

**Calais City Council – Calais City Building
April 28, 2022 - Call to Order – 6:00 pm
Pledge of Allegiance – Moment of Silence**

Mayor: Billy Howard

Councilors:

Elery Beale

Mark Carr

James Macdonald

Billy Quinn

Marcia Rogers

Michael Sherrard

1. Consent Agenda

- A. *Previous Minutes (pages 2 – 17)*
- B. *Treasurer's Warrants City through April 27, 2022* \$
- C. *Treasurer's Warrants School through April 27, 2022* \$
- D. *Treasurer's Warrant Water through April 27, 2022* \$

2. Old Business

- A. *City Manager's Report*
- B. *Follow Ups (pages 18 – 19)*
- C. *Committee Reports*
 - 1. *Finance Committee- Sherrard*
 - 2. *Property Committee- Carr*
 - 3. *Public Safety Committee- Sherrard*
 - 4. *Public Works Committee- Carr*
 - 5. *School Liaison Committee- Rogers*
 - 6. *Economic/Community Development Committee- Sherrard*
- D. *St. Croix #1, Roofing Project Bids*

3. Public Input on Agenda Items

4. New Business

- A. *School Building Project Referendum (pages 20 – 22)*
- B. *MDOT– State Communities Initiatives Program, Jarod Farn-Guillette*
- C. *Dangerous Building Consideration (pages 23 - 24)*
- D. *Sewer Abatement Request – Joan Young Acct #135(pages 25 – 28)*

5. Executive Session

- E. *Sale or Purchase of City Real Estate*

CALAIS CITY COUNCIL

APRIL 14, 2022

The first regular monthly meeting of the Calais City Council was held this date in the Council Chambers of the Calais City Building at 5:15 p.m.

Present was Mayor Howard presiding over Councilors Quinn, Sherrard, Rogers, Beale, Carr, and Macdonald.

On a motion by Councilor Sherrard and a second by Councilor Rogers, it was unanimously voted to enter Executive Session for the following:

- A. City Manager Annual Evaluation
- B. City Property discussion – St Croix #1 Roof Repair

Executive Session commenced at 5:16, and open session resumed at 6:00 p.m.

On a motion by Councilor Macdonald and a second by Councilor Sherrard it was unanimously voted to approve an additional 3-year contract for the City Manager.

It was moved by Councilor Carr, seconded by Councilor Quinn, and unanimously voted to approve the following Consent Agenda:

- A. *Previous Minutes*
- B. *Monthly Departmental Reports*
- C. *Chase Fund for April - \$300.00*
- D. *Treasurer's Warrants City through April 13, 2022*
\$308,699.00
- E. *Treasurer's Warrants School through April 13, 2022*
\$861,101.73
- F. *Treasurer's Warrant Water through April 13, 2022*
\$ 12,279.41
- G. *Liquor License Renewal – Riverview Restaurant, 419 – 423 Main Street*

The mayor then opened a Public Hearing on the following proposed Medical Marijuana Ordinance:

INSERT ORDINANCE

Following public comment, it was moved by Councilor Sherrard and seconded by Councilor Macdonald to adopt this ordinance as presented. Voting in favor were Councilors Quinn, Sherrard, Rogers, Beale, Carr, and Macdonald. Mayor Howard was opposed. Motion carried.

Attendance

Executive Session

City Manager Contract

Consent Agenda

Public Hearing – Medical
Marijuana Ordinance

CITY OF CALAIS MEDICAL MARIJUANA BUSINESS ORDINANCE
1/27/2022 draft version – Eaton Peabody

I. AUTHORITY

To regulate the location, licensing, and operation of Medical Marijuana Businesses, as authorized by Maine's Medical Marijuana laws and regulations, including but not limited to Title 22 M.R.S. § 2421 *et seq.* as amended, within the City of Calais. The City also reserves the right for additional siting and licensing requirements pursuant to Municipal Home Rule Authority (Title 30-A M.R.S. § 3001).

II. PURPOSE

Persons or entities wishing to establish a Medical Marijuana Business within the City of Calais shall first obtain a License from the City Council (hereinafter "the Municipal Officers") and shall be subject to the provisions of this Ordinance.

III. CONFLICT WITH OTHER ORDINANCES; SEVERABILITY

Whenever a provision of this Ordinance conflicts with or is inconsistent with other provisions of this Ordinance, or of any other federal, state, or local ordinance, regulation or standard, the more restrictive provision shall apply.

IV. EFFECTIVE DATE

The effective date of this Ordinance shall be the date of adoption by the City Council.

V. VALIDITY AND SEVERABILITY

Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

VI. DEFINITIONS

As used in this Ordinance, the terms below shall be defined as indicated. All other terms used in this Ordinance, if not defined below, shall have the same definition set forth in 22 M.R.S. § 2422, as amended.

A. **Applicant:** a natural person or business entity that submits an application for a License under this Ordinance for review that the City has not yet approved or denied.

B. **City Officials:** the City Manager and/or the City Code Enforcement Officer.

C. **License:** a document issued by the City officially authorizing an Applicant to operate a Medical Marijuana Business.

D. **Licensee:** a natural person or business entity licensed pursuant to this Ordinance to operate a Medical Marijuana Business.

E. **Loitering:** to stand or wait around idly or without apparent purpose.

F. **Medical Marijuana Business:** a Registered Caregiver, Caregiver Retail Store, Registered Dispensary, Medical Marijuana Testing Facility, or Medical Marijuana Manufacturing Facility.

VII. LICENSE APPLICATION

No person may establish, operate, or maintain a Medical Marijuana Business without first obtaining a License from the Municipal Officers.

A. An application for a License shall be submitted to the City Officials for site and business approval specifying the category of the business for which the applicant is filing. An application shall be submitted for initial approval, annual renewal, and change of use.

B. Before final approval is given on any License, the Applicant must present their caregiver registration from the State of Maine and any state license or approval if required by the state.

