterschool Program Scholarships.

2023-A152

November 21, 2023

TITLE: ORDER, AMEND SCHEDULE OF FEES.

Filed November 14, 2023
By Joseph L. Ferris

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

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

SCHEDULE OF FEES

ENVIRONMENTAL SERVICES

- Sewer user fees (see Chapter 31)
- ~~Solid waste & recycling (see Chapter 22)~~

Landfill

- Resident Vehicle Permit: \$2.50 Annually
- Passenger car and truck tires: \$3.00 each
- Commercial truck tires (no rims): \$7.00 each
- Construction and demolition debris:
 - \$5.00 per passenger sedan
 - \$7.00 per station wagon or passenger van (excludes cargo vans)
 - \$25.00 per pick-up truck (1/2 or 3/4 ton).
 - \$25.00 per trailer (not exceeding the size of a pickup body)
 - \$50.00 per pick-up with sideboards
 - \$50.00 per trailer with sideboards
 - \$50.00 per single axle dump trailer
 - \$70.00 per dump truck
 - \$105.00 per double axel dump truck
 - \$155.00 per tri-axle dump truck
 - \$215.00 per dump trailer
- White goods: \$15.00 per appliance
- Propane tanks: Tanks smaller than 20 pounds will not be accepted
 - \$5.00 per 20-pound tank
 - \$20.00 per tank larger than 20 pounds
- Mattresses:
 - \$15.00 per mattress & box spring set
 - \$15.00 per mattress only
- Commercial Solid Waste Hauler License: \$100.00 plus \$10.00 for each vehicle licensed (all fees must be paid to the City Clerk when the application is made for the annual license and shall not be prorated).
- Non-resident universal waste fees: as per the most current version of the Universal Waste Recycling Fees schedule maintained by the Department of Environmental Services.

Statement of Fact: This amendment to the Schedule of Fees corresponds with a proposed amendment to Chapter 22, "Solid Waste Ordinance". This amendment will move fee amounts from the ordinance to the Schedule of Fees where they can be more easily referenced.

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2023-A153

November 21, 2023

TITLE: ORDER, AUTHORIZE REPAIRS TO PUBLIC WORKS FUEL TANK.

Filed November 14, 2023

By Jerry Goss

WHEREAS, several City of Brewer vehicles have required service due to malfunctioning fuel injectors, prompting an investigation into possible fuel contamination; and

WHEREAS, inspection of the Public Works fuel tank revealed a significant amount of sludge at the bottom of the tank and evidence of a leak at the top of the tank; and

WHEREAS, the valve pits on the tank must be replaced, requiring the concrete pad over the top of the tank to be removed and replaced; and

WHEREAS, to prevent future damage to City vehicles, it is in the best interest of the City to make the necessary repairs, which will also extend the usefulness and life of the fuel tank.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to sign a purchase order to C&C Contractors, up to the amount of \$30,000, to make the necessary repairs to the Public Works fuel tank; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to the Public Works Fuel Tank Repairs Capital Improvement Program (CIP) account (0510123-551648); and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of up to \$30,000 in CIP Unallocated funds (0510140-551090) to support this expense; and

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

Statement of Fact: Several weeks ago, fuel injectors began to malfunction in City vehicles. Upon inspection of the Public Works fuel tank, a significant amount of sludge was discovered at the bottom of the tank, as well as a leak near the top of the tank. The tank was emptied and cleaned, but these repairs are necessary to prevent future contaminants from entering the tank. These repairs will also extend the life of the fuel tank. It is recommended that the tank not be refilled before these repairs are made to prevent damage to City vehicles and to prevent future contamination.

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2023-A154

November 21, 2023

TITLE: ORDER, ACCEPT GRANT AWARDS FROM THE MAINE DRINKING WATER PROGRAM FOR WATER LINE REPLACEMENTS AND PURCHASE OF VACUUM EXCAVATION TRUCK.

Filed November 15, 2023
By Michele Daniels

WHEREAS, the Brewer Water Department had several projects that qualified for low or no interest loans as well as various amounts of grant funding, primarily in the form of loan forgiveness, from the Maine Drinking Water Program’s 2023 Drinking Water State Revolving Fund; and

WHEREAS, all of these projects are necessary for the Water Department to maintain its infrastructure and comply with regulatory requirements, and receiving grant assistance will help reduce the burden that would otherwise fall to water ratepayers.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith accepts the grant funds outlined below as principal forgiveness and authorizes their deposit into the Water CIP Grant Proceeds account (0570005-360000); and

<u>Project</u>	<u>Grant Source</u>	<u>Total Funding Needed</u>	<u>Principal Forgiveness</u>		<u>Low/No Interest DWSRF Loan</u>
			<u>%</u>	<u>\$\$</u>	
Water line-Sherwood	DWSRF	1,583,000	35.0%	554,050	1,028,950
Water line-Sherwood	LSL	120,000	55.0%	66,000	54,000
Water line-Wilson St	DWSRF	1,021,000	35.0%	357,400	663,600
Water line-Wilson St	LSL	72,000	55.0%	39,600	32,400
Vacuum Truck	LSL	500,000	55.0%	275,000	225,000
		3,296,000		1,292,050	2,003,950

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from the appropriate Water CIP account:

0571001-571017	Line Replacement – Sherwood Forest	
0571001-571016	Line Replacement – Wilson St	
0571003-573043	Vacuum Excavation Truck	;and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to prepare and sign any and all documents required to receive these grant funds.

Statement of Fact: The City of Brewer Water Department was awarded substantial grant assistance through the Maine Drinking Water Program that will offset a significant portion of the cost associated with two needed line replacement projects and the purchase of a vacuum excavation truck. This order accepts the \$1,292,050 in grant award and authorizes its expenditure.

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2023-A155

November 21, 2023

TITLE: ORDER, ACCEPT 2023 CONGRESSIONALLY DIRECTED SPENDING
GRANT FUNDS FOR REPLACEMENT OF DOYLE FIELD LIGHTS.

Filed November 15, 2023

By Jenn M. Morin

WHEREAS, the Brewer Parks and Recreation Department was awarded \$232,000 in 2023 Congressionally Directed Spending (CDS) grant funds to support the replacement of aging lights at Doyle Field with energy efficient Light-Emitting Diode (LED) fixtures; and

WHEREAS, these grant funds are being administered by the U.S. Department of Energy; and

WHEREAS, the grant funds will cover about 44% of the estimated \$530,000 cost of the project; and

WHEREAS, the rest of the funding needed was included in the Fiscal Year 2024 (FY24) Capital Improvement Program (CIP) budget approved by the Brewer City Council in June 2023.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith accepts the \$232,000 in grant funds and authorizes their deposit into the CIP Grant Proceeds account (0500100-360000); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from the Doyle Field Lights CIP account (0510134-551460); and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to prepare and sign any and all documents required to receive these grant funds.

Statement of Fact: The City of Brewer Parks and Recreation Department was awarded \$232,000 in 2023 Congressionally Directed Spending funds to help pay for the replacement of the lights at Doyle Field. This order accepts the award and authorizes its expenditure. The project will take place in 2024 and is expected to cost \$530,000. The remainder of funding will come from American Rescue Plan Act (ARPA) funds that the Council approved as part of the FY24 budget.

2023-A156

November 21, 2023

TITLE: ORDER, ACCEPT GRANT FUNDS FROM WALMART.

Filed November 15, 2023

By Joseph L. Ferris

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WHEREAS, the Brewer Police Department has received a grant for \$4,000 through the Walmart Community Grant Program; and

WHEREAS, these funds are designated to replace the raincoats of Police Department staff.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the acceptance and deposit of these funds into account 0600058-360000-58066 (FY24 Walmart Community Grant Revenue); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0600058-560000-58066 (FY24 Walmart Community Grant Expense).

Statement of Fact: The City of Brewer Police Departments received \$4,000 in grant funds from the Fiscal Year 2024 Walmart Community Grant Program for the purpose of replacing the raincoats of department staff.

2023-A157

November 21, 2023

TITLE: ORDER, AUTHORIZE PURCHASE OF POLICE FIREARMS.

Filed November 15, 2023

By Jerry Goss

WHEREAS, the City of Brewer Police Department is replacing duty handguns with updated models; and

WHEREAS, the replacement of these handguns has been planned and \$15,000 was budgeted for in the Fiscal Year 2024 (FY24) Capital Improvement Program (CIP) and the remainder, after trade in allowances, will come from the Police Minor Equipment fund; and

WHEREAS, the total cost of the firearms and associated accessories is \$20,902.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the appropriation and expenditure of \$20,902 from 0510132-551240 (CIP– Police Handguns) to purchase duty firearms and associated accessories; and

BE IT FURTHER ORDERED, that the City Council hereby declares that the handguns being replaced are surplus and authorizes the City Manager, or his designee, to dispose of them by means that would be in the best interest of the City of Brewer; and

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

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Statement of Fact: This order authorizes the expenditure of \$20,902 to replace police handguns and accessories.

2023-A158

November 21, 2023

TITLE: ORDER, AUTHORIZE CONTRACT EXTENSION WITH CONSTELLATION ENERGY.

Filed November 15, 2023
By Michele Daniels

EMERGENCY PREAMBLE

WHEREAS, orders passed by the Brewer City Council do not become effective until five days they are approved unless such orders contain emergency preambles; and

WHEREAS, it is imperative that this order become effectively immediately upon its passage to allow the City to execute the contract without delay; and

WHEREAS, these facts create an emergency within the meaning of the Charter, Codes and Ordinances of the City of Brewer and require that the following order become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer; and

WHEREAS, the City of Brewer entered into an electricity supply contract with Constellation Energy on October 3, 2022 at a rate of \$.15920/kWh through October 2024; and

WHEREAS, Constellation is offering the opportunity to extend the term of the contract at a lower price per kWh; and

WHEREAS, the City would continue to pay \$.15920/kWh through October 2024, but would secure a rate at or near the rate of \$.10940/kWh for a two year period thereafter, based on November 17 rates; and

WHEREAS, the market fluctuates daily, which may result in a minor adjustment to the proposed \$.10940/kWh rate provided by Constellation Energy on November 17, 2023; and

WHEREAS, this agreement could save upwards of \$80,000 per year, based on prior year actual costs.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to sign a contract with Constellation Energy at a rate at or near the rate of \$.10940/kWh for two years, commencing in November 2024 and ending at the end of October 2026.

BE IT FURTHER ORDERED, that the City Council of the City of Brewer herewith exercises its

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authority under Section 404 of the City’s Purchasing Ordinance, Chapter 36 of the Charter Codes and Ordinances of the City of Brewer for this purchase.

Statement of Fact: The City currently pays \$.15920/kWh on thirteen of its accounts supplied by Constellation Energy. Energy rates have since decreased providing an opportunity for significant savings to the City. While the City would be required to fulfill its commitment to the contract through October 2024, the new rate around \$.10940/kWh would begin in November 2024. Given the volatility of energy supply due to domestic and international factors, it would be beneficial to the City to take advantage of the lower rates in the current market.

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

D. Monthly Reports

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

E. Nominations, Appointments, Elections

2023-B034

November 21, 2023

TITLE: RESOLVE, DECLARE THE RESULTS OF THE NOVEMBER 7, 2023 CITY OF BREWER ANNUAL MUNICIPAL ELECTION AND STATE OF MAINE REFERENDUM ELECTION.

Filed November 9, 2023
By Joseph L. Ferris

WHEREAS, the City of Brewer Annual Municipal Election and the State of Maine Referendum Election were held on November 7, 2023; 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)

QUESTION 1: CITIZEN INITIATIVE

1,592 YES
720 NO
62 BLANK

QUESTION 7: CONSTITUTIONAL AMENDMENT

678 YES
1,511 NO
185 BLANK

QUESTION 2: CITIZEN INITIATIVE

1,976 YES
370 NO
28 BLANK

QUESTION 8: CONSTITUTIONAL AMENDMENT

977 YES
1,224 NO
173 BLANK

QUESTION 3: CITIZEN INITIATIVE

512 YES
1,840 NO
22 BLANK

QUESTION 4: CITIZEN INITIATIVE

1,913 YES
435 NO
26 BLANK

QUESTION 5: CONSTITUTIONAL AMENDMENT

1,278 YES
1,021 NO
75 BLANK

QUESTION 6: CONSTITUTIONAL AMENDMENT

1,664 YES
654 NO
56 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 7, 2023 the said inhabitants gave in their vote for one member of the City Council for a 3-year term, two members of the School Committee for 3-year terms, and one member of the High School District 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 ONE MEMBER OF THE CITY COUNCIL (3-YEAR TERM)

Dani O'Halloran	had	1,131
Donald Corey	had	699
Adam Eldridge	had	341

FOR TWO MEMBERS OF THE SCHOOL COMMITTEE (3-YEAR TERMS)

Jacob D. Cross	had	1,534
Mark S. Farley	had	1,375

FOR ONE MEMBER OF THE HIGH SCHOOL DISTRICT TRUSTEES (5-YEAR TERM)

Manley G. DeBeck, Jr.	had	1,955
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Total Ballots Cast: 2,369

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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**F. Unfinished Business
Consent Calendar**

2023-C018

September 12, 2023

TITLE: ORDER, AMEND CHAPTER 24 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “LAND USE CODE”, ARTICLE 3, “ZONING DISTRICTS” SECTION 306.5, AND ARTICLE 4 “PERFORMANCE STANDARDS”, SECTION 443.

Filed October 3, 2023
By Michele Daniels

BE IT ORDAINED, by the Brewer City Council that Chapter 24, of the Charter, Codes and Ordinances of the City of Brewer, entitled “Land Use Code”, shall be amended by revising the following subsections to Article 3, and Article 4:

Article 3 Zoning Districts

306 SCHEDULE OF USES

306.5 SCHEDULE OF USES (#31) (#46) (#52) (#57)

USE	RURAL	LDR	MDR-1	MDR-2	HDR	HDR-2	CB	GB	IND	IND-2	OR	PB	DD
RESIDENTIAL USES													
Accessory Use	P	P	P	P	P	P	P				P		P
Single-family Dwelling	P-70	P-70	P-70	P-70	P-70	P-70	P-70	P-61, 70			P-70		
Home Occupations	P	P	P	P	P	P	P				P		
Home Day Care	D-62	D-62	D-62	D-62	D-62	D-62	D-62				D-62		
Medical Marijuana Home Production	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67
Manufactured Housing*													
Mobile Home Park		S-15,16				S-15,16							
Multi-family, 3 or more, Dwelling Units (#18)		S-69,70			S-69,70	S-69,70	S-69,70	P-61, 69,70			S-69,70		S-65,69,70
Planned Unit Development Of Residential Units		S	S-12,15,16	S-12,15,16	S	S-12,15,16	S-12,15,16						

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Two-family Dwelling Units (#18)		<u>P-70</u>		<u>P-70</u>	<u>P-70</u>	<u>P-70</u>	<u>P-70</u>	P-61 <u>70</u>			<u>P-70</u>		S-65 <u>70</u>
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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)

Footnotes to Schedule of Land Uses

69. Reference is made to Article 4, Section 419 Multi-Family Dwellings in LDR District; Article 4, Section 443 Affordable Housing Developments in Multi-Family Zoning Districts; and Article 9, Section 906 Standards For Streets.