C. Only a total of three (3) Caregiver Retail Stores, Medical Marijuana Testing Facilities, and Medical Marijuana Manufacturing Facility shall be allowed to operate at one time in Calais. Registered Dispensaries are not permitted to operate in Calais. Whenever a License expires for one of the three permitted operating Caregiver Retail Stores, Medical Marijuana Testing Facilities, or Medical Marijuana Manufacturing Facilities and is not renewed, or the Municipal Officers do not renew a License for just cause, other applications may be reviewed, but the cap of three total Licenses shall be maintained for such businesses. All "grandfathered" Caregiver Retail Stores as described in 22 M.R.S. §2429-D(2) operating in Calais as of the effective date of this Ordinance, upon closure of the business and/or ceasing operations, have until the renewal date of the current year to resume business operations and renew their License. Failure to do so constitutes a lapse of the grandfathered use and loss of their License.

D. Applicants for a License within each separate category cannot be related, be domiciled together, or be owned by the same entity or ownership interest.

E. Each Medical Marijuana Business shall, at the least, meet the minimum state standards in effect for their category of business at the time of the initial and each renewal application.

F. Caregiver Retail Stores, Medical Marijuana Testing Facilities, or Medical Marijuana Manufacturing Facilities can only be located in R-4, C-1, C-2, C-3, I-1, I-2, and I-3 zones as defined by the City of Calais Land Use Codes and identified on the City of Calais Zoning and Shoreland Zoning Map.

G. No Caregiver Retail Store, Medical Marijuana Testing Facility, or Medical Marijuana Manufacturing Facility shall be located within 1,000 feet of a property line of Schools, Daycares, Places of Worship, City Playgrounds and Parks including the City Recreation Center.

H. Caregiver Retail Stores can only be open to the public between the hours of 7 am and 10 pm Monday through Sunday.

I. No Loitering is allowed anywhere on the property of a Medical Marijuana Business.

J. Registered Caregiver activities, in addition to Caregiver Retail Stores, Medical Marijuana Manufacturing, and Medical Marijuana Testing activities, are only allowed to be conducted indoors. All activities must be in an enclosed building with, at the least, meeting the minimum state required regulations in effect at the time of the initial and each renewal application.

K. All new principal and accessory structures for Medical Marijuana Businesses, and expansions of existing structures, must comply with the following minimum set back requirements from the side and rear property lines:

1. Registered Caregiver and Caregiver Retail Stores: twenty-five (25) feet
2. Medical Marijuana Testing Facilities: fifty (50) feet
3. Medical Marijuana Manufacturing Facilities: one hundred (100) feet

L. All Medical Marijuana Business premises shall be in complete compliance with all City and State Codes and Regulations.

M. Signage: All signage shall meet the requirements of the State of Maine and shall conform to the City signage ordinance, and shall not be excessively attractive to children. Only one (1) free standing outside sign and one (1) sign on the exterior of the building are allowed for a Medical Marijuana Business, excluding Registered Caregivers. Each sign cannot be more than 15 square feet in size. No exterior/outside electronic or digital signs are allowed. Proposed signage shall be submitted with the application to the City Officials and is subject to approval. There shall also be posted in a conspicuous location inside each Medical Marijuana Business at least one legible sign containing the following information:

"The on-site consumption of marijuana is illegal; Open and public consumption of marijuana in the State of Maine is illegal; The use of marijuana or marijuana products may impair a person's ability to drive a car, operate machinery, or use a firearm; No one under the age of twenty-one (21) allowed, except a minor with a Medical Marijuana Card; Loitering prohibited"

N. All Medical Marijuana Businesses shall meet all State statutes and regulations regarding security, safety, and odor control.

O. Caregiver Retail Stores shall be operated from a permanent location. No Caregiver Retail Store shall be permitted to operate from a movable, mobile, or transitory location. They may utilize telephone and internet orders as long as the buyer, on the day the order is made, pays for and picks up such orders in the store. Caregiver Retail Stores may not use vending machines for sales, may not have "drive-through" or "drive-up" window-serviced sales, and may not have

internet-based sales with credit/debit card payment and delivery by USPS, UPS, Fed Ex, DHL, or any other global or local delivery service or courier.

P. Applicants must provide sufficient documentation demonstrating right, title, and interest to the proposed licensed premises of the Medical Marijuana Business pursuant to a lease, rental agreement, purchase and sale agreement, deed, or other arrangement for possession and use of the premises.

VIII. APPLICATION AND LICENSE FEES

A. All applicants for a Medical Marijuana Business License shall file a City of Calais Marijuana Business Application Form in person to the City.

B. All applications must be accompanied by a site plan showing the configuration of the subject premises, including building footprint, interior layout with floor space to be occupied by the business, and parking plan. The site plan must be drawn to scale with marked dimensions.

C. All applications for a Medical Marijuana Business License must be accompanied by a copy of the City Tax Map depicting: the subject property lines and the property lines of other properties containing any other existing Medical Marijuana Businesses abutting the subject property; and the property lines of any protected location identified in Section VII(G) of this Ordinance. Distance is measured from property line to property line.

D. All applications must be accompanied by description of the Medical Marijuana Businesses' Security, Safety, and Odor Control plans.

E. A separate application form and fee are required for each type of Medical Marijuana Business the applicant is requesting approval.

F. All applications must be submitted with a \$250 nonrefundable initial application fee.

G. The applicant is responsible for all costs associated with holding a public hearing on their application and must pay those fees prior to holding that public hearing.

H. If an application is approved, the following license fees must be paid before the City will issue a License.

1. Registered Caregiver Annual License Fee: \$ 250
2. Caregiver Retail Store Annual License Fee: \$1,250
3. Medical Marijuana Manufacturing Facility Annual License Fee: \$1,250
4. Marijuana Testing Facility: Annual License Fee: \$ 500

I. Each License is valid for one (1) year from date of issue. License fees must be paid annually.

J. The Municipal Officers have the authority to revise these fees at any time by adopting or amending an addendum to this Ordinance.

IX. ISSUANCE RULES

A. Applications will be reviewed in the order the completed applications are received. An application shall be considered complete when it contains the information and/or other items required on the application, accompanied by the nonrefundable initial application fee. Once a total of three (3) Caregiver Retail Stores, Medical Marijuana Testing Facilities, and Medical Marijuana Manufacturing Facility are licensed to operate in Calais, no more applications will be approved until one of the three operating businesses fails to renew its License or the Municipal Officers do not renew a License for just cause.

B. The Municipal Officers shall have the authority to impose any conditions on a License that may be necessary to ensure compliance with the requirements of this Ordinance or to address concerns about operations that may be resolved through the conditions. The failure to comply with such conditions shall be considered a violation of the License.

C. No License shall be granted by the Municipal Officers until the fire chief, code enforcement officer, and local health officer have made their recommendation upon the Applicant's ability to comply with this Ordinance. Whenever inspections of the premises used for or in connection with the operation of a licensed business are provided for or required by ordinance or state law, or are reasonably necessary to secure compliance with any ordinance provision or state law, it shall be the duty of the applicant or licensee, or the person in charge of the premises to be inspected, to admit any officer, official, or employee of the City authorized to make the inspection at any reasonable time that admission is requested.

D. Upon the filing of a completed application and successfully passing the required inspection, the Municipal Officers shall schedule a public hearing on the application to occur within 30 days. The Municipal Officials shall provide written notice of the public hearing to the applicant within seven days of the filing of a completed application.

E. At the public hearing on the application, the Municipal Officers shall take testimony of the Applicant and any interested members of the public. The hearing shall focus upon the criteria for issuance of a License.

F. The Municipal Officers shall issue to the Applicant written notice of its decision to grant or deny the License. If the Municipal Officers deny the License, the written notice shall set forth their reasons for the denial. The Municipal Officers shall grant a License unless it finds that the issuance of the License would be detrimental to public health, safety or welfare, as demonstrated by the following criteria:

1. An Applicant is less than 21 years of age.

2. An Applicant has failed to provide information required by this Ordinance for issuance of a license or has falsely answered a question or request for information on the application form.
3. The establishment is in a location where a Medical Marijuana Business is not permitted.
4. The number of establishments for the specific category has already been met.
5. The requirements in Section VII of this ordinance have not all been met.
6. Any establishment in which an Applicant has had an ownership interest, that has in the previous five years and at a time during which the applicant had the ownership interest:
 - a. Been declared by a court of law to be a nuisance; or been subject to an order of closure.
 - b. Been convicted of or pled guilty or nolo contendere to a specified criminal activity.
7. A Licensee or member, manager, director, officer of a Licensee who has had a license for a medical marijuana establishment revoked by the City or by the state.
8. An Applicant who has not acquired all necessary state approvals and licenses and other required local approvals prior to the issuance of a License.

G. The City may suspend or revoke a License for any violation of this Ordinance or any other applicable building and life safety code requirements.

H. The City may suspend or revoke a License if the Licensee has a state license for any adult use marijuana establishment and/or medical marijuana establishment suspended or revoked by the state.

I. The Licensee shall be entitled to notice and a hearing prior to any suspension or revocation.

J. The License, if granted, shall state on its face the name of the person, persons or entity to whom it is granted, the number of the License issued to the Licensee(s), the expiration date, and the address of the business. The License shall be posted in a conspicuous place at or near the entrance to the business so that it may be read at any time that the business is occupied by patrons or is open to the public.

K. Every Licensee shall submit emergency contact information to the City Officials who will share it with other appropriate local, federal, and/or state agencies.

L. A license renewal application shall be subject to the same review standards as applied to the initial issuance of the License and the same notice requirement as a new application. The renewal application must be received by the City Officials at least 15 days prior to the expiration date the current License. As part of the renewal process, the Municipal Officers shall consider compliance from prior years, and based upon that review, may add conditions to any future License to correct, abate or limit past problems.

M. Licenses issued under this Ordinance are nontransferable to different Licensees.

N. Any appeal of a decision of the Municipal Officials pursuant to this Ordinance shall be to the Maine Superior Court in accordance with the requirements of Rule 80B of the Maine Rules of Civil Procedure.

X. RIGHT OF ACCESS/BACKGROUND CHECKS/INSPECTION

Every Medical Marijuana business shall allow municipal officers, fire chief or his appointed inspector, State Fire Marshall official, code enforcement, local health officer, and law enforcement officers to enter the premises at reasonable times for the purpose of checking compliance with all applicable State laws and this Ordinance.

XI. INDEMNIFICATION

A. By accepting a License issued pursuant to this Ordinance, the Licensee waives and releases the City, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of any Medical Marijuana Business Licensees, operators, employees, clients, or customers for a violation of local, State or federal laws, rules, or regulations.

B. By accepting a License issued pursuant to this Ordinance, the Licensee agrees to indemnify, defend, and hold harmless the City, its officers, elected officials, employees, attorneys, agents, and insurers against all liability, claims, and demands on account of any injury, loss or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of a Licensed Medical Marijuana Business.

XII. STATE LAW

A. In the event the State of Maine adopts any additional or stricter law or regulation governing Medical Marijuana, the additional or stricter regulation shall control the establishment or operation of any Medical Marijuana Business in the City of Calais.

B. Compliance with 22 M.R.S. §2421 *et seq.* and any other applicable State laws or regulations shall be deemed an additional requirement for issuance or denial of any license under this Ordinance, and noncompliance with 22 M.R.S. §2421 *et seq.* and any other applicable State law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

XIII. ENFORCEMENT

A. Violations

1. Any violation of this Ordinance, including failure to comply with any condition, shall be enforced pursuant to this Ordinance and 30-A M.R.S. §4452.
2. Each day of a violation constitutes a separate offense.
3. Operating any Medical Marijuana Business without a City License shall be a violation of this Ordinance.

4. Any party committing a violation shall immediately cease operations, whether of a construction, renovation, or business nature, upon notification by the City Officials. Upon such notification, the City can pursue enforcement, injunctive relief, fines, and/or penalties under 30-A M.R.S. §4452 and report it to the proper authorities.