70. Effective as of January 1, 2024, a dwelling unit allowance may be provided in accordance with M.R.S. Title 30-A §4364-A meeting the following standards and requirements: (Note: §4364-A may not be construed to interfere with, abrogate, or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided under this section as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine)

a. For any area in which residential uses are allowed, including as a conditional use, up to two (2) dwelling units may be allowed on a lot that does not contain an existing dwelling unit with the exception that up to four (4) dwelling units may be allowed on a lot that does not contain an existing dwelling unit and which is located in a designated growth area per the City of Brewer’s current adopted Comprehensive Plan. It shall be prohibited to demolish a dwelling unit in existence after January 1, 2024 for the purposes of meeting the provisions of M.R.S. Title 30-A §4364-A. Further, for the purposes of this section, a person may not demolish a dwelling unit in existence on or after September 1, 2023 through January 1, 2024 for the purposes of meeting the provisions of 30-A M.R.S. §4364-A. If dwelling units are demolished and the demolition results in an empty lot, there can be no increase in the number of units above what existed on the lot prior to demolition. (Note: “Residential uses” as defined under this section may include single-family, multi-family housing, condominiums, time-share units, and apartments and does not include dormitories, congregate living facilities, campgrounds, campsites, hotels, motels, beds and breakfasts, or other types of lodging accommodations, and transient housing or short-term rentals);

b. If a lot already contains one (1) existing dwelling unit, the addition of up to two (2) additional dwelling units may be allowed as follows:

One (1) within the existing structure or attached to the existing structure; One (1) detached from the existing structure; or One (1) of each;

c. If a lot contains two (2) existing dwelling units, no additional dwelling units are allowed;

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- d. If more than one (1) dwelling unit has been constructed on a lot as a result of this allowance in accordance with M.R.S. Title 30-A §4364-A, the lot is not eligible for any additional units or increases in density;
- e. Dimensional requirements per Section 307 of this Land Use Code shall apply and off-street parking is required in accordance with Land Use Code Section 424;
- f. The property owner shall provide written verification that each proposed dwelling unit is to be connected to adequate water and wastewater services to include: proof of water and sewer payment; proof of adequate service to support additional wastewater flow created by the dwelling unit; proof of adequate service to support additional water flow created by the dwelling unit including the volume and supply of water required; proof of adequate sewage disposal for subsurface wastewater to include plans for subsurface wastewater disposal prepared by a site evaluator licensed by the State of Maine in accordance with 10-144 C.M.R. Ch. 241, Subsurface Wastewater Disposal Rules which must be verified as adequate by the City of Brewer plumbing inspector pursuant to 30-A M.R.S. §4221; and proof of access to potable water as defined by the U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table and Maine Department of Health and Maine's interim drinking water standards for six different perfluoroalkyl and polyfluoroalkyl substances (PFAS), Resolve 2021 Chapter 82 along with any test of an existing or proposed well which must indicate that the water supply is potable and acceptable for use;
- g. Dwelling units must comply with shoreland zoning requirements by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances along with any overlay protection district requirements;
- h. Dwelling units must comply with all permitting, subdivision and/or site plan requirements and all applicable Codes and Ordinances of the City of Brewer.

Article 4 Performance Standards

443. AFFORDABLE HOUSING DEVELOPMENTS IN MULTI-FAMILY ZONING DISTRICTS

As required under Title 30-A MRSA §4364 by the State of Maine per L.D. 2003, the following affordable housing regulations shall become effective on January 1, 2024.

This section may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section. Property owners are encouraged to conduct due diligence with any applicable State, Federal and Local laws.

This section may not be construed to exempt a subdivider from the requirements of MRSA Title 30-A Chapter 187 subchapter 4.

This section may allow a dwelling unit density bonus for certain affordable housing developments approved on or after January 1, 2024 in accordance with 30-A MRSA §4364 and this section.

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443.1 APPLICABILITY AND DEFINITIONS

443.1.1 An affordable housing development may be allowed in zoning districts where multi-family dwellings are allowed and which are located in a designated growth area per the City of Brewer’s current adopted Comprehensive Plan meeting the following definition and requirements. The affordable housing development shall be allowed to have a dwelling unit density of 2 ½ times the base density that is otherwise allowed in the zoning district that the affordable housing development is located in. If fractional results occur when calculating the bonus density under this subsection, the number of units is rounded down to the nearest whole number. Affordable housing development as defined under this section shall mean:

For rental housing, a development in which a household whose income does not exceed (80) eighty percent of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8 as amended, can afford fifty-one (51) percent or more of the units in the development without spending more than (30) thirty percent of the household’s monthly income on housing costs; and

For owned housing, a development in which a household whose income does not exceed (120) one hundred twenty percent of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8 as amended, can afford fifty-one (51) percent or more of the units in the development without spending more than (30) thirty percent of the household’s monthly income on housing costs.

“Housing costs” include but are not limited to the cost of rent and any utilities such as electricity, heat, water, sewer and/or trash that the household pays separately from the rent; and for an ownership dwelling unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner’s insurance, condominium fees, and homeowner’s association fees. “Area median income” means the midpoint of a region’s income distribution calculated on an annual basis by the U.S. Department of Housing & Urban Development.

“Base density” for purposes of this section shall mean the maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in the City of Brewer Land Use Code.

443.2 ELIGIBILITY REQUIREMENTS FOR DENSITY ALLOWANCE

443.2.1 The affordable housing development must be located in an area in which multifamily dwellings are allowed per the City of Brewer Land Use Code and must be in a designated growth area per the City of Brewer’s current adopted Comprehensive Plan;

443.2.2 The affordable housing development must meet the definition of an affordable housing development as defined under this section, and greater than fifty-one (51) percent of the proposed and existing dwelling units on the same lot shall be affordable for rental housing or owned housing;

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443.2.3 An affordable housing development must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and City of Brewer shoreland zoning ordinances;

443.2.4 Any lot of land containing a residential dwelling unit disposing of wastewater by means of a subsurface wastewater disposal system must contain a minimum of 20,000 square feet and if the lot abuts a lake, pond, stream, river or tidal area, it shall further have a minimum frontage of 100 feet on such body of water in accordance with MRSA Title 12 Chapter 423-A. The affordable housing development must also comply with City of Brewer Ordinance Chapter 31 Sewer and Pretreatment;

443.2.5 The owner of an affordable housing development shall at the time of site plan and/or subdivision review, submit written verification that each dwelling unit of the affordable housing development is proposed to be connected to adequate water and wastewater service which is accomplished by the following:

a) If a dwelling unit is connected to an off-lot sewer system, proof of adequate service to support any additional wastewater flow created by the unit and proof of payment for the connection to the sewer system must be provided;

b) If a dwelling unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater must be provided. The septic system must be verified as adequate by the City of Brewer plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a State of Maine licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*;

c) If a dwelling unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional water flow along with the volume and supply of water required for the dwelling unit and proof of payment for the connection must be provided. For purposes of this section, a centrally managed water system shall be defined as a water system that provides water for human consumption through pipes or other constructed conveyances to at least fifteen (15) service connections or serves an average of at least twenty-five (25) people for at least 60 days a year as regulated by 10-144 C.M.R. Ch. 231, *Rules Relating to Drinking Water*. This system may be privately owned.;

d) If a dwelling unit is connected to a well, proof of access to potable water as defined by the U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table and Maine's interim drinking water standards for six different perfluoroalkyl and polyfluoroalkyl substances (PFAS), Resolve 2021 Chapter 82 along with any test of an existing or proposed well which must indicate that the water supply is potable and acceptable for use.

443.3 OTHER REQUIREMENTS

443.3.1 Prior to granting any final approval of an affordable housing development, the owner of the affordable housing development shall execute a restrictive covenant recorded in the

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Penobscot County Registry of Deeds for the benefit of and enforceable by a party acceptable to the City of Brewer, to ensure that for at least 30 years after completion of construction:

For rental housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below (80) eighty percent of the local area median income at the time of initial occupancy; and

For owned housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below (120) one hundred twenty percent of the local area median income at the time of initial occupancy. For the purposes of this section, upon any change of ownership, affordable requirements must be met as a new “time of initial occupancy”.

443.3.2 An affordable housing development shall meet the Parking and Loading requirements of Article 4 section 424 with the exception that an affordable housing development meeting all definitions and requirements of this Section are allowed (2) two off-street parking motor vehicle spaces for every (3) three dwelling units of an affordable housing development. Note: If fractional results occur when calculating the number of motor vehicle parking spaces, the number of spaces shall be rounded up to the nearest whole number.

443.3.3 An affordable housing development shall comply with all other applicable Codes and Ordinances of the City of Brewer.

Statement of Fact: These ordinance amendments are proposed in order to meet the requirements of the State Legislative Document 2003 (LD2003) and subsequent legislation. The changes allow for an increase of dwelling units with regulations, and also allows for affordable housing developments in multi-family zoning districts with regulations. The Brewer Planning Board held a public hearing on September 11, 2023 and unanimously made the recommendation to adopt these amendments to Chapter 24 “Land Use Code” as written. There were no public comments.

2023-C019

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”, SECTION 402, AND ARTICLE 14 “DEFINITIONS”.

Filed October 3, 2023

By Jenn M. Morin

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, and Article 14:

Article 4 Performance Standards

426 ACCESSORY ~~LIVING-QUARTERS-DWELLING UNITS (ADUs)~~

The following provisions in accordance with LD 2003 under Title 30-A MRSA §4364-B as amended shall govern accessory ~~living quarters dwelling units~~ as defined in Article 14 of this Land Use Code.

This section may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid or enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section pursuant to 30-A MRSA §4364-B.

402.1 OCCUPANCY

~~Accessory living quarters shall not be occupied in excess of four (4) months during any twelve (12) month period. No accessory dwelling unit shall be occupied unless a Certificate of Occupancy has been issued after final inspection from the Code Enforcement Officer certifying that the ADU meets all applicable Codes and Ordinances of the City of Brewer and this section.~~

402.1.1 An accessory dwelling unit shall not be rented or leased for less than twenty-eight (28) consecutive days to a person or persons.

402.1.2 Prior to occupancy the owner of an ADU must provide written verification to the Code Enforcement Officer that the ADU is connected to adequate water and wastewater services to include:

a) Proof of payment for the connection to the off-lot sewer system along with written verification from the Director of Environmental Services certifying that the proposed accessory dwelling unit is within the capacity of the system's existing collection and treatment system;

b) Plans for subsurface wastewater disposal prepared by a State of Maine licensed site evaluator prepared in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules* which must be verified as adequate by the City of Brewer Plumbing Inspector when connected to a septic system;

c) Proof of payment for the connection to the off-lot water system along with the volume and supply of water required for the ADU, proof of adequate service to support any additional flow created by the ADU, and written verification from the Superintendent of the Water Department that the proposed ADU will not impose an unreasonable burden on the municipal water system and that the municipal water system has the supply and capacity of water required for the accessory dwelling unit when connected to the city water supply;

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d) When connected to a well, proof of access to a potable water supply to include any tests of an existing well or proposed well which must indicate that the water supply is potable and acceptable for domestic use in accordance with the U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Advisories Table and Maine's interim drinking water standards for six different perfluoroalkyl and polyfluoroalkyl substances (PFAS), Resolve 2021 Chapter 82.

402.2 SIZE OF THE UNIT AND DIMENSIONAL REQUIREMENTS

The size of the accessory dwelling unit living quarters shall be at least 190 square feet in size pursuant to the current minimum adopted standard of the Technical Building Code and Standards Board, under Title 10 M.R.S. §9722 as the same may be amended from time to time. The accessory dwelling unit must be constructed on a permanent foundation and shall not exceed four hundred fifty (450) square feet. The Code Enforcement Officer shall determine if a dwelling unit or an accessory dwelling unit (ADU) has been constructed on a lot for purposes of this section. Accessory dwelling units shall meet the zoning district Dimensional Requirements of Article 3 Section 307 of this Land Use Code with the exception of requirements for lot area and density.

402.3 DISTRICTS WHERE PERMITTED AND OTHER REGULATIONS

Accessory living quarters dwelling units may be located on the same lot where a single-family dwelling is the principal structure. shall be permitted in the same districts as single family dwellings. In accordance with Title 30-A M.R.S.A §4364-B as amended, only one (1) accessory dwelling unit may be located on the same lot where the single-family dwelling is the principal structure, including as a conditional use. Note: An accessory dwelling unit may be constructed within or attached to an existing single-family structure which does not conform to the regulations of the district in which it is located so long as that structure is a legally existing non-conforming principal structure that is a single-family dwelling unit and as long as the ADU does not further increase the nonconformity.

a) One (1) accessory dwelling unit may be constructed only within a legally existing single-family dwelling unit on the lot; attached to an existing single-family dwelling; or as a new accessory dwelling structure on the lot for the primary purpose of creating an accessory dwelling unit. An accessory dwelling unit shall not be constructed or established within an existing accessory structure or building.

b) An accessory dwelling unit is not subject to any additional motor vehicle parking requirements beyond the parking requirements of the single-family dwelling on the lot where the ADU is located. No parking space to be provided for an accessory dwelling unit shall be located or assumed within the right-of-way of any public street or roadway.

c) An accessory dwelling unit located in a shoreland zone must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and City of Brewer Shoreland and Overlay Zone requirements.

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d) An accessory dwelling unit shall not be sold separately.

e) Manufactured homes as defined in Article 14 of this Land Use Code shall not be used as an accessory dwelling unit, except as may otherwise be allowed in this Land Use Code and under this section.

f) Recreational vehicles, travel trailers, camping/camper trailers, tents, temporary structures and temporary shelters shall not be used on the premises as an accessory dwelling unit or in conjunction with an accessory dwelling unit.

g) An accessory dwelling unit shall comply with all permitting, subdivision and/or site plan requirements and all other applicable Codes and Ordinances of the City of Brewer.

Article 14 Definitions

Accessory Living Quarters Dwelling Unit (ADU). ~~An accessory building used solely as the temporary dwelling of guests of the occupants of the premises; such dwelling having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.~~ An accessory dwelling unit (ADU) is a smaller, secondary self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same lot as the principal single-family dwelling and meets minimum square footage requirements in accordance with the Technical Building Code and Standards Board, under Title 10 M.R.S. §9722 as may be amended from time to time and does not exceed (450) four hundred fifty square feet.

Statement of Fact: These ordinance amendments are proposed to meet the requirements of the State Legislative Document 2003 (LD2003) and subsequent legislation. The changes combine current ordinance regulations on Accessory Living Quarters (brought up to today's standards) with the State requirements allowing ADUs. The Brewer Planning Board held a public hearing on October 2, 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 Daniels moved that the amendments on the consent calendar be enacted. Councilor Morin seconded the motion. The motion passed with a unanimous vote.

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G. New Business
Consent Calendar

2023-C020

November 21, 2023

TITLE: ORDER, AMEND CHAPTER 22 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED "SOLID WASTE ORDINANCE", ARTICLE 8, SECTION 8.12 "FEES", ARTICLE 10, SECTION 10.13 "FEE SCHEDULE", AND ARTICLE 11, SECTION 11.3 "UNIVERSAL WASTE".

Filed November 14, 2023
By Jerry Goss

BE IT ORDAINED, by the Brewer City Council that Chapter 22, of the Charter, Codes and Ordinances of the City of Brewer, entitled "Solid Waste Ordinance", shall be amended by revising the following subsections to, Article 4, Article 7, and Article 14:

SECTION 8.12 FEES

Commercial haulers shall pay an annual, non-refundable license fee, per vehicle to the City of Brewer per the City of Brewer Schedule of Fees.

All fees must be paid to the Brewer City Clerk with an accompanying annual application. These licenses shall not prorated.

~~Commercial haulers shall pay One Hundred Dollars (\$100.00) plus an additional Ten Dollars (\$10.00) for each vehicle licensed for an annual non-refundable vehicle fees to the City of Brewer for their licenses.~~

~~All fees must be paid to the City Clerk when the application is made for the annual license and shall not be prorated.~~

SUBSECTION 10.13.1 VEHICLE PERMIT

Resident vehicle permits shall be obtained from the Brewer Landfill and the permit shall be set by the City of Brewer Schedule of Fees.