B. Code Enforcement Officer (CEO)

1. If the CEO finds that any provision of this Ordinance is being violated, the CEO shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including but not limited to, discontinuance of illegal use of land, buildings, or structures, or work being done, removal of illegal buildings or structures, and abatement or mitigation of violations. A copy of such notices shall be submitted to the Municipal Officers and the City Officials to be maintained as a permanent record.

2. The City Officials shall keep a complete record of all essential transactions, including applications submitted, licenses granted or denied, revocation actions, revocation of licenses, appeals, court actions, violations investigated, violations found and fees collected.

C. Law Enforcement Officers

Law enforcement officers may at any reasonable time conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to License approvals, and shall investigate all complaints of alleged violations of the Ordinance.

D. Legal Actions

When the above notification and/or inspection action(s) do not result in the voluntary correction or abatement of the violation by the subject Medical Marijuana Business or person, the City Officials shall institute any and all actions and proceedings, either legal or equitable, including injunctions of violations and the impositions of penalties and/or fines in order to enforce the provisions of this Ordinance. The Municipal Officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action.

E. Penalties/Fine

Any person, including but not limited to, a Medical Marijuana Business owner, property-owner where such business is located, or any agent or contractor for same, who orders or conducts any activity in violation of this Ordinance, or fails to comply with any of its requirements, shall be penalized in accordance with 30-A M.R.S. §4452.

XIV. AMENDMENTS

This Ordinance may be amended at any time after a public hearing and a majority vote at a City Council Meeting on the proposed amendment.

The mayor then opened a Public Hearing on the following proposed \$1,283,800 Water Bond Ordinance:

INSERT WATER BOND ORDINANCE

There being no public concern voiced, it was moved by Councilor Sherrard, seconded by Councilor Quinn, and unanimously voted to approve this ordinance as presented.

The City Manager then gave his report on the following:
--recognition to Officer Max Bollous for successfully completing the law enforcement pre-service program and obtaining his part-time law enforcement certificate.
--Schedule Public Safety Committee meeting on April 20th at 6:00

The City Manager also asked the Council to suspend the Council Rules to add Union Negotiations and Personnel Issue to Executive Session at this end of the meeting. This was so moved by Councilor Carr, seconded by Councilor Sherrard, and unanimously voted.

There were no Council Committee Reports submitted.

The City Clerk presented the Council with the Council with the following Mowing/Trimming bid results:

INSERT BID RESULTS

On a motion by Councilor Carr and a second by Councilor Macdonald, it was unanimously voted to award the bids as follows:

Block 1 – Memorial Park, Calais Avenue Meridian, Triangle Park was awarded to St Croix Services in the amount of \$3,270. (This bid award is considering the City Procurement Policy's local preference of 10%)

Block 2 – Rotary, North/Baring St Island, Milltown Park was awarded to TRP Logging and Lawn Care in the amount of \$1,750.

Block 3 – Waterfront Park and Walkway was awarded to St Croix Services in the amount of \$3,170. (This bid award is considering the City Procurement Policy's local preference of 10%)

Block 4 – Red Beach Cemetery, Red Beach Playground, Red Beach Ballfield was awarded to TRP Logging and Lawn Care in the amount of \$5,000.

Public Hearing Water Bond Ordinance

City Manager Report

Suspend Rules add agenda items

Mowing and Trimming Bids

**CITY OF CALAIS, MAINE – ORDINANCE
AUTHORIZATION OF A MAIN STREET WATER SYSTEM IMPROVEMENT
PROJECT AND THE ISSUANCE OF A GENERAL OBLIGATION BOND
OF THE CITY (\$1,283,800)**

The City of Calais (the “City”) hereby ordains as follows:

Section 1. That under the constitution and laws of the State of Maine and pursuant to Section 5772 of Title 30-A, M.R.S.A., the Charter of the City and other applicable authority, the City is hereby authorized to borrow from the Maine Municipal Bond Bank (the “Bank”) a cumulative principal amount not to exceed One Million Two Hundred Eighty-Three Thousand Eight Hundred dollars), for a period not to exceed thirty (30) years, at such interest rate or rates and on such further terms and conditions as may be determined by the Bank, with principal and interest to be payable at least annually, the proceeds to be used substantially to finance replacement of water main on Main Street in conjunction with sewer and storm drainage improvements already underway, (the “Project”), and the obligations of the City with respect to such borrowing will be evidenced by a General Obligation Bond and General Obligation Bond Anticipation Note of the City to be executed and delivered on behalf of the City by the City Finance Director and to be countersigned by a majority at least of the City Council in a cumulative principal amount not to exceed \$1,283,800 (the “Bond” and the “Note,” respectively). Notwithstanding anything in this ordinance to the contrary, it is hereby noted that upon issuance of the Bond, the Bank has agreed to forgive a cumulative principal amount of up to \$458,500, such that after issuance of the Bond, the total principal amount required to be repaid by the City over the term of the Bond will be approximately \$825,300.

Section 3. That the City Finance Director, the City Manager, the City Clerk and the Mayor, and each of them individually, are hereby authorized to execute such certificates, loan agreements and other documents and do all things necessary or convenient to issue the Note and the Bond.

Section 4. That the term of the Bond shall not exceed the estimated period of utility of the Project, which is hereby estimated to be not less than 30 years, and further that sufficient taxes shall be levied by the City each year that the Bond is outstanding to pay all principal and interest due and payable in that year pursuant to such Bond as are then outstanding, and that such amount of principal and interest shall be included in the tax levy of the City for each year until the Bond has been paid in full.

Section 5. That the City Clerk shall distribute a copy of this Ordinance to each Council member and to the City Manager, and shall file a reasonable number of copies of this Ordinance at City Hall and such other places as may be directed by the City Manager.

Section 6. That a public hearing shall be held at 6:00 p.m. in the City Council Chambers of the City Building in Calais, Maine on April 14, 2022, for the purpose of taking testimony and comments from the public with respect to the proposed issuance of the Note and the Bond, and that notice of the public hearing be given by the City Clerk by publishing a

summary of this ordinance in the Calais Advertiser on or about April 1, 2022, together with a notice setting forth the time and place for the public hearing, and for consideration of the proposed ordinance by the City Council at the meeting to be held on April 14, 2022, immediately following the public hearing.