~~Resident Vehicles ————— \$2.50 ————— (One Year)~~

~~Non-Resident Vehicle ————— Not Permitted~~

**Commercial and businesses not permitted without permission.*

SUBSECTION 10.13.2 DISPOSAL OF TIRES (#5)

Disposal of passenger car, pick-up trucks, and commercial truck tires shall be charged a fee, in accordance with the City of Brewer Schedule of Fees.

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~~All tires must first be removed from the rim.~~

~~Three Dollars (\$3.00) for each passenger car or pick-up truck tire (no rims)~~

~~Seven Dollars (\$7.00) for each commercial truck tire (no rims)~~

*Tires shall be placed by the resident in the designated location for tire storage.

*Each Brewer household shall be eligible to dispose of up to four passenger car or pick-up truck tires without rims per year for no fee.

SUBSECTION 10.13.3 WHITE GOODS

~~Non-Freon white goods may be disposed of at the Brewer Landfill. The fee of such disposal shall be set in the City of Brewer Schedule of Fees.~~

~~Fifteen Dollars (\$15.00) per appliance.~~

*White goods shall be placed by the individual disposing of the item(s) in the designated location for white goods.

SUBSECTION 10.13.4 PROPANE TANKS

~~Disposal of propane tanks are authorized; the cost shall be set by the City of Brewer Schedule of Fees.~~

~~Five Dollars (\$5.00) per 20lbs propane tank~~

~~Twenty Dollars (\$20.00) per tank for all propane tanks larger than 20lbs.~~

*Propane tanks smaller than 20lbs will not be accepted.

SUBSECTION 10.13.5 MATTRESSES

~~Disposal of mattresses and box spring are authorized, the cost shall be set by the City of Brewer Schedule of Fees.~~

~~Fifteen Dollars (\$15.00) per mattresses and box spring set (or mattress only).~~

SUBSECTION 10.13.6 CONSTRUCTION AND DEMOLITION DEBRIS

The charge for dumping construction and demolition debris, and any additional acceptable materials, which the Maine Department of Environmental Protection would allow in a licensed demolition debris facility, shall be set in the City of Brewer Schedule of Fees. ~~shall be based on either of the following options except as provided for passenger vehicles and vans:~~

~~Residential Rates:~~

- ~~• Five Dollars (\$5.00) per passenger sedan.~~
- ~~• Seven Dollars (\$7.00) per station wagon or passenger van.~~

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~~(Excludes cargo vans)~~

- ~~• Twenty five Dollars (\$25.00) per pick-up truck (1/2 or 3/4 ton).~~
- ~~• Twenty five Dollars (\$25.00) per trailer. (not exceeding the size of a pickup body)~~
- ~~• Fifty dollars (\$50.00) per pick-up with sideboards.~~
- ~~• Fifty dollars (\$50.00) per trailers with sideboards.~~
- ~~• Fifty Dollars (\$50.00) per single axle dump trailer.~~
- ~~• Seventy Dollars (\$70.00) per dump truck.~~
- ~~• One Hundred Five (\$105.00) per double axle dump truck.~~
- ~~• One Hundred Fifty five (\$155.00) per tri-axle dump truck.~~
- ~~• Two Hundred Fifteen (\$215.00) per dump trailer.~~

SECTION 11.3 UNIVERSAL WASTE

Universal Waste shall only be disposed of in accordance with applicable Federal, State and Local laws and only at an authorized facility. The Brewer Universal Waste Facility accepts universal waste from Brewer residents and ~~or their~~ participating communities by agreement.

All residents from participating communities must receive a permit from their Town Hall prior to delivering material to the Brewer Facility.

Each participating community shall be billed monthly for the universal waste received and the cost of this service shall be set by the City of Brewer Schedule of Fees.

~~Each community is billed monthly for the universal waste delivered and they pay a \$50/quarter fee to the City to cover administration and billing costs. Fees may be adjusted in the future to cover increases in disposal and administration costs.~~

Statement of Fact: This amendment to Chapter 22 corresponds with a proposed amendment to the Schedule of Fees. These amendments will move fee amounts from the ordinance to the Schedule of Fees where they can be more easily referenced.

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2023-C021

November 21, 2023

TITLE: ORDER, AMEND CHAPTER 31 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED "SEWER AND PRETREATMENT ORDINANCE".

Filed November 15, 2023

By Michele Daniels

BE IT ORDAINED, by the Brewer City Council that Chapter 31, of the Charter, Codes and Ordinances of the City of Brewer, entitled "Sewer and Pretreatment Ordinance", shall be amended as follows:

CITY OF BREWER

**CHAPTER 31 - ~~SEWER AND PRE-TREATMENT ENVIRONMENTAL~~ ORDINANCE
~~(SEWER, STORMWATER, SEPTIC, HAULED WASTEWATER, PUMP STATIONS)~~**

PREAMBLE

ARTICLE 1

Purpose & Policy

This Ordinance sets forth uniform requirements for users of the publicly owned treatment works (POTW) for the City of Brewer and enables Brewer to comply with all applicable state and federal laws and future amendments, including the Clean Water Act (33 United States Code § Sect. 1251 et seq.) ~~and the General Pre-treatment Regulations (40 CFR Part 403)~~. The objectives of this ordinance are:

- A. To prevent the introduction of pollutants into the POTW that will interfere with operations;
- B. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- C. To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- D. To promote reuse and recycling of industrial household and commercial wastewater and sludge from the POTW;
- E. To provide fees for equitable distribution of cost of operation, maintenance and improvement to POTW; and

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- F. To enable Brewer to comply with its MEPDES permit conditions, sludge use and disposal requirements, and any other federal or state law to which the POTW is subject. (#13)

SECTION 100.3 DEFINITIONS (#18)

2. "ADMINISTRATIVE ORDER" shall empower the Superintendent that finds any ~~industrial~~ user who continues to violate the Ordinance, permit or orders issued thereunder. Such orders will include specific action to be taken by the ~~industrial~~ user to correct the noncompliance within a time period also specified by the order.
3. "APPLICANT" shall mean any person requesting approval to discharge ~~industrial~~ commercial or domestic wastewaters into facilities of the City.
5. "AUTHORIZED REPRESENTATIVE OF THE USER" shall mean:
1. If the user is a corporation:
 - b. The manager of one or more ~~manufacturing, commercial production or operation~~ facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit[or general permit{optional}] requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- 6A. "BMP" (Best Management Practices or BMPs) shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Sections 505 and 506 ~~[40 CFR 403.5(a)(1) and (b)]~~. BMPs include treatment requirements, operating procedures, and practices to control plant runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. [Note: BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established ~~categorical Pretreatment~~ Standards and effluent limits.]
- ~~7. "BMR" (Base Line Monitoring Report) shall mean a report~~

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~~submitted by a categorical industrial users within 180 days after the effective date of applicable categorical standard which indicates the compliance status of the user with the categorical standard under 40 CFR 403.12(b).~~

11. ~~"CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD" shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) or The Act (33 USC Sect. 1317) which apply to a specific category of users and which appear in 40 CFR Chapter 1, Subchapter N, Parts 405-471.~~

12. ~~"CATEGORICAL USER" shall mean any user of the City's sewer system whose dischargers are regulated under 40 CFR 403 and 40 CFR 405-469, or who is otherwise subject to the U.S. EPA pretreatment requirements as a categorical user.~~

15. "CIVIL LITIGATION" shall mean civil litigation against a the industrial user seeking equitable relief, monetary penalties and actual damages.

16. "CODE ENFORCEMENT OFFICER" ~~except as otherwise provided in this Ordinance,~~ the Code Enforcement Officer or a duly appointed Assistant Code Enforcement Officer shall ~~administer and enforce this ordinance, including the receiving of receive~~ applications and ~~the issuing of issue~~ building permits. See also Chapter 29, Article 1 of the City's Ordinances.

21. "DISCHARGER" ~~shall mean all industrial users, including "Categorical Users" and "Significant Industrial Users" as defined in this section.~~ "Discharger" also refers to any ~~non-industrial~~ user of the City's sewer system who may be subject to regulation under this Ordinance.

25. "FINE" As used in Article 10 of this Ordinance the ~~Industrial Wastewater Pretreatment~~ Enforcement Response Guide is a Monetary Penalty assessed by Control Authority Officials. Fines should be assessed by the ~~Pretreatment Coordinator or the~~ BWWTP Superintendent, or his/her designee.

28. "HAZARDOUS WASTE" shall mean a hazardous waste as that term is defined in ~~40 CFR Part 261 or~~ Maine Department of Environmental Protection Regulations Chapter 850.

34. "INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT" shall mean the maximum concentration of a pollutant allowed to be discharged at any time, determined from analysis of and grab or composite sample collected, independent of the ~~industrial~~ flow rate and duration of

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the sampling event.

~~35B. "LOCAL LIMITS" shall mean technically based limits established by the POTW for certain pollutants to protect against pass-through or interference. (#18)~~

37. "MEETING" as used in Article 9 of this Ordinance the ~~Industrial~~ Wastewater ~~Pretreatment~~ Enforcement Response Guide shall mean an informal compliance meeting with ~~a n IU to~~ commercial business to resolve recurring noncompliance.

43. "NOV" (Notice of Violation) shall mean a written letter of Notice of Violation when ~~a and industrial~~ user has violated this ordinance, permit or order issued. Within 10 (ten) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention, with specific required actions taken. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation.

50. "POLLUTANT" shall mean the dredged spoil, solid waste, incinerator residue, sewage, garbage, sludge, ~~pretreatment by products~~, munitions, wastewater, medical wastes, chemical wastes, biological materials, metals, oil and grease, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and other waste or material that alters or adversely affects the characteristics of the wastewater (ie., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, TTO, TOC, or odor).

~~53. "PRETREATMENT" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.~~

~~54. "PRETREATMENT COORDINATOR or PC" shall mean the City's Water Pollution Control Facility's Superintendent or a designated employee responsible for the supervision of the City's Industrial Pretreatment Program.~~

56 "PRETREATMENT STANDARDS OR STANDARDS" shall mean prohibited discharge standards, categorical pretreatment standards and local limits.

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70. "SHOW CAUSE MEETING" as used in Article 9 of this Ordinance, the ~~Industrial Wastewater Pretreatment~~ Enforcement Response Guide is a formal meeting requiring the ~~IU~~ user to appear and demonstrate why the City should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.

71. "SIGNIFICANT INDUSTRIAL USER or SIU" shall mean:

1. ~~All discharges subject to categorical pretreatment standards; All businesses and residences that discharge to the City sewer.~~
4. All discharges that have the potential to violate any of the ~~pretreatment standards or~~ prohibitions.

72. "SIGNIFICANT NONCOMPLIANCE or SNC" shall mean when one or more of the following criteria is met:

~~Chronic violations of wastewater discharge limits in which sixty six percent (66%) or more of all the measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.~~

~~Technical Review Criteria (TRC) violations are those in which thirty three percent (33%) or more of all the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the appropriate TRC (TRC = 1.4 for BOD, TSS, fats, oils, grease and 1.2 for all other parameters except pH).~~

Any ~~other~~ violation of the ~~pretreatment~~ effluent limit (daily maximum, or longer-term average) that the Superintendent of the Brewer Water Pollution Control Facility determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of the Brewer Water Pollution Control Facility personnel or the general public).

Any discharge of a pollutant that is harmful health and welfare or the environment or has resulted in the Brewer Water Pollution Control Facility exercising its emergency authority ~~(under 40 CFR 403.8 (F) (2) (VI) (B))~~ to halt or prevent such a discharge.

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Failure to meet, within 90 days after a schedule date, a compliance schedule milestone contained in the ~~pretreatment~~ permit or enforcement order for starting or completing construction or attaining full and final compliance.

~~Failure to provide, within 30 days of the due date, required reports such as Baseline Monitoring Reports (BMR), 90-day compliance progress reports, periodic self-monitoring reports, monthly reports, and compliance schedule reports.~~

~~Failure to report noncompliance accurately.~~

Any other violation or group of violations which the Superintendent of the Brewer Water Pollution Control Facility determines will adversely affect the ~~perations or implementation or Brewer's Pretreatment Program.~~ effluent discharge.

- ~~74. "STANDARD INDUSTRIAL CLASSIFICATION CODE" shall mean a classification pursuant to the "Standard Industrial Classification Manual" issued from time to time by the United States Office of Management and Budget.~~
75. "STANDARD METHODS" shall mean the testing methods and techniques ~~prescribed in 40 CFR Part 136, or if not found therein, other appropriate procedures~~ approved by the EPA.
76. "STORM SEWER" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and commercial industrial wastes, other than unpolluted cooling water.
- ~~79. "TOTAL TOXIC ORGANICS" TTO shall mean the summation of all quantitative values greater than 0.01 mg/l for the toxic organics listed in 40 CFR Sect. 413.02 (i).~~
81. "UPSET" shall mean an exceptional incident in which a discharger is in a state of non-compliance with the Sewer Use Ordinance Categorical Pretreatment Standards due to factors beyond the reasonable control of the discharger, and excluding non-compliance due to the extent cause by operations error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.
82. "WASTEWATER" shall mean liquid and water-carried ~~industrial~~ wastes and domestic sewage from residential dwellings, commercial buildings, ~~industrial~~ and manufacturing facilities and institutions, ~~weather~~ whether treated or untreated, which are contributed to the POTW.

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ARTICLE 2 - USE OF PUBLIC SEWERS REQUIRED

SECTION 204. SEWER USE REQUIRED

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose for which toilet facilities may be required, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City is hereby required at his/her expense to install suitable toilet facilities. To connect such facilities directly with the proper public sewer in accordance with Article 3, Section 304 the provisions of this Ordinance within (ninety days) after date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the buildings to be connected to the public sewer line, unless otherwise exempted by the Board of Appeals in accordance with Chapter 34 - Board of Appeals of the City of Brewer, Section 100, et seq., as amended.

ARTICLE 3 - PRIVATE SEWAGE DISPOSAL (#7)

SECTION 302.1

Any person, firm, corporation or other legal entity who shall commence any work for which a permit is required by this Ordinance without first having applied for a permit, therefore shall pay double the permit fee fixed by this Ordinance for such work, provided, however, that this provision shall not apply to emergency work when it shall be proved to the satisfaction of the City's Plumbing Inspector, or his agent, that such work was urgently necessary and that it was not practical to apply for a permit therefore before the commencement of the work following the effective date of this subsection, any person, firm, corporation or other legal entity who commences work before applying for a permit shall not be subject to paying double the permit fee for the first time that such failure to apply occurs but instead shall be issued a verbal or written warning by the City's Plumbing Inspector, or his agent, that subsequent failures to apply for permits will result in the person, firm, corporation or other legal entity being subject to the payment of double the permit fee.

ARTICLE 4 - BUILDING SEWERS, CONNECTIONS AND EXTENSIONS

SECTION 402. APPLICATION FEE REQUIRED (#24)

There shall be two (2) classes of building sewer permits: (1) one for residential and (2) the other for service for establishments producing retail, commercial, or institutional sewerage wastes.

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In either case, the owner or his agent or the occupant of the property, shall make application on a special form furnished by the City's Plumbing inspector. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Plumbing Inspector and/or Superintendent. A permit and the inspection fee ~~of Twenty-five dollars (\$25.00)~~ ~~Fifty dollars (\$50.00)~~ shall be paid to the Plumbing Inspector at the time of application is filed for anything other than a new or expanded use of the sewer system (see the City of Brewer Schedule of Fees).

In the case of new or additional residential units, a permit shall be applied for with a permit fee ~~of Two Hundred Fifty (\$250.00)~~ ~~Five Hundred dollars (\$500.00)~~ for each new or additional residential unit (see the City of Brewer Schedule of Fees).

In the case of any new construction, renovation, or expansion of retail, commercial, ~~industrial~~, or institutional use(s), a permit shall be applied for from the City's Plumbing Inspector ~~and carry an initial fee of \$50.00~~ plus the City staff's estimate of the expected increase in daily sewerage flow resulting from the new construction, renovation or expansion of the retail, commercial, ~~industrial~~ or institutional use ~~multiplied by One dollars (\$1.00) Two dollars (\$2.00) per gallon.~~ (see the City of Brewer Schedule of Fees). The City shall separately average the daily gallonage of sewage flow for each of the four (4) full billing quarters after the completion of the new construction, renovation or expansion or the issuance of a Certificate of Occupancy, whichever occurs first. The average daily sewer gallonage for the last full billing quarter prior to the beginning of the new construction, renovation, or expansion shall be subtracted from the highest average daily gallonage for the four (4) billing quarters after the completion of the new construction, renovation, or expansion or the issuance of the Certificate of Occupancy, whichever occurs first.

~~The net total gallonage shall be multiplied by One dollars (\$1.00) Two dollars (\$2.00) per gallon and the product of the multiplication shall constitute the permit fee.~~ The permit fee shall be compared with the initial fee paid at the time the permit was obtained. If the initial fee is higher, the difference between it and the permit shall be repaid to the party making the same within thirty (30) days after the calculation is made and paid. If the initial payment is lower, the difference between it and the permit fee shall be added to and become part of the next quarter sewer billing on the property.

Upon the payment of the initial fee for the sewer permit for new construction, renovation or expansion of retail, commercial, ~~industrial~~ or institutional uses, the City of Brewer shall file any affidavit in the Registry of Deeds providing notice to the public that an initial permit fee has been paid, but it will be reviewing the sewer gallonage

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in the future to determine the actual sewer permit fee. Further, any additional fee based upon the review will become a charge on the property. The cost of recording the affidavit in the Penobscot County Registry of Deeds will be paid by the applicant for the permit.

SECTION 410. CONSTRUCTION MATERIALS SPECIFIED

The building sewer shall be gasketed SDR-35 PVC pipe.~~cast iron soil pipe, vitrified clay sewer pipe, or other suitable material approved by the City Engineer. The quality and weight should conform to the specifications of the State Plumbing Code.~~ All joints shall be tight and waterproof. ~~Any part of the building sewer that is located within 10 feet of a water service pipe shall be constructed of cast iron soil pipe with leaded joints or other approved materials may be required by the City Engineer where the building sewer is exposed to damage by tree roots. If installed in fill or unstable ground, the building sewer shall be of cast iron soil pipe, vitrified clay, asbestos cement sewer pipe, or other material approved by the State Plumbing Code.~~

SECTION 411. CONSTRUCTION METHODS SPECIFIED

All joints and connections shall be made gastight and watertight. ~~Cast iron joints shall be firmly packed with oakum or hemp and filled with molten lead, Federal Specification (QQ-C-40), not less than one (1) inch deep. Lead shall be run in one pouring and caulked tight. No paint, varnish or other coatings shall be permitted on the jointing material until after the joint has been tested and approved.~~

~~All joints in vitrified clay pipe or between such pipe and metals shall be made with approved jointing material as specified below or by the manufacturer.~~

~~Material for hot-poured joints shall not soften sufficiently to destroy the effectiveness of the joint when subjected to a temperature of one hundred sixty (160 F.) degrees Fahrenheit nor be soluble in any of the wastes carried by the drainage system. The joint shall first be caulked tight with jute, hemp or similar approved material.~~

~~Other jointing materials and methods may be used only by approval of the Superintendent.~~

ARTICLE 5 - USE OF THE PUBLIC SEWERS

SECTION 501. DISPOSED OF UNPOLLUTED WATERS PROHIBITED

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted ~~industrial~~ process waters into any sanitary sewer.

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SECTION 503. DISCHARGE METHOD SPECIFIED

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved in writing by the Superintendent. ~~Industrial~~Cooling water or unpolluted process waters may be discharge, upon written approval of the Superintendent to a storm sewer, combined sewer or natural outlet.

SECTION 504. DISCHARGE RESTRICTED

No person or corporation shall cause or allow any sewage, ~~(including industrial waste)~~ containing any substance which by the City Superintendent is deemed deleterious by reason of its composition, consistency, temperature or in any other respect, in the operation of the sewer system, to enter the system. No person shall discharge or cause or allow to be discharge into any sewer under the control of the City, the following described substances, materials, waters or wastes if in the opinion of the Superintendent, such substances, materials, water or wastes are in excessive amounts or concentrations. ~~Persons who desire to discharge industrial wastewater into facilities of the POTW shall make their formal application to the Superintendent.~~

In forming an opinion as to the limitations on acceptability of any wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the Water Pollution Control Facility, degree of treatability of wastes in the Water Pollution Control Facility, the facilities discharge permit, and other pertinent factors.

SECTION 505. GENERAL PROHIBITIONS

No discharger or user shall introduce or cause to be introduced into the POTW and pollutant or wastewater which causes pass-through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to ~~categorical pretreatment standards or~~ any ~~other~~ federal, state, or local ~~pretreatment~~ standards or requirements. The provisions of this Ordinance shall apply to wastewater originating in the City of Brewer, as well as wastewater originating in the Town of Orrington which is introduced to the City's WPCF. The Town of Orrington will also abide with the Interlocal and Interjurisdictional Agreements, that both the City of Brewer and the Town of Orrington agreed upon. (#7)

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SECTION 506. SPECIFIC PROHIBITIONS (#18)

The person wishing to discharge ~~industrial~~ commercial waste shall only do so after he has entered in a permit with the POTW to discharge the ~~industrial~~ commercial waste. Said permit shall contain adequate provisions to insure compliance with and prevent violations of any of the following at the time of the permit and in the future:

- (a) Codes and Ordinances of the City of Brewer;
- (b) State and Federal laws;
- (c) Rules and regulations issued pursuant to State and Federal laws;
- (d) Discharge and emission licenses held by the City of Brewer, its subdivisions, districts or agencies.

Any person discharging ~~industrial~~ wastewater directly or indirectly into facilities of the City that do not comply with this Ordinance may be subject to action by the City. ~~which~~ Action shall include, but not be limited to, the withdrawal of permission to discharge waste waters into facilities of the City.

- (b) Any incompatible pollutant controlled by any user ~~—n—industry~~ in an amount or concentration in excess of that allowed under standards or guidelines issued from time to time pursuant to Sections 304, 306 and/or 307 of the Act.
- (g) Pollutants which create a fire or explosive hazard in the POTW, including but not limited to, waste streams with a closed-cup flash point of less than one hundred forty (140°)F. ~~using the test methods specified in 40 CFR 261.21.~~
- (h) Any solid or viscous substances in such quantities or of such size to be capable or causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, disposable wipes, rags, kitty litter, diapers, paper towels, feathers, tar, plastics, wood, unground garbage, whole blood, paunch, manure, hair, fleshing, entrails, paper dishes, cups, mild container, etc., either whole or ground by garbage grinders.
- (n) Any wastewater containing:

~~(5) Septic tank solids that are not diluted sufficiently to~~

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~~assure that all particles will be carried freely under all flow conditions in facilities of the City.~~

SECTION 507. DILUTION

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable ~~pretreatment standards~~ or requirements.

The Superintendent may impose ~~mass~~ limitations on users who are using dilution to meet applicable ~~pretreatment standards or requirements, or in other cases when imposition of mass limitations is appropriate.~~

SECTION 508. INTERCEPTORS REQUIRED

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place, shall be gastight and watertight.

SECTION 511. CONTROL OF DISCHARGE REQUIRED

If any wastewaters are discharged, or are proposed to be discharged to the public sewers, containing excessive substances or possessing excessive characteristics the City may:

- (a) Reject the wastewater or the wastes.
- (b) Require that ~~pre~~treatment of wastewater or wastes be provided to modify them to an acceptable condition for discharge to the public sewer, and/or
- (c) Require control over the quantities and rates of discharge of the wastewater of the wastes, and/or
- (d) Require payment to cover the added costs of handling and treating the wastes (excess BOD, COD, TSS, pH) not covered by existing taxes or sewer charges under the provisions of Article 4, Section 403 of this Ordinance.
- (e) Take any appropriate enforcement action against ~~an any industrial user or user~~ which violates the prohibitions of this Section.

SECTION 512. PRELIMINARY TREATMENT FACILITY MAINTENANCE REQUIRED

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If the Superintendent permits the ~~pre~~treatment or flow equalization of waste flows, the design and installation of the plant and equipment for such ~~pre~~treatment or flow equalization shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable City, State and federal codes, ordinances and laws. The Superintendent's approval, if granted, shall not be deemed to relieve the discharger of its responsibility to comply with its wastewater discharge permit requirements and shall not constitute an acceptance of the adequacy of the ~~pre~~treatment process equipment selected. Where preliminary treatment of flow equalizing facilities are provided for any wastewater or other wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

SECTION 513. CONTROL MANHOLE REQUIRED

When required by the Superintendent, the owner of any property served by a building sewer carrying ~~industrial excess~~ wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement and monitoring of wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all time.

SECTION 515. APPLICANT AGREEMENT REQUIRED

All applications to discharge any ~~industrial~~ wastewater, drainage, substances or wastes directly into any sewer under the control of the City, or tributary thereto, shall be accompanied by an agreement stating that the applicant agrees to abide by all ordinances and rules and regulations of the City, that the applicant will provide such works for the preliminary treatment of the wastewater, drainage, substances or wastes as may be required by the City, and that the applicant will permit duly authorized representative of the City to enter the premises of the industry to sample and measure wastewaters, as needed, to check characteristics of the wastewaters, when so directed by the City. Applications are to be accompanied by a plan showing essential characteristics of all wastewater outlets, analyses of existing wastewater, and statements as to existing and expected average and maximum wastewater flows, and must be submitted to and approved by the City prior to initiating discharge into facilities of the City. Required wastewater analyses is listed in Article 6 of this Ordinance.

SECTION 516. ANNUAL REPORT REQUIRED

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Each ~~industrial~~ user may be required to submit an annual report on the first of July each year, or such other time as designated by the City, to the City containing information as to the minimum, average, and peak flows of ~~industrial~~ wastewater discharges during the previous year and at times designated by the City accompanied by designated analyses of wastewater samples taken in an acceptable manner at approved times during the flow measuring periods.

SECTION 517. SPECIAL AGREEMENTS ALLOWED

No statement contained in this Article shall be construed as preventing any special agreement or agreement between the City and any ~~industrial user, concern~~ whereby a ~~industrial~~ waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the ~~industrial user concern~~.

SECTION 518. MONITORING STATION

Each ~~industrial~~ discharger may be required to provide and operate, at the discharger's expense, a monitoring facility to allow inspection, sampling and flow measurement of each sewer discharge to the Water Pollution Control Facility.

SECTION 519. LOCAL LIMITS

- A. Limits for certain pollutants will be established to protect against pass-through or interference. No person shall discharge wastewater containing in excess of ~~the instantaneous maximum allowable discharge~~ limits as identified on the user's wastewater discharge permit. All discharge ~~local~~ limits shall be ~~technically based and~~ approved by the ~~EPA-Superintendent~~.
- B. ~~Local limits may be set for the following pollutants: arsenic, barium, cadmium, chromium, copper, cyanide, lead, mercury, molybdenum, nickel, oil and grease and other petroleum or mineral oil products, selenium, silver, TPO and zinc.~~ This list may be amended or ~~local~~ limits may be developed for any other pollutants deemed appropriate, including pollutants that can cause pass through, interference, worker health and safety problems, fume toxicity, etc. conventional Pollutants are Classified as: Biochemical Oxygen Demand (BOD), Total Suspended Solids (Nonfilterable) (TSS), ph, Fecal Coliform, and Oil and Grease. The City will provide advanced written notice of new ~~local~~ limits to users prior to initiating enforcement actions. (#13)
- C. The discharge ~~local~~ limits must be met at the point where the user's wastewater is discharged to the POTW. ~~All concentrations for metallic substances are for "total" metal unless otherwise indicated on the wastewater discharge permit. The Superintendent~~

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~~may impose mass limitations in addition to or in place of concentration-based limitations.~~

SECTION 521. SPECIAL AGREEMENT

The City reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW.

In no case will a special agreement waive compliance with any pretreatment standard or requirement. ~~However, the user may request a net gross adjustment to a categorical standard in accordance with 40 CFR Part 403.15. The user~~ may also request a variance from the ~~categorical pretreatment~~ standard from the Approval Authority. Such a request will be approved only if the user can prove the factors relating to its discharge are fundamentally different from the factors considered by the Superintendent when establishing that ~~categorical pretreatment~~ standard. A user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions ~~in 40 CFR Part 403.13. by the City.~~ The City is authorized to set appropriate fees or other charges for such agreements.

SECTION 522. PRETREATMENT FACILITIES

Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all ~~categorical pretreatment~~ standards, ~~local limits,~~ and the prohibitions set out in this Ordinance within the time limitations specified by the ~~EPA, the State, or the~~ Superintendent. ~~, whichever is more stringent.~~ Any facilities required to ~~pretreat~~ wastewater to a level acceptable to the City shall be provided, operated, and maintained at the user's expense. Detailed plans showing the ~~pretreatment~~ facilities and operating procedures shall be submitted to the City for review, and shall be approved by the Superintendent before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the City's POTW under the provisions of this Ordinance.

SECTION 523. ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS

The Superintendent may require any user to develop and implement an accidental discharge/slug control plan. At least once every two (2) years the Superintendent shall evaluate whether each ~~significant industrial~~ user needs such a plan. Any user required to develop and implement an accidental discharge/control slug plan shall submit a plan which addresses, at a minimum, the following:

ARTICLE 6 - INDUSTRIAL DISCHARGES

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SECTION 601

It shall be unlawful to discharge ~~industrial~~ wastes to any sewer within the City or any sewer connecting to the City's treatment facility without having first ~~compiled~~ complied with the terms of this Ordinance.

SECTION 601.1 (#18)

~~Industrial~~ Dischargers shall complete and file with the POTW, Fire Department, and Code Enforcement, a an-Industrial Survey Form prescribed by the POTW. Existing ~~industrial~~ dischargers shall file a survey form within thirty (30) days after being notified by the City, and proposed new dischargers shall file a survey form at least ninety (90) days prior to connecting to the sewage works. The disclosure to be made by the discharger shall be made on written forms provided by the City and shall cover:

- (3) Disclosure of known or suspected to be present wastewater constituents and characteristics including, but not limited to, those mentioned in this Ordinance. Any sampling or analysis that is required by the City shall be performed in accordance with procedures established by the City. U.S. EPA and contained in 40 CFR Part 136, as amended. The costs of all such sampling shall be fully borne by the ~~industrial~~ discharger.
- (5) Disclosure of ~~average~~ daily ~~and instantaneous peak wastewater~~ flow rates, in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be measured unless other verifiable techniques are approved by the Superintendent due to cost or nonfeasibility.
- (7) Description of activities, facilities, and ~~plant process~~ processes on the premises including all material which are or may be discharged to the sewage works of the City.
- (8) Disclosure of the nature and concentration of any known or suspected pollutants or materials prohibited by this Ordinance in compliance is being achieved with this Ordinance on a consistent basis and, if not, whether additional operations and maintenance activities and/or additional ~~pre~~treatment is required for the discharger to comply with this Ordinance.
- (10) Disclosure of the type and amount of raw materials utilized ~~(average and maximum~~ per day).

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(11) Application Signatories and Certifications.