Section 7. That all actions taken to date by the municipal officers of the City related to the sale of the Bond and the Note hereby are ratified, approved and confirmed.

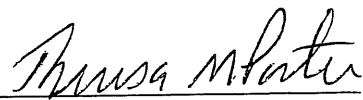
Section 8. That the law firm of Eaton Peabody is hereby designated as Bond Counsel for the City to advise the City with respect to the issuance and sale of the Note and Bond, and to prepare documents and render opinions as may be necessary or convenient for that purpose.

Section 9. That the municipal officers and officials of the City are hereby authorized to execute any and all documents and certificates, and to take all actions, including affixing the seal of the City, as may be necessary or convenient to carry out the intent of this Ordinance, and further that if any member of the City Council or officer of the City who has signed or sealed the Note, the Bond or any certificate delivered in connection therewith shall cease to be such officer or official before the Note or Bond has been authenticated or delivered by the City, such Note or Bond nonetheless may be authenticated, issued and delivered with the same force and effect as though the person or persons who signed or sealed such Note or Bond had not ceased to be such officer or official; and any such Note or Bond may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such Note or Bond shall be the proper officers and officials of the City, although at the nominal date of such Note or Bond such person or persons shall not be such officer or official.

Section 10. That as soon as practicable after adoption of this ordinance, the City Clerk shall publish a summary of this ordinance in the Calais Advertiser together with a notice of its adoption.

I certify that I am the duly qualified City Clerk of the City of Calais, Maine and that the foregoing ordinance was introduced at the regularly scheduled meeting of the City Council on March 24, 2022, and was adopted by the City Councilors of the City of Calais at the meeting of the City Council on April 14, 2022, duly called and legally held in accordance with the laws of Maine and the City Charter, that the meeting was open to the public and that adequate and proper notice thereof was given in accordance with the laws of Maine and the City Charter, and that such ordinance has been entered into and become a part of the permanent records of the City and remains in full force and effect and has not been rescinded or amended.

CITY OF CALAIS, MAINE

By: 
Theresa Porter
City Clerk

(SEAL)

Dated at Calais, Maine
April 14, 2022

MOWING /TRIMMING BID RESULTS

BIDDER	BLOCK 1 Memorial Park Calais Ave Meridian Triangle Park	BLOCK 2 Rotary North Island Milltown Park	BLOCK 3 Waterfront Park and Walkway	BLOCK 4 Red Beach Cemetery Red Beach Playground Red Beach Ballfield
Todd Purrington /TRP Logging & Lawn Care E Machias, ME	No Bid	\$1,750*	No Bid	\$5,000*
John Lund/Lund Seasonal Services Pembroke, ME	\$6,690	\$5,890	\$4,250	\$10,950
Tommy Collins/Collins Coastal Lawn Care Lawn Care Calais, ME	\$6,625	\$4,225	\$3,900	\$9,280
Joe Mitchell/The By US Company Jonesboro, ME	\$9,750	\$6,875	\$3,750	No Bid
Brent Gibson/Eastern Lawn Care Baring, ME	\$5,250	\$4,000	\$3,800	\$5,600
Mark Harmon/St Croix Services Calais, ME	\$3,270*	\$2,670	\$3,170*	No Bid
Jay Preston/J P Property Mgmt. Dennysville, ME	\$3,230	\$2,240	\$3,090	\$5,780
Kenny Mercier/Mercier Lawn Care Alexander, ME	\$2,975	\$2,800	No bid	No Bid

*Procurement Policy 10% Local Preference considered

On a motion by Councilor Sherrard and a second by Councilor Rogers, it was unanimously voted to charge the \$23,280 for the City Building Fascia and Soffit Repair to Undesignated Fund Balance.

At this point, Merrick Holmes, representing Boy Scout Troop 132 presented a slide show of the restoration of twenty gravestones at the Calais Cemetery. The City Council praised and thanked Mr. Holmes and the boy scouts for their effort and a job well done.

The next agenda item, Free WiFi at Triangle Park was tabled until the next meeting, to gather more information.

The next agenda item, Flea Market at North/Lowell Street Parking Lot was discussed with no action being taken at this time.

On a motion by Councilor Rogers and a second by Councilor Quinn, it was unanimously voted to grant an abatement of Sewer Charges on Account #404 in the amount of \$602.04.

On a motion by Councilor Carr and a second by Councilor Quinn, it was unanimously voted to authorize the City Manager to solicit bids for the repair of the roof of St. Croix #1.

It was moved by Councilor Carr, seconded by Councilor Macdonald, and unanimously voted to schedule a Public Hearing on April 28, 2022, to consider action on a dangerous building located at 97 Downes.

It was moved by Councilor Rogers, seconded by Councilor Quinn, and unanimously voted to schedule a Public Hearing on April 28, 2022, to consider a zone change request at the corner of South and Garfield Street.

On a motion by Councilor Sherrard and a second by Councilor Carr, it was unanimously voted to authorize the Fire Chief to purchase protective gear and used the remaining balance of the SCBA account toward this purchase.

It was moved by Councilor Macdonald, seconded by Councilor Rogers, and unanimously voted to authorize the lease copiers for Calais Fire/EMS, the Police Dept, the City Building and the Library and two printers for the City Building from Ricoh at a monthly rate of \$495.01.

Charge Fascia/Soffit Repair to undesignated fund balance

Gravestone restoration

Free WiFi Triangle Park

Flea market

Abate Sewer Charges

Solicit Bids – St Croix #1 Roof

Schedule PH Dangerous Bldg.

Schedule PH Zone Change

SCBA Funds – Protective Gear

Ricoh Lease

Other items addressed with no Council action being taken at this time included:

- Waterfront Vendors
- Use of St Croix #1
- payoff of City Loan
- Covid 19 Therapeutics
- Machias Veteran's Home
- Trash Cans at Walkway
- Schedule Power Outage 4/24/22
- School bond approved – Trustees meeting
- Trash along roadways
- Terrible Cell service
- possible land available behind Red Beach Cemetery

On a motion by Councilor Quinn and a second by Councilor Rogers, it was unanimously voted to retire into Executive Session at 6:45 for union negotiations and a personnel Issue.

Open session resumed at 7:53 p.m.

There being no further business to come before the City Council at this time, it was moved by Councilor Macdonald, seconded by Councilor Beale, and unanimously voted to adjourn this meeting at 7:53 p.m.

ATTEST: Theresa M. Porter
Theresa M. Porter, City Clerk

Other items

FOLLOW UP ITEM	STATUS
ATV access along RT. 1 through the Moosehorn 9/23/21	Applying to MDOT to allow ATV traffic along RT 1 from the Icehouse Rd North to the Calais /Baring town line. Council support letter and meeting minutes are ready for submission to State ATV Program.
Calais Waterfront Improvements 9/23/21	Investigating grant options and related costs to upgrade the waterfront dock and boat landing, rip-wrap/enhance the old pier up river to connect to current dock, and clean up area behind the bowling club for viewing area/greenspace. Met with the city engineer to develop a plan on 3/8/22.
City ARPA Funds 7/1/21	Submitted ARPA funds request 9/20. City share now adjusted to 317,000. Approved allocations-\$158,720. for Main St. Water/Sewer Project, \$33,319. for City Employee Bonuses, and phase 1 IT upgrades approved for \$44,710. Princeton Airport Plow donation- \$10,000. ARPA Fund Balance- \$70,251.
City Audit Services	Bids due 5/6/22
City Building and Library Brick Repair 7/12/21	The City Building brick repair to the front of the building is complete. The Library brick repairs are still on going. Library repairs to resume April 18.
City Comp Plan Update 4/1/2010	Currently working with Hancock County Planning Commission to update the transportation chapter of the City Comp Plan. Plan required to be updated every 10 years. In preliminary stages to update the entire plan with SCEC. The last partial update was 2010.
City Lot (former Karplus property) 59 acres MAP/LOT 029-167 2/10/22	Council voted to go to bid for lot harvest at 2/10/22 meeting. Contacted local Forester to inspect the lot.
City Property and Casualty Insurance	Sent out bid requests 4/12/22
Comprehensive PW Equipment Plan 1/13/22	PW Director to prepare equipment list with model years
Main Street Sewer/Water Project 5/1/21	Council voted to accept the project low bid.Low bid and project award to Gordon Contracting from Sangerville, ME. for \$5,367,065. Test digging to begin week of 4/11/22.
Milltown Dam Decommissioning 4/1/2018	*Demo and deconstruction phase to begin Mid to late July.

FOLLOW UP ITEM	STATUS
Nash's Lake Fiber Project 8/12/21	All pole licenses have been acquired for Nashs Lake and construction has begun. EMEC scheduled to set two utility poles coming off of Shain Pt for remaining addresses on Chisolm Blvd to be able to receive service.
New School Buses 1/13/22	City submitted a proposal to store the buses on the Public Safety Property on North St.
Opportunity Zone Update 9/23/21	City is designated as an OZ region and has a certified OZ fund established.
Public Safety Building	Gathering cost estimates to renovate the building to better serve the FD,PD, and PW departments.
Regional Cell Service 10/1/21	Recent activity 2/10/22- County level meeting with Sen Collins reps to be scheduled, us cellular mapping dead zones, and request for building permits to add 5G equipment to towers. Received call from Verizon in response to letter as well.
Seavey & Young Property 1/1/19	Initiated Legal Process 10/24/21.
St. Croix #1 8/1/20	Excepting bids to replace the roof.
Waterfront Walkway Sand 7/1/21	Currently screening sand and waiting for ground to dry.
Working Communities Grant for Washington County 10/1/20	The Federal Reserve Bank of Boston has announced that the Wash Cty and Passamquoddy Tribe team has successfully advanced to the implementation round and will receive a 375k grant to address childhood poverty and employment challenges in Wash Cty and for the Pass Tribe.

**ORDINANCE # [REDACTED] TO ISSUE \$2,000,000 GENERAL OBLIGATION BOND FOR A
FOUR CLASSROOM ADDITION TO CALAIS ELEMENTARY SCHOOL**

Following a public hearing held in accordance with Section 2.12 of the Charter of the City of Calais (the "City Charter"), the City of Calais hereby ordains:

1. That pursuant to section 5772 of Title 30-A of the Maine Revised Statutes, the Charter of the City of Calais, including Sections 2.11 and 5.11, and all other applicable law, the City is authorized to issue general obligation bonds in a principal amount not to exceed \$2,000,000 and notes in anticipation thereof (collectively, the "Bonds") to finance costs to design, construct, and equip a four-classroom addition to the Calais Elementary School (the "Project");
2. That the Treasurer and Mayor of the City are authorized to arrange for the sale of the Bonds at public or private sale to such parties, including the Maine Municipal Bond Bank, as the Treasurer and Mayor determine to be in the City's interest, to execute and deliver loan agreements and other contracts for that purpose, and to hire such financial advisors and other consultants, if any, as the Treasurer and Mayor deem necessary to assist with the sale of the Bonds, all on such terms not inconsistent with this Ordinance as the Treasurer and Mayor shall approve;
3. That the Bonds be issued in registered form in the name of the City, be signed by the Treasurer and countersigned by a majority of the City Council, under the official seal of the City, as applicable, and otherwise be in such form and contain such terms and provisions, including date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption with or without premium, and other details of said Bonds, not inconsistent herewith, as they shall approve, their approval to be conclusively evidenced by their execution thereof, and that any signature thereon may be by facsimile to the extent permitted by law;
4. That (i) no part of the proceeds of the Bonds shall be used, directly or indirectly, to acquire any securities and obligations, the acquisition of which would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, (the "Code"), and (ii) the proceeds of the Bonds and the project financed by the Bonds shall not be used in a manner that would cause the Bonds to be "private activity bonds" within the meaning of Section 141 of the Code; and that the Treasurer is authorized to covenant on behalf of the City to file any information report and pay any rebate due to the United States in connection with the issuance of the Bonds, to take all other lawful actions necessary to ensure that interest on the Bonds will be excludable from the gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action that would cause interest on the Bonds to become includable in the gross income of the owners thereof.
5. That the Treasurer in consultation with bond counsel is authorized to implement written procedures with respect to the Bonds for the purpose of: (i) ensuring timely "remedial action" for any portion of the Bonds that may become "non-qualified bonds," as those

terms are defined in the Code and regulations thereunder; and (ii) monitoring the City's compliance following the issuance of the Bonds with the arbitrage, yield restriction and rebate requirements of the Code and regulations thereunder;