- A. Certification of Permit Applications. User Reports and Initial Monitoring Waiver. The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 506. ~~Users submitting baseline monitoring reports under Section 604 [Note: See 40 CFR 403.12 (1)]; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 601.1 [Note: See 40 CFR 403.12(d)]; Users submitting periodic compliance reports required by Section 604.3 [Note; see 40 CFR 403.12(e) and (h)], and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 604.9 [Note: See 40 CFR 403.12(e)(2)(iii)].~~ The following certification statement must be signed by an Authorized Representative as defined in Section 100.3(5):

SECTION 602. ~~INDUSTRIAL DISCHARGES~~ -- WASTEWATER DISCHARGE PERMITS

Every new or existing user of the City's sewer system or treatment plant who is determined to be a ~~"categorical user" or "significant industrial user"~~ as defined in Article 1, Section 100.3, Definitions ~~"12" and "71"~~ of this Ordinance, ~~is~~ may be required to obtain a wastewater discharge permit from the Superintendent. ~~Failure to obtain a permit required under this section shall be a civil offense, and shall be punished by a fine not to exceed \$2,500 per day from the date the discharger receives notice or becomes aware of the permit requirement, to be recovered by the City upon complaint. Provided that any repeat offense by the same user, shall be punished by a fine not to exceed \$25,000 per day.~~

SECTION 602.3

Wastewater discharge permits may impose effluent restrictions or limits on the discharger if the Superintendent determines that such limits are necessary to protect the quality of the treatment plant influent, effluent, or sludge, or to maintain compliance with any applicable Federal or State law including requirements under the City's MEPDES permit and national ~~categorical pretreatment~~ standards for new and existing sources. ~~currently set out in 40 CFR Subpart N Section 401-471.~~

SECTION 602.6 (#18)

- A. Wastewater discharge permits shall contain the following conditions:
- (3) ~~Pretreatment~~ standards and effluent limits based on the

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general and specific prohibited City discharge standards, ~~local limits~~, and all applicable law.

- (5) A statement of applicable penalties for violation of permit limits ~~pretreatment standards~~ and requirements, and any required compliance schedule. Such schedule may not extend the time for compliance beyond that required by Federal, State or local law; and

B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (3) Requirements for the installation of ~~pretreatment~~ technology, pollution control, or construction of appropriate containment devices, any of which would be designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW.
- (7) Requirements for the installation and maintenance of inspection and sampling facilities and equipment, if required by the Superintendent.
- (8) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal, ~~and~~ State, pretreatment and City standards, including those which become effective during the term of the wastewater discharge permit;

SECTION 602.8

The Superintendent may modify at any time the wastewater discharge permit for good cause including, but not limited to, the following:

- A. To incorporate any new or revised Federal, State, or local ~~pre~~treatment standards or requirements;
- G. Revision of, or a grant of a variance from, ~~categorical pre Municipal~~ treatment standards, ~~pursuant to 40 CFR Part 403.1;~~ and

SECTION 603. COMPLIANCE SCHEDULES

Where additional ~~pre~~treatment and/or operation and maintenance activities will be required to comply with this Ordinance, the discharger shall provide a declaration of the shortest schedule by which the discharger will provide such additional ~~pre~~treatment and/or implementation of additional operational and maintenance

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activities.

SECTION 604. REPORTING REQUIREMENTS

Baseline Monitoring Reports

- A. Within either one hundred and eighty (180) days after the effective date of a ~~category~~ POTW treatment standard, or the final administrative decision on a POTW category determination ~~under 40 CFR Part 403.6 (a) (4)~~, whichever is later, existing ~~category~~ users currently discharging to or scheduled to discharge to the POTW shall be required to submit to the City a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources and sources that become ~~category~~ users subsequent to the promulgation of an applicable ~~category~~ standard, shall be required to submit to the City a report which contains the information listed in paragraph B, below. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.
- B. Users described in paragraph A above shall submit the information set forth below:
- (4) Information showing the measured average daily ~~and maximum daily~~ flow, in gallons per day, to the POTW from regulated process streams and other streams, ~~as necessary, to allow use of the combined wastestream formula set out in 40 CFR Part 403.6~~ (e).
- (5) A. The ~~category~~ pretreatment standards applicable to each regulated process.
- B. The results of sampling and analysis identifying the nature and concentration, and/or mass where required ~~by the standard or~~ by the City, of regulated pollutants in the discharge from each regulated process. Instantaneous ~~daily maximum and long term average~~ concentrations ~~or mass~~, where required, shall be reported. The sample shall be representative of daily operations and shall be sampled and analyzed in accordance with the provisions of Article 6, Sections 604.8 and 604.9 of this Ordinance.
- (6) A statement, reviewed by the user's authorized representative and certified by a qualified

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professional, indicating whether ~~pre~~treatment standards are being met on a consistent basis, and if not, whether additional Operation & Maintenance and/or ~~pre~~treatment is required to meet the ~~pre~~treatment standards and requirements.

- (7) If additional ~~pre~~treatment and/or Operation & Maintenance will be required to meet the ~~pre~~treatment standards, the shortest schedule by which the user will provide such additional ~~pre~~treatment and/or Operation & Maintenance. The completion date in this schedule shall not be later than the compliance date established for the applicable ~~pre~~treatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Article 6, Section 603 of this Ordinance.
- (8) All ~~baseline~~ monitoring reports must be signed and certified in accordance with Article 6, Section 601.1 (11) of this Ordinance.

SECTION 604.2 Report on Compliance with ~~Categorical Pretreatment Standard Deadline~~

Within ninety (90) days following the date for final compliance with applicable ~~categorical pre~~treatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such ~~pre~~treatment standards and requirements shall submit to the City a report containing the information described in Article 6, Section 604 (B) (4-6) of this Ordinance. ~~For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR Part 403.6 (c), this report shall contain a reasonable measure of the user's long-term production rate.~~ For all other users subject to ~~categorical pre~~treatment standards expressed in terms of allowable pollutant discharge per unit of production or other measure of operation, this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Article 6, Section 601.1 (11) of this Ordinance.

SECTION 604.3 Periodic Compliance Reports (#18)

- A. ~~If required,~~ all ~~significant industrial~~ user(s) shall, at a frequency determined by the Superintendent, ~~but in no case less than twice per year in June and December,~~ submit a report indicating the nature ~~and concentration~~ of pollutants in the discharge ~~which are limited by pretreatment standards~~ and the

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~~measured or~~ estimated average ~~and maximum~~ daily flows. ~~for the reporting period.~~ In cases where the ~~Pre~~treatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by [the Superintendent] or the ~~Pre~~treatment Standard necessary to determine the compliance status of the User. All periodic compliance reports must be signed and certified in accordance with Article 6, Section 601.1 (11) of this Ordinance.

SECTION 604.5 Reports of Potential Problems (#18)

- A. In the case of any discharge, including, but not limited to, hazardous waste discharges, accidental discharges, discharges of a non-routine or episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user. ~~Significant Industrial~~ Users are required to notify the Superintendent immediately of any changes at its facility affecting the potential for a slug discharge.

SECTION 604.6 Notification of the Discharge of Hazardous Waste

In addition to all other requirements of this Ordinance, any user who commences to discharge into the POTW a substance which, if otherwise disposed of, would be a hazardous waste ~~under 40 CFR Part 261~~, shall notify the POTW, the EPA Regional Waste Management Division Director and Maine hazardous waste authorities, in writing, within five (5) days of the discharge, of any such discharge. Such notification must include the name of the hazardous waste ~~as set forth in 40 CFR Part 261~~, the EPA hazardous waste number, the type of discharge (continuous, batch or other) and the user's plan to avoid future discharges of the same or other hazardous waste. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, natural resources or other damage to person or property; nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this Ordinance.

SECTION 604.8 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or a report required by this Ordinance shall be performed in accordance with the techniques prescribed in Standard Methods, Editions 18-22. 40 CFR Part 136, ~~unless otherwise specified in an applicable categorical~~

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~~pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with appropriate procedures approved by the EPA.~~

SECTION 604.9 Sample Collection (#18)

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report based on data that is representative of conditions occurring during the reporting period. [Note: the Control Authority is required to indicate the frequency of monitoring necessary to assess and assure compliance by the User. ~~with applicable Pretreatment Standards and Requirements~~].

~~[Note: In the Streamling Rule changes, Paragraphs A and B below have been deleted from 40 CFR 403.12(b) (5) and added to 40 CFR 403.12(g) (3). The original paragraphs relate to Categorical Industrial User monitoring reports only while the relocated paragraphs apply to all SIU monitoring.]~~

- A. Except as indicated in paragraph B ~~and C~~ below, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by [the Superintendent]. Where time-proportional composite sampling or grab sampling is authorized by [the City], the samples must be representative of the discharge. ~~Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by [the City], as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits. [Note: Required Streamlining Rule Change. See 40 CFR 403.12(g)(3)].~~
- B. Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab sample collection techniques.

~~C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used~~

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~~for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling are available, [The Superintendent] may authorize a lower minimum. For the reports required by paragraphs Section 604.3 (40 CFR 403.12(e) and 403.12(h), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.~~

SECTION 604.10 Determination of Noncompliance

The Superintendent will use appropriate sampling to determine noncompliance with ~~pre~~pretreatment standards, including the use of standard methods.

SECTION 605.2 Administrative Inspection Warrants

If the Superintendent has been refused access to any building, structure or property, or any part thereof, for the purpose of inspecting, sampling or otherwise monitoring compliance with this Ordinance, the Superintendent shall seek to secure an administrative inspection warrant pursuant to M.R.Civ.P. 80E. The warrant, if issued by the District Court, shall be executed pursuant to M.R.Civ.P. 80E and the Superintendent shall be accompanied by a uniformed City police officer during said execution. The cost of attorney and legal fees that the City occurs during this process will be absorbed by the ~~Industrial~~ User.

SECTION 605.3

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be made in accordance with analytical procedures specified by the ~~Superintendent U.S. EPA as currently set out in 40 CFR Part 136,~~ and shall be determined at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four or whether a grab sample or samples should be taken. Normally, but not always, BOD and TSS analyses are obtained from a 24-hour composite of all outfalls whereas pH's are determined from periodic grab samples).

~~**SECTION 606. NATIONAL PRETREATMENT STANDARDS**~~

~~National Categorical Pretreatment Standards as promulgated by the U.S. EPA pursuant to the Act shall be met by all dischargers. An~~

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~~application for modification of the National Categorical Pretreatment Standards may be submitted to the Regional Administrator by the City when the City's wastewater treatment system achieves consistent removal of the pollutants as defined by 40 CFR Section 403.7.~~

~~**SECTION 606.1 (#18)**~~

~~Any discharger subject to the National Categorical Pretreatment Standards as defined in Article 1 of this Chapter, after compliance date of such National Categorical Pretreatment Standard, or, in the case of a new discharger, after commencement of the discharge to the POTW shall submit to the Superintendent during the months of June and December of each year, unless required more frequently by the City or the U.S. EPA, a report indicating the nature and concentrations of known or suspected prohibited and/or regulated substances in the effluent which are limited by the National City Categorical Pretreatment Standards. Such reports shall be signed by the principal executive officer of the discharger, and shall contain the certification required in Article 6, Section 601.1 (11) of this Ordinance Chapter. In addition, such reports shall include a record of all measured or estimated average and daily maximum flows, BOD and TSS loadings during the reporting period. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with Section 606.1.~~

~~A. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Superintendent. The City may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 606.1(A) through 606.1 (B) below:~~

~~1. To be eligible for equivalent mass limits, the Industrial User must:~~

~~(a) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and have not used dilution as a substitute for treatment;~~

~~(b) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams based on data~~

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~~from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;~~

~~(c) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.~~

~~2. An Industrial User subject to equivalent mass limits must:~~

~~(a) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;~~

~~(b) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;~~

~~(c) Continue to record the facility's production rates and notify the Superintendent whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 606.1(A)(1)(c) of this section. Upon notification of a revised production rate, the Superintendent will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and~~

~~(d) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs 606.1(A)(1) of this section so long as it discharges under equivalent mass limit.~~

~~3. When developing equivalent mass limits, the Superintendent:~~

~~(a) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;~~

~~(b) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and~~

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~~(c) May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 507. The Industrial User must also be in compliance with Section 13.3 regarding the prohibition of bypass.~~

~~B. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section 610 in lieu of the promulgated categorical standards from which the equivalent limitations were derived. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the Superintendent within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Superintendent of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.~~

SECTION 607. CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, surveys, wastewater discharge permit and monitoring programs, and from the City's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the user under applicable State law. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose such confidential information shall not be made available for inspection by the public, unless ordered by a court of competent Jurisdiction, but shall be made available immediately upon request to State and Federal governmental agencies for uses related to the ~~NPDES MEPDES~~ program or ~~pre~~treatment program, and in enforcement proceedings involving the person furnishing the report. ~~Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR Part 2.302 will not be recognized as confidential information and will be available to the public without restriction.~~

SECTION 608. SPECIAL AGREEMENTS

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No statement contained in this Ordinance shall be construed as preventing any special agreement or arrangements between the City and any industrial user concern whereby ~~an a industrial user~~ waste of unusual strength or character may be accepted by the City for treatment, subject to the payment thereof, by the industrial user concern, provided that such arrangements not contravene any requirements of existing Federal laws or regulations, including the City's MEPDES permit requirements, and are compatible with any user charge and industrial cost recovery system in effect. (#13)

SECTION 609. PUBLICATION OF USERS IN ~~SIGNIFICANT~~ NONCOMPLIANCE (#18)

The Superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in ~~Significant~~ Noncompliance with the applicable ~~Pre~~treatment Standards and Requirements. The term ~~Significant~~ Noncompliance shall be applicable to all ~~Significant Industrial~~ Users (~~or any other Industrial User~~ that violates Section 902.6).

~~**SECTION 610. CALCULATED TECHNICALLY BASED LOCAL LIMITS FOR INDUSTRIAL DISCHRGERS (#8)**~~

~~Calculated Technically Based Local Limits, as defined in 40 CFR 403.5 (c), as developed and promulgated by the Water Pollution Control Facility, shall be met by all Industrial Dischargers of wastewater into the City of Brewer Collection System and/or Water Pollution Control Facility.~~

~~Failure to meet these limits may result in a fine up to \$1000.00 per day, one year in jail or both.~~

~~The Local Limit Parameters and Maximum Daily Limit are as listed below.~~

~~**TABLE 1**~~
~~**Local limits for the City of Brewer, Maine**~~
~~(February 12, 2002)~~

<u>Parameter</u>	<u>Maximum Daily Limit (mg/L)</u>
Arsenic	0.10
Cadmium	0.14
Chromium	2.64
Copper	2.59
Cyanide	0.25
Lead	0.26
Mercury	0.02
Molybdenum	0.77
Nickel	2.59

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Selenium	10.01
Silver	0.66
Zinc	MAHL

~~LOCAL LIMITS~~

~~The purpose of development and implementation of local limits is to control conventional, non-conventional, and toxic pollutant discharges from non-domestic industrial users, (IUs) to the Brewer Water Pollution Control Facility. Discharges targeted for regulation include those that will interfere with the operation of the Water Pollution Control Facility, sludge use or disposal, and cause pass through or interference. In short, Development of Technically Based Local Limits establish **Enforceable** local requirements developed by the City's Water Pollution Control Facility to address Federal Standards as well as State and Local regulations.~~

~~LOCAL LIMITS DEVELOPMENT PROCESS (#18)~~

~~Local Limits development requires the City's Water Pollution Control Facility to use site-specific data to identify pollutants of concern which might reasonably be expected to be discharged in quantities sufficient to cause plant or environmental difficulties. The Water Pollution Control Facility has decided to select, as a technical approach for limit development the "**Allowable Headwork's Loading Method**". In this procedure, the City's Water Pollution Control Facility will convert environmental and plant protection criteria into maximum allowable headwork's loading that, if received, would still enable the Water Pollution Control Facility to meet environmental limits and avoid plant interference. The Superintendent may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits [or general permits (optional)], to implement Local Limits and requirements of Section 610.~~

ARTICLE 6-A - CATCH BASINS

SECTION 602-A REGISTRATION

Prior to June 15, 1995, any person(s) or entity(ies) who own catch basins which are connected to the City of Brewer's combined storm water - sanitary sewer lines shall register said catch basins with the Director of ~~Public Works~~ the POTW for the City of Brewer.