6. That the appropriate officials of the City, acting singly, are authorized to execute and deliver on behalf of the City such documents and certificates and take such actions as may be necessary or convenient in connection with the Bonds, including without limitation such certificates and agreements as may be reasonably required by bond counsel or the bond holder;
7. That the sum of \$2,600,000 is hereby appropriated to finance costs of the Project, such sum to be raised by the issuance and sale of the Bonds and from available fund balances of the Calais School Department.
8. That the estimated period of utility of the Project is declared to be _____ years.
9. That pursuant to Section 2551 of Title 30-A of the Maine Revised Statutes and Section 6.07 of the City Charter, the following question shall be submitted to the voters of the City of Calais for consideration at a secret ballot referendum to be held on June 14, 2022:

Ordinance # _____ authorizes the City to issue \$2,000,000 in general obligation bonds to finance costs to design, construct, and equip a \$2,600,000 4-classroom addition to the Calais Elementary School.

Should the above described Ordinance be adopted?

YES

NO

10. That said referendum question be accompanied by a signed financial statement of the Treasurer substantially in form as set forth below:

CITY OF CALAIS FINANCIAL STATEMENT

1. Total City Indebtedness

Bonds outstanding and unpaid	\$ _____
Bonds authorized and unissued	\$ _____
Bond to be issued if this Question is approved	\$ 2,000,000
Total:	\$ _____

2. Estimated Costs and Impacts of Bond

At an estimated interest rate of _____ % for a _____-year term, the estimated total costs of this bond issue will be:

Principal \$ 2,000,000

Interest \$ _____
Total Principal & Interest
to be Paid at Maturity \$ _____

3. Validity

The validity of the Bond and of the voters' ratification of the Bond may not be affected by any errors in the above Estimated Costs of Bond. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

Treasurer
City of Calais

11. That, in accordance with Section 2.12(c) of the City Charter, this Ordinance shall be effective at the expiration of 30 days after adoption by the Council or, if later, upon certification of referendum results adopting the Ordinance; and
12. That an attested copy of this Ordinance be filed with the minutes of this meeting.

A true copy as adopted by the City Council, attest:

Theresa Porter
City Clerk

[SEAL]

April 25, 2022

RE: Dangerous Building Violation, Map 10 Block 4 Lot 13

To: City of Calais Council

The City of Calais gave notices of violation on January 3, 2022 and February 2, 2022 to the owners of record of 97 Downes Street, demanding immediate corrections to the property, as I find it is currently in violation of 17 M.R.S. §§ 2851-2859 (Dangerous Buildings).

Due to multiple complaints concerning the condition of the building, I was part of an inspection of the property on October 5th, 2021. During the inspection I found that numerous windows were broken, doors would not close with ease, and there were no utility services which has resulted in the toilets being full of human feces.

Since then, we have had several more complaints regarding the property. Driving by I have noticed more broken windows and an extension cord run to an abutting residential house, likely providing power in an unsafe manner to any occupants at 97 Downes Street. It is suspected that illegal drugs are being used by people in the building.

These conditions are unsafe, unsanitary, unsuitable for habitation, constitute a hazard to health and safety, and otherwise are dangerous to life, thus causing the building to be a dangerous building as defined under Maine law.

The following conditions were listed in the notice of violations sent to the owners of the property and to my knowledge have not been improved to comply by the compliance date of March 6th, 2022;

- Utility Services to be in service.
- Toilets to be functioning.
- Windows to be replaced or boarded up.
- All doors to be functional.

{EP - 04194191 - v1 }

An Equal Opportunity Employer and Provider

"In accordance with Federal Law and USDA Policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age or disability (not all prohibited bases apply to all programs). To file a complaint of discrimination, write to : USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410, or call 1-800-795-3272 (voice) or 202-720-6382 (TDD). USDA is an equal opportunity provider and employer."

It is to my understanding that the mortgage company is in the process of foreclosure. I would like to recommend that we secure the building and have no occupancy allowed due to the serious threat to public health and safety of this building. Once the mortgage company has possession, we can work with them or new owners to bring this building back in compliance.

Considering all of this, I request the City Council vote to find the building at 97 Downes Street poses a serious threat to public health and safety and that prompt action is required to secure the building pursuant to 17 M.R.S. § 2856.

Respectfully Submitted,



Andrea Walton

Code Enforcement & Deputy Health Officer

SERVICE LOCATION	CATEGORY	ACCOUNT NUMBER	BOOK	SEQUENCE	TOTAL DUE
34 MANNING ST	RESIDENTIAL	135	1	1320	664.78

PERIOD START DATE	PERIOD END DATE	BILLING DATE	DUE DATE
12/15/21	03/14/22	03/31/22	05/02/22

METER READINGS		CONSUMPTION (x 100 cu ft)	DESCRIPTION	AMOUNT	
PREVIOUS	CURRENT				
371	417	46	WATER		
CITY OF CALAIS WATER RATES: RESIDENTIAL FIRST 1200 CUBIC FEET PER QUARTER OR LESS \$57.42, NEXT 4800 CUBIC FEET PER QUARTER \$3.82 PER 100 CUBIC FEET, EXCESS OF 6000 CUBIC FEET PER QUARTER \$2.30 PER 100 CUBIC FEET			Current Water Charge	187.30	
			Credits	0.00	
			Tax	0.00	
			Water Past Due	0.00	
			Water Interest Charge	0.00	
			TOTAL WATER AMOUNT DUE		187.30
CITY OF CALAIS SEWER RATES: MINIMUM BILL: \$124.56 USAGE CHARGE OF \$10.38 PER HUNDRED CUBIC FEET Interest accrues daily on past due amounts. If your account is past due, please call for a current balance.			SEWER		
			Current Sewer Charge	477.48	
			Credits	0.00	
			Tax	0.00	
			Sewer Past Due	0.00	
			TOTAL SEWER AMOUNT DUE		477.48