SECTION 603-A

The Director of ~~Public Works~~ the POTW for the City of Brewer shall design the form to be used to register the catch basins.

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SECTION 604-A CATCH BASIN USER FEES

All catch basins shall be charged a user fee to be connected to combined storm water - sanitary sewer lines ~~as follows:~~
~~(see the City of Brewer Schedule of Fees).~~

~~Beginning July 1, 1996, a user fee of \$50.00 per quarter.~~
~~Beginning July 1, 1997, a user fee of \$75.00 per quarter.~~
~~Beginning July 1, 1998, a user fee of \$100.00 per quarter.~~
~~Beginning July 1, 1999, a user fee of \$150.00 per quarter.~~
~~Beginning July 1, 2000, a user fee of \$175.00 per quarter.~~
~~Effective beginning with the period covered by the December, 2001 billing, a user fee of \$200.00 per quarter.~~
~~Effective beginning with the period covered by the September, 2002 billing, a user fee of \$250.00 per quarter.~~
~~(#3) (#6) (#9) (#10)~~

SECTION 606-A PENALTIES

Any person or entity required to register a catch basin pursuant to Section 601-A of this Article shall pay a penalty of \$2.00 per month, or portion thereof, for each month the catch basin is not registered with the Director of ~~Public Works the~~ POTW, and all user fees and related fees under Article 12 of this Ordinance shall apply as of July 1, 1995.

ARTICLE 6-B NON-STORMWATER DISCHARGE ORDINANCE

SECTION 602-B DEFINITIONS

D. Exempt Person or Discharge. "Exempt Person or Discharge" means any person who is subject to a Multi-Sector General Permit ~~for Industrial Activities~~, a General Permit for Construction Activity, a General Permit for the Discharge of Stormwater from the Maine Department of Transportation and the Maine Turnpike Authority Municipal Separate Storm Sewer Systems, or a General Permit for the Discharge of Stormwater from State or Federally Owned Authority Municipal Separate Storm Sewer System Facilities; and any Non-Storm Water Discharge permitted under a ~~NPDES~~ MEDES permit, waiver, or waste discharge license or order issued to the discharger and administered un the authority of the U.S. Environmental Protection Agency ("EPA") or the Maine Department of Environmental Protection ("DEP").

~~**E. Industrial Activity.** "Industrial Activity" means activity or activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26(b)(14).~~

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Q. Urbanized Area ("UA"). "Urbanized Area" or "UA" means the areas of the State of Maine so defined by the latest ~~decennial~~ ~~(2000)~~ (2020) census by the U.S. Bureau of Census.

SECTION 605-B PROHIBITION OF NON-STORM WATER DISCHARGES

C. Exempt Person or Discharge. This ordinance shall not apply to an exempt person or discharge, except that the enforcement authority may request ~~form~~ from exempt persons and persons with exempt discharges copies of permits, notices of intent, licenses, and orders from the EPA or DEP that authorize the discharge(s).

SECTION 608-B ENFORCEMENT

D. Appeal of Notice of Violation. Any person receiving a notice of violation or suspension notice may appeal the determination of the enforcement authority to the Board of Appeals in accordance with the City of Brewer Board of Appeals Ordinance. The notice of appeal must be received within thirty (30) days from the date ~~if~~ of notice of violation. The Board of Appeals shall hold a *de novo* hearing on the appeal within thirty (30) days from the date of receipt of the notice of appeal. The Board of Appeals may affirm, reverse, or modify the decision of the enforcement authority. A suspension under Section 6 of this ordinance remains in place unless or until lifted by the Board of Appeals or by a reviewing court. A party aggrieved by the decision of the Board of Appeals may appeal that decision to the Maine Superior Court within forty-five (45) days of the date of the Board of Appeals decision pursuant to Rule 80-B of the Maine Rules of Civil Procedure.

APPENDIX 1

Maintenance Agreement for Storm Water Management Facilities and/or Systems

1. The Owner agrees as follows:

(f) The property owner will be responsible for any and all filing fees related to 3rd party agreements associated with the property's management agreement.

ARTICLE 7 - HAULED WASTEWATER

SECTION 701.

Septic tank and holding tank waste are defined in Article 1, Section 100.3 Definitions. Hauled septic tank and holding tank waste ~~and industrial waste~~ may be introduced into the POTW only at the designated receiving structure of the POTW and at such times as are established by

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the Superintendent. Waste from portable toilets must be recorded at the point where the toilets were placed even ~~through~~ though these wastes may have been combined into a common tank for short-term storage prior to delivery to the City of Brewer's Water Pollution Control Facility. Such wastes shall not violate Article 5, Section 506 of this Ordinance or any other requirements established or adopted by the City. Wastewater discharge permits for individual vehicles to use such facilities may be issued by the Superintendent. (#7)

SECTION 701.1 PERMITS

Each truck used by a septic hauler to transport wastes to the City's septage receiving station is required to have a permit to discharge. Each permit will include the license plate number of the vehicle for which it is issued and cannot be transferred to another vehicle. Any septage hauler wishing to discharge septage/holding tank waste at the receiving station must first request a permit by completing an application. Each applicant for a permit shall be charged a non-refundable fee of ~~Twenty-Five~~ One Hundred Dollars ~~(\$25.00)~~ (\$100.00) made payable to the City of Brewer. This fee must accompany the initial application form.

SECTION 701.2 PERMIT RENEWAL

Permits shall be issued on a One (1) year basis. ~~Permits may be renewed at no charge if the renewal is applied for sixty (60) days prior to the expiration date of the permit. Permit renewals must be submitted no later than December 1st to allow time to process the renewal application.~~ Late applications shall be subject to a Twenty Dollar (\$20.00) service charge. Permits may be renewed by submitting a letter requesting renewal with the reference to the number of the permit being renewed. The applicant shall include with the letter the license plate number of the vehicle for which the permit was issued and an updated copy of insurance coverage, as well as the \$100.00 application fee.

SECTION 702. DISCHARGE FEES (#1) (#17) (#24)

~~Fees for treatment of septage, holding tank waste and grease (if permitted) shall be established by the City Council in accordance with the provisions of this chapter. The rate shall be established per One Thousand (1000) gallons or portions thereof.~~

~~Septage Waste \$60 per 1000 gallons~~

~~For Haulers Committing to 1,000,000/gal. per yr. \$55 per 1000 gallons~~

~~For Haulers Committing to 2,000,000/gal. per yr. See Frost Septic Contract~~

~~Section 4, Compensation~~

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Holding Tank Waste	\$60 per 1000 gallons
Propylene Glycol (ANG & BIA)	Cost based on strength (BOD)
Leachate (Landfills)	Cost based on strength (BOD)
Soil Preparation Wastewater	Cost based on strength (BOD)
Grease	\$100.00/1000 gallons

The Brewer Environmental Services Director shall establish and update as needed, a schedule of fees for all hauled wastewater services provided by the Brewer Environmental Services Department.

The schedule of fees shall be based on actual costs of the services and that which is usual, customary, and reasonable, which may include any Brewer City Ordinances contained in Chapter 31.

(Per Council Order 2022-C008)

SECTION 703. DISCHARGE REQUIREMENTS (#24)

A. The permitted vehicle must be equipped with a suitable discharge hose. This shall extend from the truck's discharge point to ~~below~~ the ~~rim of the manhole connection in the Septic Receiving Station~~, currently being used for septage/holding tank waste discharging.

C. Any spillage of the truck's contents onto the ground near the ~~manhole~~ Septage Receiving Station may constitute a health hazard as well as a nuisance. Immediate ~~clean-up~~ cleanup of such spillage is the responsibility of the hauler. (#1)

F. The maximum daily limit of septage and holding tank waste is ~~Twenty-five Thousand (25,000)~~ Fifty-two Thousand (52,000) gallons per day on a first come first serve basis. Septic and holding tank wastes are accepted twenty-four (24) hours per day, seven days per week, 365 days per year. ~~between the hours of 7:00 A.M. and 3:00 P.M., Monday through Friday except Holidays. It is recognized that unusual eumstances may require exceptions, and the Superintendent is willing to work with all haulers as long as there is advance notification. (#1) (#3)~~

G. Haulers shall not decant a load of septic prior to unloading at Septic receiving.

SECTION 704. DISCHARGE PROCEDURE

The Superintendent requests ~~a Twenty-four hour notice of a discharge.~~ all haulers notify the POTW at least 30 minutes prior to delivering any waste. ~~notice of a discharge.~~ Only Official Septic Waste Disposal Records of the City of Brewer will be accepted, in conjunction with a State Manifest. The hauler must come to the POTW located at 37 Oak Street and complete an official discharge slip and to make payment of the discharge fee. Payment is expected at this time

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unless the hauler has made previous ~~(written)~~ arrangements with the Superintendent, such as monthly billings. If samples are required at the time of the discharge, the hauler will be given a container and will collect a sample during the discharge. The sample will be left at the discharge site and retrieved by City staff. Failure to collect a samples may be grounds for refusing future loads from the hauler.

~~Wastewater personnel must be present during the disposal.~~ (#1) (#13) (#24)
SECTION 706.2

Waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, sources of waste, and volume and characteristics of the waste. In addition, for hauled industrial waste, the form shall identify the type of industry, known or suspected constituents, and whether any wastes are RCRA hazardous wastes.

SECTION 706.3

Any person who discharges hauled wastewater at any other location in the City, ~~or at the designated receiving structure at other than the times allowed,~~ shall be subject to applicable civil and criminal penalties, including those proscribed at 30-A M.R.S.A. Section 4452 and 38 M.R.S.A. Section 439 and 1319-T, as the same may be amended from time to time. (#1)

ARTICLE 9 - ENFORCEMENT SECTION & PENALTIES

SECTION 900

The Superintendent is hereby empowered ~~(in accordance with CFR 40 Part 403.8 f.1.), as the same may be amended from time to time,~~ to issue Notices of Violation, Administrative Orders, conduct show cause hearings, assess administrative fines (penalties) that shall not exceed \$1,000 per day per violation to ~~an industrial user or~~ any ~~other~~ user of the Brewer sewer system for violations of their ~~pretreatment~~ permit or violations of this Ordinance. Payment of a fine is due within 30 days of receipt of the administrative fine. A user desiring to dispute such fines must file a request for the Superintendent to reconsider the fine within 10 days of being notified of the fine. Where the Superintendent believes a request has merit, he/she shall convene a hearing on the matter within 15 days of receiving the request for reconsideration.

The Superintendent may order any ~~industrial~~ user which causes or contributes to violations of the Ordinance, wastewater permit, or order issued hereunder, to show cause why a proposed enforcement action should not be taken.

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For noncompliance not specifically covered in the above schedule, the following may be considered in determining administrative fines (ranging from \$50 to \$1,000/day/violation):

~~2. Violation which cause - SNC~~

SECTION 901. INDUSTRIAL WASTEWATER PRETREATMENT ENFORCEMENT RESPONSE GUIDE

KEY OF ABBREVIATIONS & TERMS USED IN ARTICLE 9

BMR	Base-line Monitoring Report
Civil Litigation	Civil Litigation against the Industrial User seeking equitable relief, monetary penalties and actual damages.
Fine	Monetary Penalty assessed by Control Authority Officials. Fine should be assessed by the Pretreatment Coordinator or the BWWT Superintendent.
IU <u>User</u>	Industrial <u>Any sewer</u> <u>U</u> -user
NC	Non-compliance
PC	Pretreatment Coordinator
Show Cause	Formal meeting requiring the IU <u>User</u> to appear and demonstrate why the City should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.
SNC	Significant Noncompliance

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SECTION 902. ~~INDUSTRIAL~~ WASTEWATER ~~PRETREATMENT~~ ENFORCEMENT RESPONSE GUIDE

All ~~significant industrial~~ users shall may be issued ~~an a industrial pretreatment~~ permit. The City shall act on violations of any ~~industrial pretreatment~~ permit provision in accordance with the response as set in Article 9, Sections 902.2 through 902.7.

SECTION 902.1 DEFINITION: ~~SIGNIFICANT INDUSTRIAL~~ USER

1. All dischargers subject to State and/or City POTW ~~categorical pretreatment~~ standards;
2. All non-categorical dischargers that, in the opinion of the City of Brewer, have a reasonable potential to adversely affect the BMWTP's operation;
3. All non-categorical dischargers that contribute a process wastewater which makes up five percent or more of the average dry weather capacity of the BMWTP, or that discharge an average of 25,000 gallons per day or more of process wastewater to the BMWTP;
4. All dischargers that have the potential to violate any ~~of the pretreatment~~ standards or prohibitions.

SECTION 902.2 NONCOMPLIANCE WITH SAMPLING AND MONITORING PROCEDURES

NONCOMPLIANCE	CIRCUMSTANCES	RANGE OF RESPONSE	PERSONNEL
FAILURE TO SAMPLE, MONITOR OR REPORT (ROUTINE REPORTS, BMRTS).	Isolated or infrequent	Phone call or NOV requiring	PE <u>S</u>
Same as above.	FU does not respond to the verbal warning or NOV.	AO is issued with compliance schedule.	PE <u>S</u>
Same as above.	FU does not respond to the AO or is in frequent violation - SNC	Publish FU in local news-paper as SNC with the possibility to seek or assess up to \$1,000 per day in civil penalties or criminal investigation.	<u>S</u>

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NONCOMPLIANCE	CIRCUMSTANCES	RANGE OF RESPONSE	PERSONNEL
FAILURE TO NOTIFY OF EFFLUENT LIMIT VIOLATION OR SLUG DISCHARGE.	Isolated or infrequent. No known effect to BMWTP or environment.	Phone call with NOV requiring a written report with corrective action taken to prevent recurrence. Report within ten days.	PE , <u>S</u>
Same as above.	No response to NOV, continued or recurring violation - SNC	AO with a show cause meeting with compliance schedule. Publish IU in newspaper, assess up to \$1,000 per day in penalties.	PE , <u>S</u>
Same as above.	Known BMWTP damage or environmental damage - SNC	Publish IU in newspaper and assess up to \$1,000 per day in penalties or possible sewer ban and criminal investigation.	<u>S</u>
FAILURE TO NOTIFY OR REPORT A SPILL OR CHANGE IN DISCHARGE.	Isolated or Infrequent	NOV requiring written report within ten days, with corrective action and action to prevent recurrence.	PE , <u>S</u>
Same as above.	IU does not respond to NOV, no environmental and/or BMWTP damage - SNC	AO, or civil penalty of up to \$1,000 per day, publish in newspaper.	<u>S</u>
Same as above.	Recurring or environmental and/or BMWTP damage - SNC	Publish IU in newspaper, assess up to \$10,000 per day in penalties and/or jail and sewer ban.	<u>S</u>
MINOR SAMPLING, MONITORING OR REPORTING DEFICIENCIES.	Infrequent or isolated.	Phone call or NOV requiring report within ten days.	PE , <u>S</u>