Bills are due and payable upon receipt. Water bills that remain unpaid for 30 days after the billing date are subject to collection fees and disconnection procedures allowed by the Maine Public Utilities Commission. All sewer bills that remain unpaid for 30 days after the billing date are subject to interest charges and lien fees. Interest of 6% will be charged on all delinquent accounts. Unpaid sewer for the March and June 2022 Quarters will be liened in December 2022. A Sewer lien procedure will be used for the collections of delinquent sewer bills according to Title 38 Section 1208 et. Seq. M.R.S.A. If filling pools, water personnel must read meter before and after to qualify for sewer abatement.

PLEASE DETACH HERE AND KEEP THE TOP PORTION



Calais Water Department
 P.O. Box 413
 Calais, ME 04619-0413
 Tel. (207) 454-2521, Ext 1005

WATER AND SEWER BILL

Account Number
 Billing Date
 Due Date
 Interest Begins

Water Due	Sewer Due	Total Amount Due
187.30	477.48	664.78

ENTER PAYMENT AMOUNT HERE >>>

YOUNG, JOAN
 5 EVANS ST
 EASTPORT ME 04631

Calais Water Department
 P.O. Box 413
 Calais, ME 04619-0413

April 12, 2022

To whom it may concern,

I am writing regarding the rental property located at 34A Manning St. It is the trailer located at the front of the lot. On January 17th-18th the tenant called stating they had a pipe leaking. They could not get the water shut off so the leak could be repaired. My husband, Peter Young, called the emergency number for the water department asking the city to shut the water off so the issue could be resolved.

The most recent sewer and water bill, account #135, is significantly higher due to the plumbing issues we experienced. I am asking the city to please reduce the sewer and water bills on this account. It would be greatly appreciated. Any questions please call at 853-4016 or 454-2126.

Respectfully Yours,


Joan Young

5 Evans St.

Eastport, ME 04631



City of Calais Water Department

Citizen Comment/Complaint

Name: Joan Young
Address: 34 Manning St.

Phone: _____

Nature of Complaint: High water usage from leak under trailer.

Report By: Marc Barnard

Action Taken: This trailer had two leaks. One leak was a broken pipe under the trailer and water went to the ground. The other leak happend two weeks later and it was on a pipe inside of the trailer. The water from this leak ran through the wall to the outside.

Reviewed By: _____

**UT Account 135 Detail
as of 04/26/2022**

Name: YOUNG, JOAN

5 EVANS ST
EASTPORT, ME 04631

Location: 34 MANNING ST
RE Acct: 775 Map/Lot: 027-203

Recommend Abatement of \$155.70

Bill Date	Reference	C	Principal	Tax	Interest	Costs	Total
Sewer							
107	03/31/22	Original	477.48	0.00	0.00	0.00	477.48
	Billed To: YOUNG, JOAN						
		Total	477.48	0.00	0.00	0.00	477.48
105	12/31/21	Original	280.26	0.00	0.00	0.00	280.26
	Billed To: YOUNG, JOAN						
	02/02/2022	P	280.26	0.00	0.00	0.00	280.26
		Total	0.00	0.00	0.00	0.00	0.00
104	09/30/21	Original	321.78	0.00	0.00	0.00	321.78
	Billed To: YOUNG, JOAN						
	11/02/2021	P	321.78	0.00	0.00	0.00	321.78
		Total	0.00	0.00	0.00	0.00	0.00
102	06/30/21	Original	155.70	0.00	0.00	0.00	155.70
	Billed To: YOUNG, JOAN						
	08/02/2021	P	155.70	0.00	0.00	0.00	155.70
		Total	0.00	0.00	0.00	0.00	0.00
101	03/31/21		0.00	0.00	0.00	0.00	0.00
99	12/31/20		0.00	0.00	0.00	0.00	0.00
97	09/30/20		0.00	0.00	0.00	0.00	0.00
95	06/30/20		0.00	0.00	0.00	0.00	0.00
94	03/31/20		0.00	0.00	0.00	0.00	0.00
92	12/31/19		0.00	0.00	0.00	0.00	0.00
89	09/30/19		0.00	0.00	0.00	0.00	0.00
87	06/30/19		0.00	0.00	0.00	0.00	0.00
86	03/31/19		0.00	0.00	0.00	0.00	0.00
82	12/31/18		0.00	0.00	0.00	0.00	0.00
78	09/30/18		0.00	0.00	0.00	0.00	0.00
74	06/30/18		0.00	0.00	0.00	0.00	0.00
73	03/30/18		0.00	0.00	0.00	0.00	0.00
69	12/31/17		0.00	0.00	0.00	0.00	0.00
68	09/30/17		0.00	0.00	0.00	0.00	0.00
66	06/30/17		0.00	0.00	0.00	0.00	0.00
65	03/31/17		0.00	0.00	0.00	0.00	0.00
63	12/30/16		0.00	0.00	0.00	0.00	0.00
62	09/30/16		0.00	0.00	0.00	0.00	0.00
59	06/30/16		0.00	0.00	0.00	0.00	0.00
57	03/31/16		0.00	0.00	0.00	0.00	0.00
55	12/30/15		0.00	0.00	0.00	0.00	0.00
51	09/30/15		0.00	0.00	0.00	0.00	0.00
49	06/30/15		0.00	0.00	0.00	0.00	0.00
47	03/30/15		0.00	0.00	0.00	0.00	0.00