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NONCOMPLIANCE	CIRCUMSTANCES	RANGE OF RESPONSE	PERSONNEL
Same as above. recurring.	No response to NOV or schedule. If continued,	AO with compliance publish FU in newspaper.	PE , S
MAJOR OR GROSS SAMPLING, MONITORING OR REPORTING DEFICIENCIES (MISSING INFORMATION, LATE REPORTS).	Infrequent or isolated.	NOV - request corrections within ten days.	PE <u>S</u>
Same as above.	No response to NOV or frequent - SNC	AO with compliance schedule. If continued, publish FU in newspaper, assess up to \$1,000 per day in penalties.	PE , S
FAILURE TO SIGN OR CERTIFY REPORTS PROPERLY	Infrequent or isolated	Phone call or NOV requiring report within ten days.	PE <u>S</u>
Same as above.	FU does not respond to the verbal warning or NOV.	AO, with show cause meeting with compliance schedule.	PE , S
Same as above.	FU does not respond to the AO is in frequent violation - SNC	Publish FU in local newspaper as SNC with the possibility to seek or assess up to \$1,000 per day civil penalties or criminal investigation, sewer ban.	S
REPORTING FALSE INFORMATION.	Any instance - SNC	Criminal investigation and judicial action with a penalty up to \$10,000 per day, one year in jail or both, sewer ban. Publish FU in newspaper.	S

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SECTION 902.3 IMPLEMENTATION SCHEDULE

NONCOMPLIANCE	CIRCUMSTANCES	RANGE OF RESPONSE	PERSONNEL
MISSED INTERIM DATE.	Will not cause late final date or other interim dates.	NOV	PG <u>SI</u>
Same as above.	Will result in missed interim dates. Violation for valid cause.	NOV - written report required within ten days.	PG <u>SI</u>
Same as above.	Failure or refusal to comply without valid cause - SNC	AO, publish FU in newspaper, up to \$1,000 per day penalty with sewer ban if necessary.	PG , S
FAILURE TO INSTALL MONITORING EQUIPMENT.	Isolated.	NOV - written report of corrective action taken required within ten days.	PG <u>SI</u>
Same as above.	Continued - SNC	AO to begin monitoring and install equipment within minimal time, temporary sewer ban. (Using outside contracts if necessary.) Publish FU in newspaper.	PG , S

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SECTION 902.4 EFFLUENT LIMITS			
NONCOMPLIANCE	CIRCUMSTANCES	RANGE OF RESPONSE	PERSONNEL
<p>EXCEEDING DAI LIMITS (CATEGORICAL, LOCAL OR PROHIBITED).</p>	<p>Infrequent, isolated minor violation.</p>	<p>NOV</p>	<p>PE <u>S</u></p>
<p>EXCEEDING FINAL LIMITS (MONTHLY, AVERAGE LIMITS, CATEGORICAL, LOCAL OR PROHIBITED).</p>	<p>Infrequent, isolated, minor violation.</p>	<p>NOV requiring a written re- port within ten days, with corrective action and action taken to prevent recurrence.</p>	<p>PE <u>S</u></p>
<p>Same as above.</p>	<p>FU does not respond to NOV or recurring vio- lation SNC</p>	<p>AO or civil penalty of up to \$1,000 per day, one year in jail or both. Publish FU in newspaper.</p>	<p>PE, <u>S</u></p>
<p>EXCEEDING DAILY <u>AVERAGE</u> LIMITS AND/OR FINAL LIMITS.</p>	<p>Infrequent, isolated, major violation.</p>	<p>Show cause meeting and AO with compliance schedule.</p>	<p>PE, <u>S</u></p>
<p>Same as above.</p>	<p>Recurring major vio- lation. No BMWTP or environmental damage - SNC</p>	<p>Publish FU in newspaper, assess up to \$1,000 per day in penalties and/or sewer ban.</p>	<p><u>S</u></p>
<p>Same as above.</p>	<p>Recurring major vio- lation environmental and/or BMWTP damage - SNC</p>	<p>Publish FU in newspaper, assess up to \$10,000 per day in penalties and/or one year in jail and sewer ban.</p>	<p><u>S</u></p>
<p>REPORTED SLUG LOAD</p>	<p>Isolated without known damage.</p>	<p>Show cause meeting with AO that action be taken to pre- vent recurrence. Publish FU in newspaper.</p>	<p>PE <u>S</u></p>

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NONCOMPLIANCE	CIRCUMSTANCES	RANGE OF RESPONSE	PERSONNEL
Same as above.	Isolated with known damage interference or pass through - SNC	Publish FU in newspaper, assess up to \$1,000 per day in penalties.	CP , S
Same as above. per day in penalties and/or	Recurring - SNC	Sewer ban, up to \$10,000 one year in jail. Publish FU in newspaper.	S
DISCHARGE WITHOUT A PERMIT OR APPROVAL	One time without known environmental or BMWTP damage.	AO with a written report within ten days with corrective action to prevent recurrence.	PE , S
Same as above.	One time with known BMWTP or environmental damage, a recurring violation - SNC	Judicial action with up to \$1,000 per day in penalties. Publish FU in newspaper.	S
Same as above. mental or BMWTP damage	Continuing violation with known environmental investigation. - SNC	Assess up to \$10,000 per day in penalties with Publish FU in newspaper.	S

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SECTION 902.5 NONCOMPLIANCE DETECTED THROUGH INSPECTIONS OR FIELD INVESTIGATIONS			
NONCOMPLIANCE	CIRCUMSTANCES	RANGE OF RESPONSE	PERSONNEL
MINOR VIOLATION OF ANALYTICAL PROCEDURES	Any instance.	NOV with written response within ten days.	PG S
MAJOR VIOLATION OF ANALYTICAL PROCEDURES	No evidence of negligence or willful intent.	NOV with written response within ten days documenting corrective action taken.	PG S
Same as above.	Evidence of negligence or willful intent - SNC	AO publish ±U in newspaper penalty with possible criminal action.	PG, S
MINOR VIOLATION OF PERMIT CONDITION	No evidence of negligence or willful intent.	NOV - immediate correction, require a written response within ten days.	PG S
Same as above.	Evidence of negligence or willful intent - SNC	AO or judicial action or up to \$10,000 per day with possible criminal action. Publish ±U in newspaper.	S
MAJOR VIOLATION OF PERMIT CONDITION	Evidence of negligence or willful intent - SNC	Judicial action with penalty up to \$10,000, criminal action, sewer ban. Publish ±U in newspaper.	S

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~~SECTION 902.6 DEFINITION OF SIGNIFICANT NONCOMPLIANCE (SNC)~~
~~SNC is when one or more other following criteria is met:~~

~~Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard of Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).~~

~~Any other violations of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Superintendent determines has caused, alone or in combination with other discharges, interference or Pass Thorough, including endangering the health of POTW personnel or the general public.~~

~~Any discharge of a pollutant that is harmful to health and welfare or the environment which resulted in the Brewer Water Pollution Control Facility exercising its emergency authority (under 40 CFR 403.8 (f) (1) (vi) (B)) to halt or prevent such a discharge.~~

~~Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in the pretreatment permit or enforcement order for starting or completing construction, or attaining full and final compliance.~~

~~Failure to provide within 30 days of the due date, required reports such as Baseline Monitoring Reports (BMR), 90 day compliance progress reports, periodic self monitoring reports, monthly reports, and compliance schedule reports.~~

~~Failure to report noncompliance accurately.~~

~~Any other violation(s), which may include a violation of Best Management Practices, which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.~~

~~These definitions have been established in accordance with 40 CFR 403.8 (f) (2) (vi).~~

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SECTION 902.7 TIMEFRAMES FOR ENFORCEMENT RESPONSES

- A. All violations will be identified and documented within five (5) days of receiving compliance information. The WWTP Superintendent ~~and/or Pretreatment Coordinator~~ will be responsible for initiating enforcement responses.
- B. Initial enforcement responses (involving contact with the ~~FU~~ and requesting information or corrective or preventive actions) will occur within five (5) days of violation detection.
- C. Follow up actions for continuing or recurring violations will be taken within thirty (30) days of the initial enforcement response. For all continuing violations, the response will also include a compliance schedule.
- D. Violations which threaten health, property or the environment are considered emergencies and will receive an immediate response.

~~E. All violations meeting the criteria for SNC Article 9, Section 902.6 will be addressed with an enforcement order within thirty (30) days of the identification of significant noncompliance - SNC.~~

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SECTION 903. NOTICE OF VIOLATION

When the Superintendent finds that a user has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other ~~pre~~pretreatment standard or requirement, the Superintendent may serve upon that user a written NOV. Within ten (10) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, which must include specific required actions, shall be submitted by the user to the Superintendent. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the NOV.

SECTION 905. SHOW CAUSE HEARING

The Superintendent may order a user which has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other ~~pre~~pretreatment standard or requirement, to appear before the Superintendent and show cause why the proposed enforcement should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement actions, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally by the Superintendent or by registered or certified mail, return receipt requested, at least fourteen (14) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. Failure to appear for a show cause hearing may be grounds for revocation of the user's wastewater discharge permit and disconnection from or termination of discharge to the POTW.

SECTION 906. COMPLIANCE ORDERS

When the Superintendent finds that a user has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other ~~pre~~pretreatment standard or requirement, the Superintendent may issue an order to the user responsible for the discharge directing that the user comes into compliance within thirty (30) days. If the user does not come into compliance within thirty (30) days, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW. A compliance order may not extend the deadline for compliance established

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for a ~~Federal~~-pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

SECTION 908. ADMINISTRATIVE FINES

A. When the Superintendent finds that a user violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other ~~pre~~pretreatment standard or requirement, including a user's failure to obtain a wastewater discharge permit pursuant to Article 6, Section 602 of this Ordinance, the Superintendent may fine such user in an amount not to exceed \$1,000 per day per violation. Each day of violation shall constitute a separate offense subject to fine. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation. In the case of failure to obtain a required wastewater discharge permit, the fine shall accrue on a daily basis commencing on the day the user first was notified or became aware of the need for such a permit. The City may add the costs of preparing administrative enforcement actions, such as notices and orders, legal fees, attorney fees, to any fine assessed.

SECTION 910. TERMINATION OF DISCHARGE

In addition to the provisions in Article 6, Section 602.9 of this Ordinance, any user that violates the following conditions is subject to termination of the user's discharge to the POTW;

E. Violation of the ~~pre~~pretreatment standards in Article 5, Section 505 of this Ordinance.

SECTION 911. JUDICIAL ENFORCEMENT REMEDIES

SECTION 911.1 Injunctive Relief

When the Superintendent determines that a user has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other ~~pre~~pretreatment standard or requirement, the Superintendent may request that the City Solicitor or his designee seek appropriate injunctive relief pursuant to the laws of this State which restrains or compels the specific performance of the conditions of the wastewater discharge permit, order, or other requirements imposed by this Ordinance on activities of the user. The Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement

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for the user to conduct environmental remediation. The decision whether to seek injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

SECTION 911.2 Civil Penalties and Criminal Referral

B. A user which has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit, or other permit issued hereunder, or any other ~~pre~~treatment standard or requirement shall be required to pay a fine of not less than \$1,000 per day per violation and not more than \$2,500 per day per violation for each and every day of a violation for a first offense. These fines shall increase to a minimum of \$2,500 per day per violation and a maximum of \$25,000 per day per violation for a second offense of the same or a similar nature occurring within two (2) years of the first offense. Each day of violation shall constitute a separate offense subject to fine. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

SECTION 912. SUPPLEMENTAL ENFORCEMENT ACTION

SECTION 912. Performance Bonds

The Superintendent may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this Ordinance, a previous wastewater discharge permit or order issued hereunder, or any other ~~pre~~treatment standard or requirement, unless such user first files a satisfactory bond with the City, payable to the City, in a sum not to exceed a value determined by the Superintendent to be necessary to achieve consistent compliance with this Ordinance.

SECTION 912.1 Liability Insurance

The Superintendent may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this Ordinance, a previous wastewater discharge permit or order issued hereunder, or any ~~pre~~treatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge, which shall include naming the City as an additional insured.

SECTION 912.2 Water Supply Severance

Whenever a user violates or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or

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any other ~~pre~~treatment standard or requirement, the Superintendent will work with the Brewer Water Department to sever water service to the user under Water Department regulations, if applicable. Service will only recommence at the user's expense, after the user has satisfactorily demonstrated its ability to comply with this Ordinance. (#13)

SECTION 913. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

SECTION 913. Upset

- A. An upset shall constitute an affirmative defense to an action brought for noncompliance with ~~categorical-pre~~treatment standards if the requirements of paragraph B below are met.

- D. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with ~~categorical-pre~~treatment standards.

- E. Users shall control production of all discharges to the extent necessary to maintain compliance with ~~categorical-pre~~treatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

SECTION 913.1 Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Article 5, Section 505 of this Ordinance or the specific prohibitions in Article 5, Section 506 (A) through (P) of this Ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass-through or interference and that either: (a) a local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass-through or interference; or (b) no local limits exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its ~~NPDES~~ MEPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

SECTION 913.2 Bypass

- B. A user may allow any bypass to occur which does not cause

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~~pre~~treatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this subsection.

- C. (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Superintendent at least ten (10) days before the date of the bypass, if possible.
- (2) A user shall submit oral notice to the Superintendent of an unanticipated bypass that exceeds applicable ~~pre~~treatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The Superintendent may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

ARTICLE 12 - SCHEDULE OF SEWER RATES

SECTION 1203. SURCHARGE

QUARTERLY SEWERAGE SYSTEM SURCHARGE

Surcharge	\$0.0091/lb.	<u>\$0.0146/lb.</u>	BOD
	\$0.0062/lb.	<u>\$0.0099/lb.</u>	SS

SECTION 1205. ABILITY TO SERVE CHARGE

In instances where City sewer service exists within a public way abutting property served by private septic tank or cesspool and where connection of said septic tank or cesspool into the City sewer is possible, the owner of said property shall pay an "Ability to Serve" charge in the amount of ~~five~~ twenty dollars ~~(\$5.00)~~ (\$20.00) per quarter until such time as they connect with the public sewer.

SECTION 1208. ABATEMENTS (#25)

Effective January 1, 2015, the following abatement policy shall apply:

C. Commercial and industrial operations

Commercial, ~~industrial~~ and manufacturing ratepayers may not apply for

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an abatement of the sewer which does not reach the City's sewer system unless they meet the following requirements:

- (1) All commercial, ~~industrial~~ and manufacturing sewer user ratepayers must first receive written permission from the BWPCF Superintendent ~~and the City's Pretreatment Coordinator~~ prior to engaging in any activity that will remove water from the sewer.
- (2) If a commercial, ~~industrial~~ or manufacturing ratepayer has received permission to remove water from the City sewer and can document the volume with a meter reading they may apply for a sewer abatement request to the Superintendent.
- (3) The Superintendent after consultation with the City Manager ~~and the City Pretreatment Coordinator~~ shall make the final decision as to whether the abatement shall or shall not be granted.
- (4) No more than one (1) sewer abatement shall be given to any manufacturing, or commercial ~~or industrial~~ business in any 12_ month period.

SECTION 1210. APPLICATION OF SEWER RATES

F. When an owner or owners of a residential dwelling unit in the City of Brewer, any one of whom is sixty (60) years of age or older, disconnects water service to said residential dwelling unit and ceases to use the public sewer system for at least one hundred (100) consecutive days between October 1 and the Following May 1, said owner or owners shall upon written request, receive a rebate equal to the lowest minimum quarterly sewer bill during the same period of time, if said sewer payments are current, or a credit equal to the lowest minimum quarterly sewer bill during the same period of time if the sewer bill has not been paid.

In order for an owner or owners to avail themselves of this section, they must certify to the Finance Department of the City of Brewer on or before July 1 of each year the following information for the prior year:

C. The owner, owners, or ~~an~~ third party did not occupy the dwelling unit during the said one hundred (100) consecutive days.

SECTION 1211. ~~PRE~~TREATMENT CHARGES AND FEES

The Superintendent may adopt reasonable fees set by a City Council Order for reimbursement of the costs of setting up and operating the City's ~~Pre~~treatment Program including, but not limited to, the following:

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- A. Fees, not to exceed ~~\$200~~ \$319.80 per year pursuant to 38 M.R.S.A. Section 413, for wastewater discharge permit applications including the cost of processing such applications;

SECTION 1213.

All surcharge fees and ~~pre~~treatment charges and fees shall be set from time to time by City Council Order and shall be kept on file for public inspection with the City Clerk and the Superintendent.

SECTION 1214.

The City may establish fees for the disposal of hauled wastewater and special agreements. These fees shall be consistent with, but not necessarily the same as, regular sewer use charges. They shall be set from time to time by ~~City Council Order~~ the Superintendent (per Council Order 2022-C008) and be kept on file for public inspection with the City Clerk and the Superintendent.

ARTICLE 13 - VALIDITY & AMENDMENTS

SECTION 1302.

This Ordinance can be periodically amended as necessary to respond to changes in City, State and Federal regulations

In the event Industry comes into the City, the Industrial Pretreatment Program will be re-introduced to meet all State and Federal Regulations in Chapter 31.

Statement of Fact: This amendment to Chapter 31 addresses a number of housekeeping matters that will clarify and update the ordinance.

2023-C022

November 21, 2023

TITLE: ORDER, AMEND CHAPTER 24 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED "LAND USE CODE", ARTICLE 3 "ZONING DISTRICTS", SECTION 306.5, AND ARTICLE 4 "PERFORMANCE STANDARDS", SECTION 444.

Filed November 15, 2023
By Jenn M. Morin

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BE IT ORDAINED, by the Brewer City Council that Chapter 24, of the Charter, Codes and Ordinances of the City of Brewer, entitled “Land Use Code”, shall be amended by revising the following subsections to Article 3, and Article 4:

Article 3 Zoning Districts

306 SCHEDULE OF USES

306.5 SCHEDULE OF USES (#31) (#46) (#52) (#57)

USE	RURAL	LDR	MDR-1	MDR-2	HDR	HDR-2	CB	GB	IND	IND-2	OR	PB	DD
RESIDENTIAL USES													
Accessory Use	P	P	P	P	P	P	P				P		P
Single-family Dwelling	P	P	P	P	P	P	P	P-61			P		
Home Occupations	P	P	P	P	P	P	P				P		
Home Day Care	D-62	D-62	D-62	D-62	D-62	D-62	D-62				D-62		
Medical Marijuana Home Production	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67
Manufactured Housing*													
Mobile Home Park		S-15,16				S-15,16							
Multi-family, 3 or more, Dwelling Units (#18)		S			S	S	S	P-61			S		S-65
Planned Unit Development Of Residential Units		S	S-12,15,16	S-12,15,16	S	S-12,15,16	S-12,15,16						
<u>Short-Term Rentals</u>		<u>Y-71</u>			<u>Y-71</u>	<u>Y-71</u>	<u>Y-72</u>				<u>Y-71</u>		<u>Y-71, 65</u>
Two-family Dwelling Units (#18)		P		P	P	P	P	P-61			P		S-65

Footnotes to Schedule of Land Uses

71. Hosted Short-Term Rentals only in accordance with Article 4 Section 444. See also Chapter 20 Licenses and Permits.

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72. Non-Hosted Short-Term Rentals only in accordance with Article 4 Section 444. See also Chapter 20 Licenses and Permits.

Article 4 Performance Standards

SECTION 444. SHORT-TERM RENTALS (STRs)

The purpose of this section is to require the registration and licensing of short-term rentals within the City of Brewer to ensure that license holders comply with applicable codes and ordinances, laws and regulations in order to protect the public’s health and safety and with the intent to minimize any potential adverse impacts on adjacent properties.

This section may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section.

444.1 APPLICABILITY AND DEFINITIONS

444.1.1 This section shall apply to any person intending to operate or purvey a short-term rental as defined under this section within the City of Brewer. The provisions of this section do not apply to rooming houses, boarding homes, motels, hotels, bed and breakfasts, inns, lodging as defined under Title 30-A MRSA §3801(3), and similar commercial activities as determined by the Code Enforcement Officer. A short-term rental is not a home occupation or accessory use.

“Short-Term Rental” as defined under this Section shall mean the rental of a legal residential dwelling unit in whole or in part for residential purposes and for direct or indirect compensation for a period of less than twenty-eight (28) consecutive days to a person or persons.

“Dwelling Unit” shall mean the same as defined in Article 14 of this Land Use Code.

“Person” shall mean the same as defined in Article 14 of this Land Use Code.

“Hosted Short-Term Rental” as defined under this section shall mean a dwelling that is the primary residence of the property owner of record who occupies the premises overnight during the short-term rental period.

“Primary Residence” as defined under this section means a person or persons who permanently resides in the principal residential dwelling on the premises for greater than 183 consecutive days within any calendar year declaring domicile at the address with current valid legal documentation containing a physical address.

“Non-Hosted Short-Term Rental” as defined under this section shall mean a residential dwelling unit that may or may not be the property owner(s) primary residence and the premises is not occupied by the property owner overnight during the short term rental period.

444.2 STANDARDS AND REGULATIONS

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444.2.1 Permitting and Licensing – All short-term rentals shall be subject to inspection, unit registration, and annual licensing requirements of the City of Brewer prior to any advertisement, use, or occupancy as set forth in Chapter 20, Article 2. Licenses, of the Charter, Codes and Ordinances of the City of Brewer.

444.2.2 Use – Only the following types of dwelling units which have been issued a Certificate of Occupancy by the Code Enforcement Officer may be used in conjunction with a short-term rental in zoning districts where certain short-term rentals are allowed:

- a) an entire principal single-family detached dwelling which is not located in or part of an apartment house, semi-detached home that shares a common wall, townhome, multi-family dwelling, condominium, co-op housing, or planned unit development; or
- b) a single bedroom or no greater than two (2) bedrooms in a principal single-family detached primary residence dwelling of the property owner of record; or
- c) a legal apartment unit within either a multi-family dwelling or mixed commercial with residential use building and the building and parcel are under the same ownership; or
- d) one (1) dwelling unit inclusive of a two-family dwelling where the property and both dwelling units are under the same ownership; or
- e) a hosted short-term rental of an accessory dwelling unit as defined in Article 14 of this Land Use Code.

444.2.3 Accessory Dwelling Unit (ADU) Short-Term Rentals - Accessory dwelling units (ADUs) meeting the requirements of Section 402 shall be allowed to be used as a short-term rental only in zoning districts which allow hosted short-term rentals in accordance with Article 3 of this Land Use Code. An accessory dwelling unit (ADU) shall not be used for non-hosted short-term rentals.

444.2.4 Laws and Regulations - All short-term rentals are subject to City of Brewer Ordinances and State of Maine statutes requirements which may include but not be limited to: use of fireworks, noise limitations, disruptive activities, pet leash laws, open burning, trash disposal, etc. It shall be the responsibility of the license holder to inform any person occupying a short-term rental of such regulations.

444.2.5 Prohibited Use and Activities – The following activities and uses are prohibited in conjunction with a short-term rental:

- a. Recreational vehicles, travel trailers, camper and camping trailers, tents, temporary structures, temporary shelters, and buildings or structures not on a permanent foundation shall not be used on the premises in conjunction with a short-term rental.
- b. Affordable housing dwelling units as defined under Section 443 of this Land Use Code shall not be advertised, occupied or purveyed as a short-term rental.
- c. The owner or license holder of the short-term rental unit shall not prepare or serve food to short-term rental guests which would require a victualer’s license from the City of Brewer and/or a food/eating establishment license from the State of Maine.

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e. Short-term rental guests shall not sublease or assign all or any portion of a short-term rental unit to another person or persons.

f. It shall be prohibited for the tenants or occupants of leased and/or rented dwelling units to purvey, sublease or assign all or any portion of a dwelling unit to a person or persons in conjunction with a short-term rental.

444.3 OTHER REQUIREMENTS

444.3.1 Parking – The property owner must provide adequate parking on designated impervious surface areas to serve both the existing use(s) and the short-term rental unit on the property. Parking requirements of Section 424.3 of this Land Use Code shall be met plus one (1) additional off-street parking space shall be provided for the short-term rental unit. Emergency responder vehicle access and circulation must be maintained on the premises. No parking space shall be provided or assumed within the right-of-way of any public street or roadway.

444.3.2 Short-term rentals shall comply with State of Maine and City of Brewer shoreland zoning laws and requirements, site plan review and subdivision review requirements and all other applicable Codes and Ordinances of the City of Brewer.

Statement of Fact: These ordinance amendments are proposed in conjunction with the requirements of the State LD 2003 and subsequent legislation. The State legislation, in general, mandates that local zoning be amended to increase residential density, include affordable housing regulations, and allow for ADUs for the general purpose of increasing affordable housing. These proposed short term rental regulations would better ensure that the State mandates be used for affordable housing. The Planning Board held a public hearing on November 6, 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 amendments on the consent calendar be certified and filed with the city clerk for posting. Councilor Ferris seconded the motion. The motion passed with a unanimous vote.

H. New Items with Leave of Council

There were no new items with leave of Council.

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I. ADJOURN

ACTION: Councilor Daniels moved that the meeting be adjourned. Councilor Morin seconded the motion. The motion passed with a unanimous vote. The meeting was adjourned at 6:13 P.M.

ADJOURNED, ATTEST: _____ Vincent P. Migliore
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine

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The 2023 annual meeting was called to order by the city clerk at 6:13 P.M. The city clerk called the roll:

Councilor Goss-present
Councilor Daniels-present
Councilor-elect O'Halloran-present

Councilor Phanthay-present
Councilor Morin-present

The city clerk declared that a quorum was present. Interim City Manager Eric Glidden and City Solicitor Jonathan Pottle were also present.

A. Swearing in of Elected Officials

The city clerk swore in Dani O'Halloran as member of the City Council of the City of Brewer for a three-year term.

The city clerk swore in Mark Farley as a member of the Brewer Superintending School Committee, for a three-year term. The city clerk noted that Jacob Cross had also been elected to the Superintending School Committee for a three-year term, and that Mr. Cross' oath of office would be administered upon his return from deployment.

The city clerk swore in Jackson Day as Student Representative Member of the School Superintending Committee.

The city clerk noted that in advance of the meeting, he had met with Manley G. DeBeck, Jr. and swore him 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 Jenn Morin for Mayor. Nominations ceased. Jenn Morin was elected Mayor of the Brewer City Council by a vote of 4 to 0 (Councilor Morin abstaining). The city clerk swore in Jenn Morin as City Mayor. The city clerk turned the proceedings over to Mayor Morin.

C. Mayor's Remarks

Mayor Morin expressed her gratitude to Councilor Phanthay for his leadership as Mayor in the previous year. Mayor Morin said that the things Councilor Phanthay had shared were helpful to the Council, and that she was grateful.

D. Election of Deputy Mayor

Mayor Morin heard nominations for a City Council Member to serve as Deputy Mayor for the upcoming year. Councilor Phanthay nominated Jerry Goss for Deputy Mayor. Nominations ceased. Jerry Goss was elected Deputy Mayor by a vote of 4 to 0 (Councilor Goss abstaining).

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E. Establishment of Committees

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

- All City Councilors appointed to the Committee on Finance.
- Councilor O’Halloran and Mayor Morin appointed to serve as sub-committee to interview candidates for standing boards and committees.
- Councilor Phanthay and Mayor Morin appointed as liaisons to the School Committee.
- Councilor O’Halloran and Mayor Morin appointed as Council liaisons to the Brewer Planning Board.
- Councilor Phanthay and Councilor Daniels appointed as the Council’s liaisons to the Brewer Historical Society.
- Councilor Phanthay appointed as the Council’s liaison to the Parks and Recreation Committee.
- Councilor Goss and Mayor Morin appointed as the Council’s liaison and representative to the Bangor Area Recovery Network.
- Councilor Goss and Councilor O’Halloran appointed as the Council’s liaison and representative to the Housing Authority.

Councilor Goss noted that the Council liaison to the Penobscot County Budget Committee had not been announced. Mayor Morin explained that the position was a two-year appointment, and that Councilor Daniels would continue to serve in that position.

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

Mayor Morin announced that Kevin Forrest had been elected Chairman of the Brewer School Committee, and that Kayla Dunn had been elected Vice-Chairman.

G. New Business

2023-B035

November 21, 2023

TITLE: RESOLVE, ESTABLISH LOCATION FOR REGULAR MEETINGS.

Filed November 9, 2023
By Jerry Goss

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

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NOW, THEREFORE, BE IT RESOLVED, that for and during the year from November 21, 2023 and including November 19, 2024, the place for holding regular meetings of the City Council will be established as the Arthur C. Verow Council Chambers at Brewer City Hall, 80 North Main Street, Brewer, Maine.

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

2023-B036

November 21, 2023

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

Filed November 9, 2023
By Soubanh Phanthay

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 21, 2023 to and including November 19, 2024 regular meetings of the City Council shall be held at 6:00 p.m. on the following dates:

Tuesday,	December	12, 2023	6:00 P.M.
Tuesday,	January	9, 2024	6:00 P.M.
Tuesday,	February	13, 2024	6:00 P.M.
Tuesday,	March	12, 2024	6:00 P.M.
Tuesday,	April	9, 2024	6:00 P.M.
Tuesday,	May	14, 2024	6:00 P.M.
Tuesday,	June	18, 2024	6:00 P.M.
Tuesday,	July	9, 2024	6:00 P.M.
Tuesday,	August	13, 2024	6:00 P.M.
Tuesday,	September	10, 2024	6:00 P.M.
Tuesday,	October	15, 2024	6:00 P.M.
Tuesday,	November	19, 2024	6:00 P.M.

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

2023-B037

November 21, 2023

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

Filed November 9, 2023
By Michele Daniels

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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;*
- *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* ;and

BE IT FURTHER 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 Daniels moved that the resolve be adopted. Councilor Goss seconded the motion. The motion passed with a unanimous vote.

2023-B038

November 21, 2023

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

Filed November 9, 2023

By Dani O'Halloran

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

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“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 2024 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
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 O’Halloran moved that the resolve be adopted. Councilor Daniels seconded the motion. The motion passed with a unanimous vote.

2023-A159

November 21, 2023

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

Filed November 13, 2023
By Jerry Goss

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 Goss moved that the order have passage. Councilor Daniels seconded the motion. The motion passed with a unanimous vote.

Councilor Goss: Before we go on, I would like to just say one thing, and that’s to the Student Representative on the School Committee: make your voice heard. You represent yourself, but you represent your classmates. Don’t just sit there and take it all in, you need to be a constructive member of the School Committee. You have bright people to guide you: take advantage of it.

Councilor Daniels presented a Brewer Challenge Coin to Jackson Day Student Representative Member of the School Superintending Committee.

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Mayor Morin said that the Council would recess to go into executive session and then reconvene to adjourn the annual meeting.

The annual meeting was called back to order by Mayor Morin. The city clerk called the roll:

Councilor Phanthay-present
Councilor O'Halloran-present
Mayor Morin-present

Councilor Daniels-present
Councilor Goss-present

Mayor Morin declared that a quorum was present. Interim City Manager Eric Glidden and City Solicitor Johnathan Pottle were also present.

VI. Adjourn 2023 Annual Meeting

ACTION: Councilor Goss moved to adjourn. Councilor Phanthay seconded the motion. The motion passed by a unanimous vote. The meeting was adjourned at 7:14 P.M.

ADJOURNED, ATTEST: _____ Vincent P. Migliore
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine