



Presque Isle City Council Meeting

Wednesday, November 4th, 2020

6:00 PM

Presque Isle Council Chambers

AGENDA

Call to Order

Roll Call

Pledge of Allegiance

Public Hearing

1. 2021 Municipal Budget (First Hearing)
2. Approval of a Malt, Spirituous and Vinous Liquor License and Special Permit for Music, Dancing and Entertainment for Presque Isle Hotel Company d/b/a The Northeastland Hotel, with a location of 436 Main Street (Single Hearing)
3. Approval of a Malt, Spirituous and Vinous Liquor License for Xian Ping Cao d/b/a My Tai, Inc. with location of 449 Main Street (Single Hearing)
4. Consider adopting changes to Chapter 43 – Planning Board Ordinance

Citizen Comments

Consent Agenda

5. Approve Minutes from October 7th, 19th, & 20th, 2020
6. Approve 2020 Warrants #39 - #41, totaling \$2,495,663.29
7. Approve Drug Forfeiture

Old Business

8. Code Update

New Business

9. Schedule a Public Hearing to consider changes to the Presque Isle Development Fund By-Laws

Budget Workshop

Outside & Unclassified Request

Manager's Report

Announcements

Executive Session

Pursuant to 1 M.R.S.A. § 405(6)(E) to discuss Negotiations

Adjournment

The Office of the City Manager
Martin Puckett
Email: mpuckett@presqueisleme.us

MEMORANDUM

TO:	Honorable City Council
FROM:	Martin Puckett, City Manager
DATE:	October 28, 2020
RE:	November 4th Council Meeting starting at 6pm, City Council Chambers

Agenda

Roll Call

Pledge of Allegiance

Public Hearings:

1. 2021 Municipal Budget (First Hearing): Per city charter, this is the first of two opportunities for the public to comment on the 2021 budget. Next budget workshop is on November 5th.
2. Approval of a Malt, Spirituous and Vinous Liquor License and Special Permit for Music, Dancing and Entertainment for Presque Isle Hotel Company d/b/a The Northeastland Hotel, with a location of 436 Main Street (Single Hearing): Staff recommends approval.
3. Approval of a Malt, Spirituous and Vinous Liquor License for Xian Ping Cao d/b/a My Tai, Inc. with location of 449 Main Street (Single Hearing): Staff recommends approval.
4. Consider adopting changes to Chapter 43 – Planning Board Ordinance: Discussed revisions at last council meeting to add alternates and allow the board the flexibility to alter meeting dates and times. Staff recommends approval.

Citizen Comment

Consent Agenda: Unless council wants to discuss items individually, staff recommends approving in one motion.

5. Approve Minutes
6. Approve 2020 Warrants
7. Approve Drug Forfeiture: This incident has been adjudicated, and since PIPD was involved in the arrest of Doucette, we are able to accept a forfeiture of \$627.

Old Business

8. Code Update: The Director of Economic Development will discuss Dangerous Buildings.

New Business

1. Schedule a Public Hearing to consider changes to the Presque Isle Development Fund By-Laws: The Director of Economic Development would like to have a public hearing to make substantive changes to the bylaws. The changes would create a façade and microloan program. The overall goal is to make PIDF more client friendly. The PIDF recently trustees approved the changes. Staff recommends approval.

Budget Workshop

Outside & Unclassified Requests: An opportunity for agencies to explain their requests for funding. Wintergreen and Central Aroostook Chamber plan to attend. We will review the two budget categories.

Manager's Report

Announcements

Executive Session

Pursuant to 1 M.R.S.A. § 405(6)(A) to discuss Negotiations

Adjournment

PRESQUE ISLE CITY COUNCIL MEETING

For:

November 4, 2020

AGENDA ITEM # 1

SUBJECT

PUBLIC HEARING: 2021 Municipal Budget (First Hearing)

INFORMATION

1) Public Hearing Notice

REQUESTED ACTION

NOTICE OF PUBLIC HEARING CITY OF PRESQUE ISLE LEGAL NOTICE

NOTICE IS HEREBY given that the Presque Isle City Council will hold the **FIRST PUBLIC HEARING** on **November 4, 2020** at **6:00 PM** in the City Council Chambers, City Hall at 12 Second Street, to solicit comments on the proposed *2021 Municipal Budget*.

The public may attend the public hearing or submit written comments. You can obtain more information by contacting the City Clerk's Office at City Hall, 12 Second Street, Presque Isle, ME 04769 or by calling 760-2720.

ADA ASSISTANCE: Anyone needing special assistance at the public hearing due to a disability should contact the City of Presque Isle's City Clerk at 760-2720 at least two (2) business days prior to the meeting date.

Per Order of the City Council
Thomas C. King
City Clerk

PRESQUE ISLE CITY COUNCIL MEETING

For:

November 4, 2020

AGENDA ITEM # 2

SUBJECT

PUBLIC HEARING: Approval of Malt, Spirituous and Vinous Liquor License and Special Permit for Music, Dancing and Entertainment of Presque Isle Hotel Company d/b/a The Northeastland Hotel, with location of 436 Main Street

INFORMATION

- 1) Applications
- 2) Public Hearing Notice

REQUESTED ACTION

BE IT RESOLVED by Councilor_____, seconded by Councilor_____ to approve a Malt, Spirituous and Vinous Liquor License and Special Permit for Music, Dancing and Entertainment of Presque Isle Hotel Company d/b/a The Northeastland Hotel, with location of 436 Main Street.

STATE OF MAINE
BUREAU OF ALCOHOLIC BEVERAGES
APPLICATION FOR
SPECIAL PERMIT FOR MUSIC, DANCING AND ENTERTAINMENT

1. A. Business Name THE NORTHEASTLAND HOTEL Phone #207-768-5321

B. Address 436 MAIN STREET PRESQUE ISLE
Street City

2. Describe in detail kind and nature of entertainment:

KARAOKE

3. Describe in detail room or rooms to be used under this permit:

LOUNGE, BALLROOM, BANQUET ROOMS

Dated At PRESQUE ISLE, MAINE On OCTOBER 22, 2020

N.B. This permit includes all types of entertainment, dancing is inclusive only if you have a dancing license issued by the State Fire Marshall's Office, Department of Public Safety.

\$20.00 Per Year – Single Dance

\$40.00 Per Year

(Signature of Individual)

Make check payable to the
City of Presque Isle

(If partnership, by members)

\$45.00 Public Hearing Fee

PRESQUE ISLE HOTEL CO

(Name of Corporation)

THIS APPLICATION MUST BE APPROVED
BY THE MUNICIPAL OFFICERS OR COUNTY
COMMISSIONERS IN THE CASE OF
UNINCORPORATED PLACES

(Place Corporate Seal)

BY

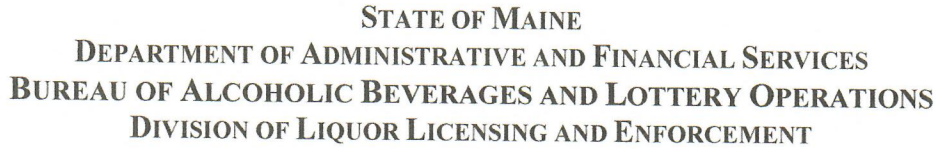
Greg Desnick
(If a Corporation, by a duly authorized officer)

STATE OF MAINE

Aroostook County SS

Dated At _____, Maine, On _____

The undersigned being Municipal Officers of the City of Presque Isle hereby approve the application in accordance with the provisions of Title 28A, Chapter 43, Licenses for the Sale of Liquor to be consumed on the Licensed Premises, §1054 Special permit for music, dancing or entertainment.



All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes <input type="checkbox"/> No <input type="checkbox"/>	

1. New license or renewal of existing license? ☐ New Expected Start date: _____
☒ Renewal Expiration Date: 12/31/2020

Food: \$ 73,248.08 Beer, Wine or Spirits: \$ 43,863.31 Guest Rooms: \$ 601,899.00

~~☒~~ Malt Liquor (beer) ~~☒~~ Wine ~~☒~~ Spirits

4. Indicate the type of license applying for: (choose only one)

- | | | |
|--|--|---|
| <input type="checkbox"/> Restaurant
(Class I, II, III, IV) | <input type="checkbox"/> Class A Restaurant/Lounge
(Class XI) | <input type="checkbox"/> Class A Lounge
(Class X) |
| <input type="checkbox"/> Hotel
(Class I, II, III, IV) | <input checked="" type="checkbox"/> Hotel – Food Optional
(Class I-A) | <input type="checkbox"/> Bed & Breakfast
(Class V) |
| <input type="checkbox"/> Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV) | <input type="checkbox"/> Auxiliary | <input type="checkbox"/> Mobile Cart |
| <input type="checkbox"/> Tavern
(Class IV) | <input type="checkbox"/> Other: _____ | |
| <input type="checkbox"/> Qualified Caterer | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only) | |

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

15 Industrial Street Presque Isle, ME 04769

6. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No

7. Is the licensee/applicant(s) a resident of the State of Maine? ☒ Yes ☐ No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes ☐ No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☐ Yes ☒ No

☐ Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: _____

11. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Robin M. Doody	07/15/1964	Presque Isle, ME
Residence address on all the above for previous 5 years		
Name	Address:	
Robin M. Doody	Presque Isle, ME	
Name	Address:	
Name	Address:	
Name	Address:	

13. Will any law enforcement officer directly benefit financially from this license, if issued?

☐ Yes ☒ No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? ☒ Yes ☐ No

17. Does the licensee/applicant(s) own the premises? ☒ Yes ☐ No

If No, please provide the name and address of the owner:

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: 51.00

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

Bar & Lounge/Portable Bar located at same address

20. What is the distance from the premises to the **nearest** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: church

Distance: 1,000.00

Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: _____

Greg Hedrick
Signature of Duly Authorized Person

Signature of Duly Authorized Person

Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
 - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its [Retail Beverage Alcohol Dealers](https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers) permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

<u>Class of License</u>	<u>Type of liquor/Establishments included</u>	<u>Fee</u>
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00

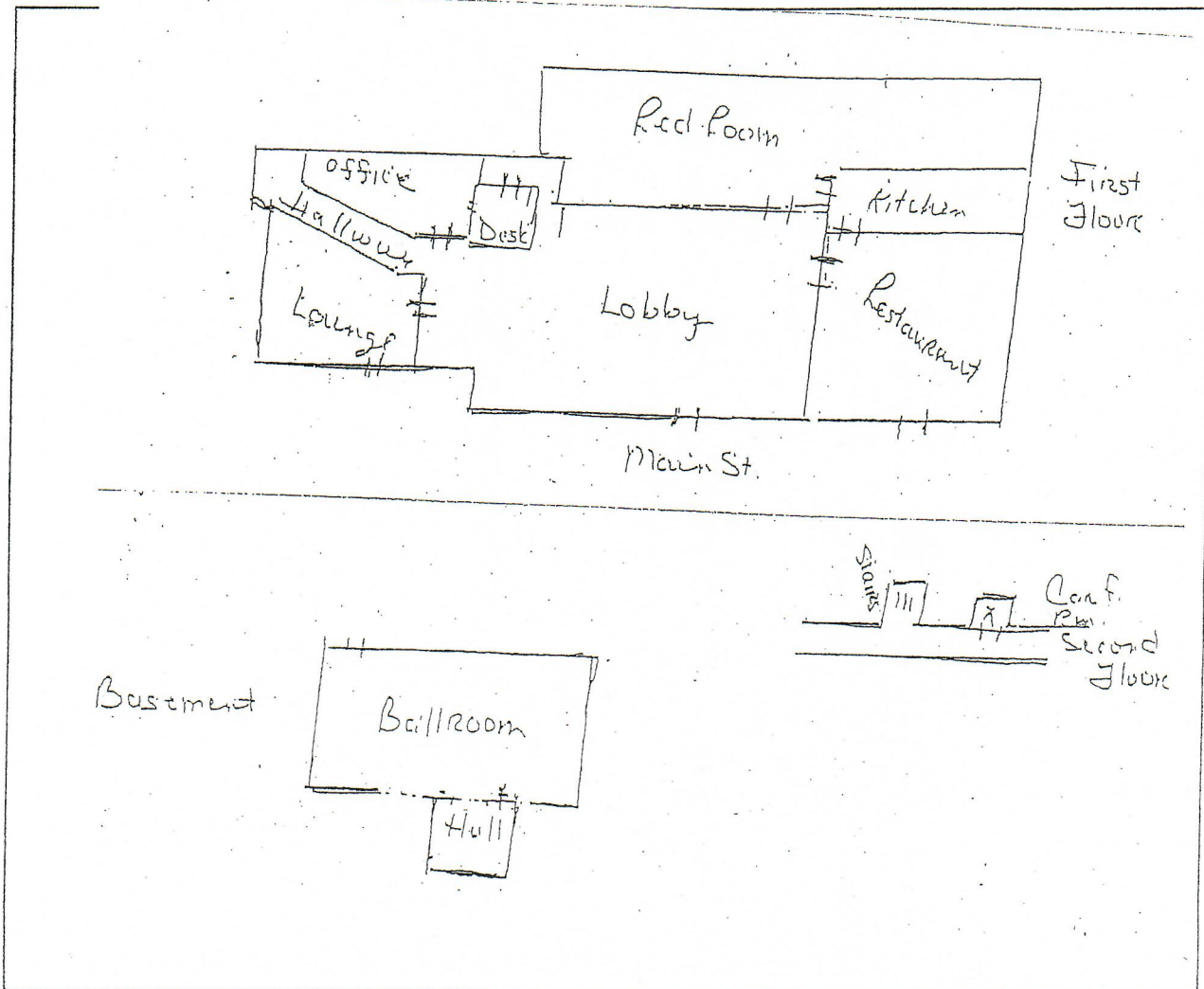
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing & Enforcement
8 State House Station, Augusta, ME 04333-0008
10 Water Street, Hallowell, ME 04347
Tel: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@maine.gov

DIVISION USE ONLY	
<input type="checkbox"/>	Approved
<input type="checkbox"/>	Not Approved
BY:	

ON PREMISE DIAGRAM

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, restrooms, decks and all areas that you are requesting approval from the Division for liquor consumption.



Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Presque Isle Hotel Company
2. Doing Business As, if any: The Northeastland Hotel
3. Date of filing with Secretary of State: _____ State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Joseph Hedrich III	15 Industrial St Presque Isle, ME	06/02/1957	Owner	50.0000
Gregory Hedrich	15 Industrial St Presque Isle, ME	11/13/1958	Owner	50.0000

(Ownership in non-publicly traded companies must add up to 100%.)

NOTICE OF PUBLIC HEARING CITY OF PRESQUE ISLE LEGAL NOTICE

NOTICE IS HEREBY given that the Presque Isle City Council will be hold a **PUBLIC HEARING** on **November 4, 2020** at **6:00 PM** in the City Council Chambers, City Hall at 12 Second Street, to consider approval of a **Liquor License and Special Permit for Music, Dancing, and Entertainment** for:

**Presque Isle Hotel Company
d/b/a Northeastland Hotel**

and to consider approval of a **Liquor License** for:

**Xian Ping Cao
d/b/a My Tai, Inc.**

The public may attend the public hearing or submit written comments. You can obtain more information by contacting the City Clerk's Office at City Hall, 12 Second Street, Presque Isle, ME 04769 or call at 760-2720.

ADA ASSISTANCE: Anyone needing special assistance at the public hearing due to a disability should contact the City of Presque Isle's City Clerk at 760-2720 at least two (2) business days prior to the meeting date.

Published Oct. 28, 2020

PRESQUE ISLE CITY COUNCIL MEETING

For:

November 4, 2020

AGENDA ITEM # 3

SUBJECT

PUBLIC HEARING: Approval of a Malt, Spirituous and Vinous Liquor License for Xian Ping Cao d/b/a My Tai, Inc. with location of 449 Main Street

INFORMATION

- 1) Application
- 2) Public Hearing Notice

REQUESTED ACTION

BE IT RESOLVED by Councilor _____, seconded by Councilor _____ to approve a Special Permit for Spirituous and Vinous Liquor License for Sodexo America, LLC, with location 181 Main Street.



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

TELEPHONE: (207) 624-7220

FAX: (207) 287-3434

EMAIL INQUIRIES: maineliquor@maine.gov

Thank you for your interest in becoming a licensed establishment to sell and serve alcoholic beverages in Maine. To avoid any delay in the processing of your application and the subsequent issuance of your liquor license, please use the following checklist to assist you in completing the application. If you are renewing your license, this checklist is useful as well.

- ☐ Your application has been completed in its entirety and is legible. For a renewal, please submit your application 30 days prior to the expiration date of your liquor license.
- ☐ Your application is signed and dated by a duly authorized person.
- ☐ The application is signed and approved by the Town or City Municipal Officers or County Commissioners.
- ☐ The license fee submitted is for the correct fee for the license class for which you are applying and includes the \$10.00 filing fee.
 - ☐ The check must be made payable to "Treasurer, State of Maine"; both the license and filing fees can be submitted on one check.
 - ☐ If the licensee/applicant(s) is in an unorganized township, the application must be approved by the County Commissioners and the \$10.00 filing fee must be paid to them. Please be sure to include a copy of the receipt of payment with your application.
- ☐ For a renewal, the dollar amount of your gross income for food, liquor and guest rooms, if applicable must be completed – see Section I.1
- ☐ A diagram of the facility to be licensed must accompany **all** applications whether for a new license or the renewal of an existing license
- ☐ If you are a registered business entity with the Maine Secretary of State's office like a corporation or a limited liability company, you must complete Section VII of the application. This does not need to be completed if you are a sole proprietor.
- ☐ Have you applied for other required licensing from other state and federal agencies? See attached list.

Important – all applications whether for a new license or to renew an existing license for an on-premises liquor license must contact their Municipal Officials or the County Commissioners in unincorporated places to have their application approved and signed prior to submitting it to the Bureau for further consideration.

The address to send your completed application to:

1. Mailing address:

Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
8 State House Station
Augusta, ME 04333-0008

2. Courier/overnight address:

Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
10 Water Street
Hallowell, ME 04347

The following licenses/permits may be required prior to be licensing as an on-premises licensee with the Bureau

Obtained ✓	License/Permit	State/Federal Agency to Contact	Telephone Number	Physical Location
	Seller Certificate or Sales Tax Number	Maine Revenue Services www.maine.gov/revenue	(207) 624- 9693	51 Commerce Dr, Augusta
	Health License	Health and Human Services www.maine.gov/dhhs	(207) 287 5671	286 Water St, 3 rd floor, Augusta
	Victualer's License	Municipality where premise is located.	Contact your town office or county office	Contact your town office or county office
	Shellfish License	Marine Recourses www.maine.gov/dmr	(207) 624- 6550	<ul style="list-style-type: none"> • 32 Blossom Lane, Augusta • 194 McKown Point Rd, West Boothbay Harbor • Lamoine State Park, Lamoine • 650 State St, Bangor • 317 Whitneyville Rd, Jonesboro
	Dance or Entertainment License	Fire Marshall's Office www.maine.gov/dps/fmo	(207) 626- 3882	45 Commerce Drive, Suite 1, Augusta
	Federal I.D. Number	www.irs.gov	(800) 829- 4933	
	Legal business names for corporations and limited liability companies and "Doing Business As" Names (assumed names)	Secretary of State, Bureau of Corporations, Elections and Commissions www.maine.gov/sos/cec	(207) 624- 7752	111 Sewall St, 3 rd Fl, Augusta
	Retail Beverage Alcohol Dealers Permit	Alcohol and Tobacco Tax and Trade Bureau (TTB) https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers	(877) 882- 3277	



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Section I: Licensee/Applicant(s) Information;
Type of License and Status

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes <input type="checkbox"/> No <input type="checkbox"/>	

Legal Business Entity Applicant Name (corporation, LLC): <u>My Tai Inc</u>	Business Name (D/B/A): <u>My Tai Inc</u>
Individual or Sole Proprietor Applicant Name(s): <u>Xian Ping Cao</u>	Physical Location: <u>449 main st, Presque Isle</u>
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: <u>ME 04769</u>
Mailing address, if different from DBA address: <u>449 main st</u>	Email Address:
Telephone # Fax #: <u>764 -4426</u>	Business Telephone # Fax #: <u>764 4426</u>
Federal Tax Identification Number: <u>272055124</u>	Maine Seller Certificate # or Sales Tax #: <u>1145323</u>
Retail Beverage Alcohol Dealers Permit:	Website address:

1. New license or renewal of existing license? ☐ New Expected Start date: _____
☒ Renewal Expiration Date: 11/14/20
2. The dollar amount of gross income for the licensure period that will end on the expiration date above:
Food: 543,306.35 Beer, Wine or Spirits: 79787920 Guest Rooms: ⊖
3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)
☐ Malt Liquor (beer) ☐ Wine ☒ Spirits

4. Indicate the type of license applying for: (choose only one)

- | | | |
|--|---|---|
| <input type="checkbox"/> Restaurant
(Class I, II, III, IV) | <input checked="" type="checkbox"/> Class A Restaurant/Lounge
(Class XI) | <input type="checkbox"/> Class A Lounge
(Class X) |
| <input type="checkbox"/> Hotel
(Class I, II, III, IV) | <input type="checkbox"/> Hotel – Food Optional
(Class I-A) | <input type="checkbox"/> Bed & Breakfast
(Class V) |
| <input type="checkbox"/> Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV) | <input type="checkbox"/> Auxiliary | <input type="checkbox"/> Mobile Cart |
| <input type="checkbox"/> Tavern
(Class IV) | <input type="checkbox"/> Other: _____ | |
| <input type="checkbox"/> Qualified Caterer | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only) | |

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

The my Tai (Karen) and accountant David Roymont

6. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No

7. Is the licensee/applicant(s) a resident of the State of Maine? ☒ Yes ☐ No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☐ Yes ☒ No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☐ Yes ☒ No

☐ Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: _____

11. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Xian Ping Cao	11/27/87	china
Wen Rui chen	5/1/80	china

Residence address on all the above for previous 5 years	
Name: Xian Ping Cao	Address: Presque Isle, maine
Name: Wen Rui chen	Address: Presque Isle, maine
Name:	Address:
Name:	Address:

13. Will any law enforcement officer directly benefit financially from this license, if issued?

☐ Yes ☒ No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____
Offense: n/A Location: n/A
Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____
Offense: n/A Location: n/A
Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? ☒ Yes ☐ No

17. Does the licensee/applicant(s) own the premises? ☒ Yes ☐ No

If No, please provide the name and address of the owner:

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: N/A

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

Two story building on main st. 1st Floor Restaurant
2nd floor living quarter for owner.

20. What is the distance from the premises to the **nearest** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: Presque Isle High School

Distance: 1/4 mile

Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 10/19/20

Xianping Cao
Signature of Duly Authorized Person

Xianping Cao
Printed Name Duly Authorized Person

Wen Rui Chen
Signature of Duly Authorized Person

Wen Rui Chen
Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
 - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

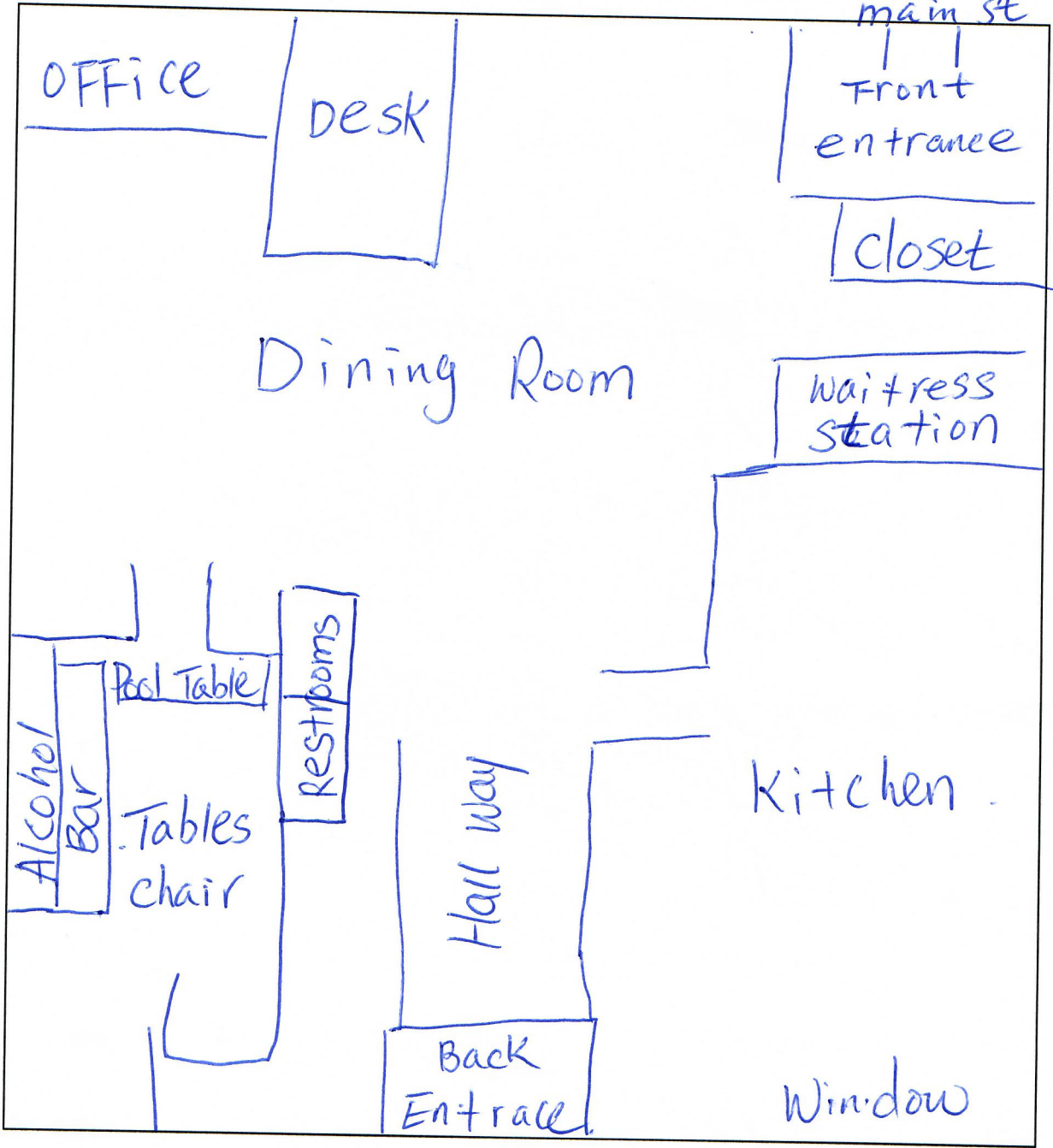
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00

Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.



Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: My Tai Inc
2. Doing Business As, if any: n/A
3. Date of filing with Secretary of State: 1/6/86 State in which you are formed: maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: n/A
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

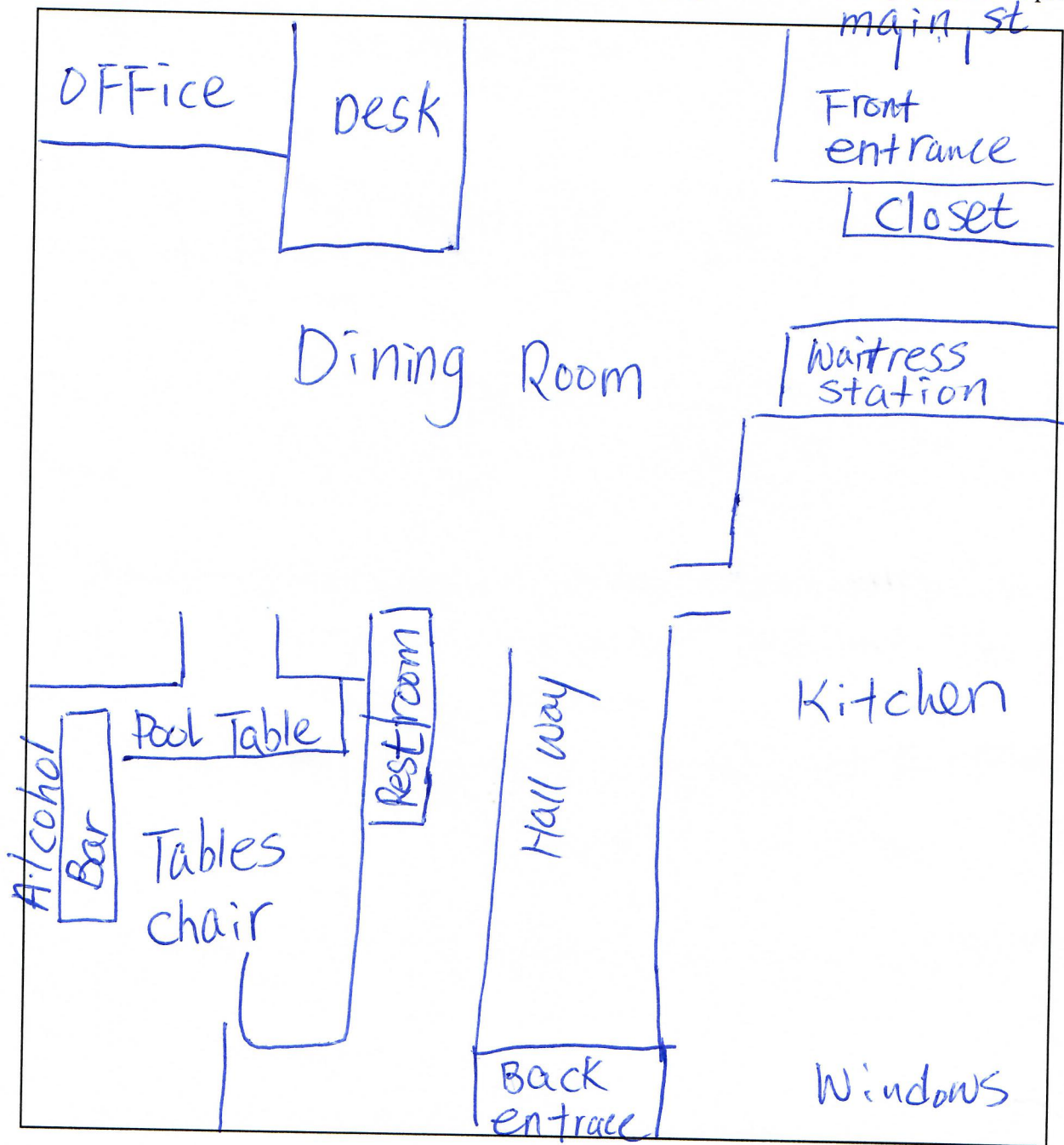
Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Xian ping Cao	449 main St, PI, ME	1/25/87	owner	1/3
Wen bin Chen	449 main St, PI, ME	1/26/74	owner	1/3
Wen Rui Chen	449 main St, PI, ME	5/1/80	owner	1/3

(Ownership in non-publicly traded companies must add up to 100%.)

Section VII Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.



NOTICE OF PUBLIC HEARING CITY OF PRESQUE ISLE LEGAL NOTICE

NOTICE IS HEREBY given that the Presque Isle City Council will be hold a **PUBLIC HEARING** on **November 4, 2020** at **6:00 PM** in the City Council Chambers, City Hall at 12 Second Street, to consider approval of a **Liquor License and Special Permit for Music, Dancing, and Entertainment** for:

**Presque Isle Hotel Company
d/b/a Northeastland Hotel**

and to consider approval of a **Liquor License** for:

**Xian Ping Cao
d/b/a My Tai, Inc.**

The public may attend the public hearing or submit written comments. You can obtain more information by contacting the City Clerk's Office at City Hall, 12 Second Street, Presque Isle, ME 04769 or call at 760-2720.

ADA ASSISTANCE: Anyone needing special assistance at the public hearing due to a disability should contact the City of Presque Isle's City Clerk at 760-2720 at least two (2) business days prior to the meeting date.

Published Oct. 28, 2020

PRESQUE ISLE CITY COUNCIL MEETING

For:

November 4, 2020

AGENDA ITEM # 4

SUBJECT

PUBLIC HEARING: Consider adopting changes to Chapter 43
– Planning Board Ordinance

INFORMATION

- 1) Memo from Galen Weibley, dated October 28, 2020
- 2) Ordinance
- 3) Public Hearing Notice

REQUESTED ACTION

BE IT RESOLVED by Councilor _____, seconded by
Councilor _____ to adopt the changes made to
Chapter 43 – Planning Board Ordinance.



City of Presque Isle, Maine

From the desk of:

Galen Weibley

Email: gweibley@presqueisleme.us

MEMORANDUM

TO:	Honorable City Council
CC:	Martin Puckett, City Manager; Tom King, City Clerk Chelsea Stratton
DATE:	October 28, 2020
RE:	Amending the Planning Board Ordinance

Enclosed is a copy of the Planning Board Ordinance that is amended to include two alternates for annual reappointment. This will allow the city to not run the risk of not having quorum because of absent members or conflicts of interest. The other major change is removing the specific date and time the board meets. This will allow the board greater flexibility in scheduling their meetings in the future when board members change. The Council motioned to advertise a public hearing before adoption at the October 7th meeting. Once the council has heard public comment and is satisfied with the language, please state the following:

Mr. Chairman, I move we adopted the amendment to Chapter 43 the Planning Board Ordinance as submitted.

Motion made by: _____ Seconded by: _____

CHAPTER 43

CITY OF PRESQUE ISLE

Planning Board Ordinance



Adopted by the City Council: March 2, 1998
Repassed by the City Council: February 7, 2000
Repassed by the City Council: January 21, 2004
Repassed by the City Council: January 7, 2008
Repassed by the City Council: March 3, 2008
Repassed by the City Council: January 3, 2012
Amended by the City Council: November 5, 2012
Repassed by the City Council: January 4, 2016
Repassed by the City Council: January 8, 2020

Attest: _____
Thomas C. King, City Clerk

City Seal

CHAPTER 43 PLANNING BOARD ORDINANCE

Article I: Establishment

Pursuant to Art. VIII, pt. 2, Section 1 of the Maine Constitution and 30-A M.R.S.A. § 3001, the City of Presque Isle hereby established the Municipal Planning Board.

Article II: Appointment

1. Board members shall be appointed by the City Council and sworn by the Clerk, or other person authorized to administer oaths.
2. The Board shall consist of seven (7) members and two (2) alternates. Alternates will be supplied all information as other board members and be part of discussions/deliberations in front of the Board however, an alternate can only vote if a member is absent from the meeting or has a conflict of interest.
3. The term of each member shall be four (4) years except the initial appointment, which shall be for the term of each member serving of the Board, as constituted prior to the enactment hereof. Each alternate member shall be reappointed annually.
4. Appointed members shall continue to serve at the expiration of their term until either a new member has been appointed, or the expiration of ninety (90) days from the end of the term, whichever occurs first.
5. Vacancy: When there is a Vacancy, the City Council shall appoint a person to serve for the unexpired term. A vacancy shall be deemed to have occurred upon the happening of any of the following events: resignation, death, or when a member shall fail to attend four (4) consecutive meetings or fails to attend at least 76% of the regular meetings (unexcused by the Chairperson) during the preceding twelve (12) month period. When a vacancy occurs, the Chairperson shall immediately notify the City Council in writing. The City Council may remove any member or members of the board by unanimous vote, after due notice and hearing.
6. A member of the City Council, while serving in that capacity, may not be a member of the Planning Board.

Article III: Officers

An annual meeting shall be held ~~the third Thursday~~ in February and the following officers shall be elected from members of the Board, and shall serve until replaced.

A. Chairperson

1. The chairperson shall preside at all regular, special and executive session meetings of the Board; and shall conduct the meeting.
2. The Chairperson shall appoint members to the committees of the Board, if any, and shall be ex-officio member of any committee.
3. The Chairperson shall determine agenda items and order of business.
4. The Chairperson shall vote at all regular and special meetings of the Board.

B. Vice-Chairperson

The Vice-Chair shall assume the duties of the Chairperson when the Chairperson is absent.

The Board also shall appoint annually a secretary to prepare an agenda, provide proper public notice of each meeting, and keep the minutes of the proceedings of the Planning Board; eligible appointments to the position of secretary shall not be limited to members of the Planning Board. In the event the secretary is absent from any meeting of the Board, the Chairperson shall appoint a secretary *pro tempore* for that meeting.

Article IV: Quorum

No meeting of the Board shall be held without a quorum of four (4) members in actual attendance of such meeting. A member must be present to vote. All decisions shall be by majority vote of those present and voting.

Article V: Meetings

A. Regular Meetings: The Planning Board shall hold its regular scheduled meetings ~~at 7:00 PM on the third Thursday of the month~~ at City Hall ~~during a day and time that is selected by the majority of members~~, unless there is no business to be brought before the Board.

B. Special Meetings: Shall be called by the Chairperson, whenever it is deemed necessary, provided notice thereof is given by publishing in the Star Herald written notice of such meeting, which notices sets forth the subject matter(s) to be addressed at the meeting, the date, and the place of the meeting, at least ten (10) days prior to said meeting; such notice shall also be posted on the Municipal Bulletin Board, City Office, at least ten (10) days prior to said meeting date.

Article VI: Appeals

Appeals of any findings, actions, or determination of the Board shall be to the Superior Court, in accordance with Rule 80-B of the Maine Rules of Civil Procedure. The hearing before Superior Court shall be a trial *de novo* without jury.

NOTICE OF PUBLIC HEARING CITY OF PRESQUE ISLE LEGAL NOTICE

NOTICE IS HEREBY given that the Presque Isle City Council will be hold a **PUBLIC HEARING** on **November 4, 2020** at **6:00 PM** in the City Council Chambers, City Hall at 12 Second Street, to consider adopting changes to **Chapter 43, Planning Board Ordinance**.

The public may attend the public hearing or submit written comments. You can obtain more information by contacting the City Planner's Office at City Hall, 12 Second Street, Presque Isle, ME 04769 or call at 760-2727.

ADA ASSISTANCE: Anyone needing special assistance at the public hearing due to a disability should contact the City of Presque Isle's City Clerk at 760-2720 at least two (2) business days prior to the meeting date.

Per Order of the City Council
Thomas C. King
City Clerk

PRESQUE ISLE CITY COUNCIL MEETING

For:

November 4, 2020

AGENDA ITEM # 5

SUBJECT

CONSENT AGENDA: 2020 Minutes

INFORMATION

- 1) October 7, 2020 Minutes
- 2) October 19, 2020 Minutes
- 3) October 20, 2020 Minutes

REQUESTED ACTION

BE IT RESOLVED by Councilor _____, seconded by Councilor _____ to approve minutes from October 7, 19 & 20, 2020.



Presque Isle City Council Meeting

October 7, 2020

6:00 PM

Presque Isle City Council Chambers

Call to Order – Roll Call

Present: Chairman K. Freeman, Deputy Chairman M. Chasse, Councilors C. Green, J. Shaw, R. Smith, and J. Willette.

Absent: Councilor D. Cyr (arrived at 6:03 P.M)

City Manager Martin Puckett and City Clerk Thomas King were also present.

Pledge of Allegiance

Chairman K. Freeman called the meeting to order at 6:00 PM and led those present in the Pledge of Allegiance.

Public Hearing

1. Approval to amend Chapter 48 – General Assistance Ordinance Appendix A – H.

The Public Hearing was opened at 6:04. City Manager Puckett explained the changes outlined in the Appendices to the Council.

BE IT RESOLVED by Deputy Chairman M. Chasse, seconded by Councilor R. Smith to amend Chapter 48 – General Assistance Ordinance Appendix A – H.

VOTE: 6 – 0

2. Consider adopting changes to Chapter 59A – Adult Use Medical Marijuana Ordinance.

The Public Hearing was opened at 6:06 PM. City Manager Puckett introduced the topic to the Council.

BE IT RESOLVED by Councilor J. Shaw, seconded by Councilor J. Willette to approve the changes to Chapter 59A – Medical Marijuana Ordinance.

Vote: 7 – 0

3. Consider adopting the Downtown Redevelopment Plan

The Public Hearing opened at 6:08 PM by Chairman K. Freeman.

City Manager Puckett introduced the Redevelopment Plan and Presque Isle Director of Economic and Community Development Director Weibley spoke briefly of the plan's purpose and goals.

There was no public comment.

The Public Hearing was closed by Chairman K. Freeman at 6:10 PM.

BE IT RESOLVED by Councilor C. Green, seconded by Councilor J. Shaw to approve the Downtown Redevelopment Plan.

Vote: 7 – 0

4. Consider adopting Downtown TIF District

The Public Hearing was opened at 6:11 PM by Chairman K. Freeman.

City Manager Puckett provided a brief overview of this agenda item and explained that it was the intent of the Department of Economic and Community Development to submit the application upon adoption by the Council.

DECD Director G. Weibley explained this is the first step in a comprehensive downtown revitalization plan. This will allow for forward vision, the possibility of credit enhancements to encourage private investment. Weibley also noted that a Downtown TIF poses less regulation than a regular TIF district plan.

There were no public comments.

Chairman K. Freeman closed the hearing at 6:16 PM with the following declaration: Having heard public comment regarding the proposed Downtown TIF District, the Chair includes Exhibit G, the City of Presque Isle City Council Order into the official record for action by the Council under agenda section Public Hearing item number 4. How would you like to proceed?

BE IT RESOLVED by Councilor J. Shaw, seconded by Councilor R. Smith to approve the Presque Isle Downtown TIF District and full order as presented.

Vote: 7 – 0

5. Special Permit for Automotive Graveyard Permit for Paul Jalbert d/b/a Jalbert Auto and Salvage, 204 Chapman Road.

The Public Hearing opened at 6:17 PM. City Manager Puckett provided a brief synopsis. The hearing was closed at 6:18 PM.

Vote: 7 – 0

6. Special Permit for Automobile Graveyard/Junkyard Permit for Cowett's Used Auto Parts d/b/a C.A.R. 75 Davis Street and 259 Fort Road.

The Public Hearing opened at 6:18 PM. City Manager Puckett provided a brief synopsis. The hearing was closed at 6:19 P.

BE IT RESOLVED by Deputy Chairman M. Chasse, seconded by Councilor R. Smith to approve a Special Permit for Automobile Graveyard/Junkyard Permit for Cowett's Used Auto Parts d/b/a C.A.R. 75 Davis Street and 259 Fort Road.

Vote: 7 – 0

7. Approval of a Taxi Cab License to Tommie Plourde d/b/a Tom's Taxi

The Public Hearing opened at 6:20 PM. City Manager Puckett provided a synopsis to the Council.

The hearing was closed at 6:22 PM.

BE IT RESOLVED by Councilor J. Shaw, seconded by Councilor J. Willette to approve a Taxi Cab License to Tommy Plourde d/b/a Tom's Taxi.

Vote: 7 – 0

8. Approval of a Malt, Spirituous, and Vinous Liquor License for Bethany Graves, d/b/a Lotus Lounge, with location of 149 State Street.

The Public Hearing opened at 6:23 PM. City Manager Puckett provided a synopsis.

BE IT RESOLVED by Councilor C. Green, seconded by Councilor J. Willette to approve a Malt, Spirituous, and Vinous Liquor License for Bethany Graves, d/b/a Lotus Lounge, with a location of 149 State Street.

Vote: 7 – 0

Also, **BE IT RESOLVED** by Chairman K. Freeman, seconded by Councilor J. Willette to approve a Special Permit for Music, Dancing, and Entertainment for Bethany Graves, d/b/a Lotus Lounge, with a location of 149 State Street.

Vote: 7 - 0

Presentation

9. 2021 Budget

Discussion only. City Manager Puckett presented the Council with their proposed 2021 budget binders. Budget meetings will start on 10/12 at 3:00 PM in the Library, with Department Heads presenting their requests to the Council.

Citizen Comments

Sue Watson from the local KIWANIS Club addressed the Council explaining the club recently received an award from the Spirit of America Foundation for their community-based programs such as Swing Into Spring, Stuff the Bus, their work with ACAP and other offerings. Congratulations to the KIWANIS Club!

Consent Agenda

10. September 2, 2020 Minutes

11. 2020 Warrants #34 - #38, totaling \$2,586,360.89

BE IT RESOLVED by Deputy Chairman M. Chasse, seconded by Councilor R. Smith to approve Consent Agenda items 10 and 11 as presented.

Vote: 7 - 0

12. Approve Reappointments to the Presque Isle Housing Authority and Appointment to the Park and Recreation Board.

BE IT RESOLVED by Councilor C. Green, seconded by Deputy Chairman M. Chasse to reappoint Leslie Smart and Michael Williams to the Presque Isle Housing Authority (Term expires 10-1, 2025) and Angel Hebert to the Parks and Recreation Board (Term Expires 2021).

Vote: 7 - 0

13. Request from Versant Power for Easement.

BE IT RESOLVED by Deputy Chairman M. Chasse, seconded by Councilor C. Green to approve the request for an easement to Versant Power located at the intersection of Cross Street and Airport Drive.

Vote: 7 - 0

Old Business

14. City Hall Update

City Manager Puckett, Assessor Lewis Cousins and Deputy Chairman Chasse provided information on the City Hall project. The plans need to be fine tuned a bit more and then sent to the State Fire Marshal's Office for approval.

15. National Renewable Solutions agreements

Brad Wilson from National Renewable Solution spoke at length about the solar project and answered councilors' questions.

BE IT RESOLVED by Deputy Chairman M. Chasse, seconded by Councilor R. Smith to approve the presented contracts with National Renewable Solutions.

Vote: 7 - 0

New Business

16. 2021 Budget Calendar

Public Hearings will be held on November 4th, 2020 and December 2nd, 2020 during the regular Council meetings, at 6:00 PM in Council Chambers at Presque Isle City Hall.

17. Purchase of Bulldozer

BE IT RESOLVED by Deputy Chairman M. Chasse, seconded by Councilor J. Willette to authorize the City Manager to award Milton CAT the bid for a D6 Bulldozer in the amount of \$368,900.00 with the funding coming from the Federal Aviation Administration CARES Act grant program.

Vote: 7 - 0

18. Schedule a Public Hearing for changes to Chapter 43 - Planning Board Ordinance

BE IT RESOLVED by Councilor C. Green, seconded by Councilor R. Smith to schedule a Public Hearing on November 4, 2020 for revisions to Chapter 43 - Planning Board Ordinance.

Vote: 7 - 0

19. Questica Financial Software

City Manager Puckett and Finance Director B. Turner explained the purpose and benefits of this software package.

BE IT RESOLVED by Councilor C. Green, seconded by Councilor J. Willette to approve that the City Purchase Questica and sign a 7 year contract.

Vote: 7 - 0

20. Tax Acquired Property

BE IT RESOLVED by Chairman K. Freeman, seconded by Councilor R. Smith to accept the offer on 20 Braden Street for \$1,000.00.

Vote: 7 - 0

Manager's Report

City Manager Puckett announced a \$55,000 grant to help offset election costs was received recently.

Announcements

The next regular City Council meeting will be held on November 4th, 2020 at 6:00 PM in the City Council Chambers of City Hall.

The Council will be holding budget workshops on October 19 and 20 at 3:00 PM in the Library.

Executive Session

There was no Executive Session called for.

Adjournment

BE IT RESOLVED by Deputy Chairman M. Chasse, seconded by Councilor J. Willette to adjourn the meeting at 7:48 PM.

Vote: 7 - 0

Attested by: _____
Thomas C. King, City Clerk



Presque Isle City Council Budget Workshop

October 19, 2020

3:00 PM

Turner Memorial Library

Call to Order – Roll Call

Present: Deputy Chairman M. Chasse, Councilors, J. Shaw, R. Smith, and J. Willette
Chairman K. Freeman arrived shortly after start of meeting.

Absent: D. Cyr, C. Green.

City Manager Martin Puckett and Department Heads were also present.

Deputy Chairman M. Chasse called the meeting to order at 3:08 PM.

Budget Workshop

The council started the workshop by reviewing the General Assistance, Clerks, General Government and IT Budgets.

B. Turner presented the Finance Department budget, followed by S. Eyler's discussion of the Library budget.

Council took a 15 minute break before D. White explained the detail for the Fire Department's budget and changes in the EMS service communities.

L. Kelley covered two departments, Police and Public Safety.

The final budget proposal was Recreation and Parks with G. Cronin as the presenter.

Adjournment

BE IT RESOLVED by Chairman K. Freeman, seconded by Councilor R. Smith to adjourn the meeting at 7:14 PM.

Vote: 5 – 0

Attested by: _____
Martin Puckett, City Manager



Presque Isle City Council Meeting
October 20, 2020
3:00 PM
Presque Isle Library Conference Room

Call to Order – Roll Call

Present: Chairman K. Freeman, Deputy Chairman M. Chasse, Councilors J. Shaw, and R. Smith.

Absent: Councilors D. Cyr, C. Green, and J. Willette

City Manager Martin Puckett and City Clerk Thomas King were also present.

Call to Order

Chairman K. Freeman called the meeting to order at 3:00 PM.

Budget Workshop

****Note:** Detailed information regarding the specific departments listed below can be found in the City of Presque Isle 2021 Proposed Budget which will be available online at www.presqueislemaine.gov

1. Assessing

Assessor Lewis Cousins presented his 2021 budget request to the Council.
(Department# 01)

2. Department of Economic and Community Development

DECD Director Galen Weibley presented his 2021 budget request to the Council.
(Department# 02)

3:45 PM Councilor C. Green arrived.

3. Public Works

Dana Fowler, Director of Public Works presented his 2021 budget request to the Council. (Department# 09)

4:15 PM Councilor D. Cyr arrived.

4. Solid Waste

Dana Fowler, Director of Solid Waste presented his 2021 budget to the Council. (Department# 12)

5. (Human) Resources

City Manager Martin Puckett presented the 2021 budget request for Resources. (Department# 11)

A brief break was taken at this point. The break lasted approximately ½ an hour.

6. Industrial Council

Tom Powers, Executive Director of the Presque Isle Industrial Council presented his 2021 budget request to the Council. (Department# 13)

7. Employee Benefits

City Manager M. Puckett presented the 2021 budget request for Employee Benefits. (Department# 14)

8. Insurances

City Manager M. Puckett presented the 2021 budget request for Insurances. (Department# 16)

9. Utilities

City Engineer Dana Fowler presented the 2021 budget request for municipal Utilities. (Department# 17)

10. Debt Service

City Manager M. Puckett, with input from Finance Director Brad Turner, presented the 2021 Debt Service budget request to the Council. (Department# 18)

11. Echo Lake

DECD Director Galen Weibley presented the 2021 budget request for Echo Lake.
(Department# 19)

12. Presque Isle International Airport

Scott Wardwell, Director of the Presque Isle International Airport, presented his 2021 budget request to the Council. (Department# 33)

Executive Session

There was no Executive Session called for.

Adjournment

There was no formal motion or vote for Adjournment. The meeting concluded at approximately 7:00 PM.

Attested by: _____
Thomas C. King, City Clerk

PRESQUE ISLE CITY COUNCIL MEETING

For:

October 7, 2020

AGENDA ITEM # 6

SUBJECT

CONSENT AGENDA: 2020 Warrants #39 - #41, totaling
\$2,495,663.29

INFORMATION

1) Warrant #39	\$ 357,869.23
2) Warrant #40	\$ 344,658.36
3) Warrant #41	\$ 1,793,135.70

REQUESTED ACTION

BE IT RESOLVED by Councilor _____, seconded by
Councilor _____ to approve 2020 Warrant #39 - #41,
totaling \$2,495,663.29.

PRESQUE ISLE CITY COUNCIL MEETING

For:

November 4, 2020

AGENDA ITEM # 7

SUBJECT

CONSENT AGENDA: Approve Drug Forfeiture

INFORMATION

1) Transfer Agreements

REQUESTED ACTION

BE IT RESOLVED by Councilor _____, seconded by Councilor _____ to authorize Chairperson, Kevin Freeman to sign the Approval of Transfers

TODD R. COLLINS
District Attorney

CARRIE L. LINTHICUM
Deputy District Attorney

KARI WELLS-PUCKETT
MATTHEW HUNTER
CHRISTIANA REIN
CHARLES FYLER
Assistant District Attorneys

STATE OF MAINE



OFFICE OF THE DISTRICT ATTORNEY
AROOSTOOK COUNTY
PROSECUTORIAL DISTRICT NUMBER 8

Reply To:

144 Sweden Street ☐
Caribou, ME 04736-2353
207-498-2557
FAX 207-493-3493

27 Riverside Drive ☒
Presque Isle, ME 04769-2730
207-764-0504
FAX 207-764-2046

26 Court Street, Suite 101 ☐
Houlton, ME 04730
207-532-4294
FAX 207-532-1504

October 23, 2020

Laurie Kelly, Chief
Presque Isle Police Department
43 North Street
Presque Isle, Maine 04769


RE: *State of Maine v. Colby Doucette* – AROCD-CR-2020-40393

Dear Chief Kelly,

Our office is seeking criminal forfeiture of \$627.00 in U.S. Currency, property owned by and seized from Colby Doucette, which facilitated crimes under Title 17-A, Chapter 45. Your department was a primary contributing law enforcement agency. Consequently, if the court orders forfeiture we are seeking transfer of this property to your department, which requires approval by the Presque Isle City Council pursuant to 15 M.R.S. §§ 5824(2) & 5826(8)(A).

Would you please ensure that this request for approval is presented to the Presque Isle City Council at its next scheduled meeting so as to ensure timely transfer of the assets? If approved, please ensure that the enclosed Approval of Transfer is signed by the Chairperson, marked with the town seal, and returned to our Presque Isle office. If you have any questions, please feel free to contact me at (207) 764-0504 or via email at kari@aroostook.me.us.

Respectfully,


Kari Wells-Puckett
Assistant District Attorney

UNIFIED CRIMINAL COURT
LOCATION: PRESQUE ISLE
DOCKET: AROCD-CR-2020-40393

APPROVAL OF TRANSFER

(Impress Seal Here)

PRESQUE ISLE CITY COUNCIL MEETING

For:

November 4, 2020

AGENDA ITEM # 8

SUBJECT

OLD BUSINESS: Code Update

INFORMATION

1) Memo from Code Department

REQUESTED ACTION

Discussion only.

UPDATE ON FERNAND MARTIN'S PROPERTIES

On August 27, 2020, Mr. Martin obtained a building permit for repairs at 21/23 Howard Street. On October 13, 2020, George did an inspection at 21/23 Howard Street and repairs are progressing on this property.

On October 13th, George also inspected 227 State Street, where he found that Mr. Martin had rented out more rooms that had not been inspected. Mr. Martin has placed a metal roof on the building, but never repaired any of the holes or leaks in the roof. He did attempt to jack up the foundation, but the back portion of the building is still not level as he told George he did not want to bend the siding on the house. George informed him that he needed to remove the siding and continue jacking up the foundation to make it level, then he could replace the siding. Mr. Martin has not made any other repairs to the building.

Mr. Martin has not made any repairs to 14 Park Street, but did drop off a "Plan of Action" to replace the roof and do some of the interior renovations. George did not accept his time line for the repairs as Mr. Martin wanted to wait until summer of 2021, before starting any of the repairs. George inform Mr. Martin that the interior renovation could be done over the winter and he also believed the placing of metal over the roof could also be accomplished this year.

Mr. Martin has placed 71 Dyer Street and 23 Turner Street up for auction through Keegan Auction. The auction is scheduled for November 6th. Mr. Currier, City Solicitor and this office have been in contact with Keegan Auction about the Cities "Order to Abate" and that anyone who obtained the properties needed to contact the Code Office about requires to either bring the buildings up to code or demolish them.

Mr. Martin also has placed 27 Braden Street up for auction through Keegan Auction. Last year the Council had an "Order to Abate" and Mr. Martin did not make any repairs to the building and the City had it demolished. Mr. Martin was invoiced for the cost of the demolition, but has not paid this invoice. The representative as Keegan Auction has been informed that there is an outstanding Real Estate Lien on this property for \$4,231.91.

PRESQUE ISLE CITY COUNCIL MEETING

For:

November 4, 2020

AGENDA ITEM # 9

SUBJECT

NEW BUSINESS: Schedule a Public Hearing for changes to the Presque Isle Development Fund By-Laws

INFORMATION

- 1) Memo from Galen Weibley, dated October 28, 2020
- 2) By-Laws

REQUESTED ACTION

BE IT RESOLVED by Councilor _____, seconded by Councilor _____ to schedule a public hearing on December 2, 2020 for revisions to the Presque Isle Development Fund By-Laws.



City of Presque Isle, Maine

From the desk of:
Galen Weibley

Email: gweibley@presqueisleme.us

MEMORANDUM

TO:	Honorable City Council
CC:	Martin Puckett, City Manager; Tom King, City Clerk Chelsea Stratton
DATE:	October 28, 2020
RE:	Changing PI Development Fund By-Laws

Enclosed is a copy of the recommended changes by the Presque Isle Development Fund By-Laws. These changes will allow for increase programming and usage of PIDF funds and other revenue sources. Highlights of new programs offered by the city will include a Winterization and Rental Modernization (WARM) Program, Microfinancing Program, Downtown Façade Program and the Regional Economic Revolving Loan (REDRLP) Program. The PIDF Trustees unanimously approved sending these recommendations for the Council's consideration during their October 28, 2020 meeting. Once the council has reviewed and is satisfied with the language, please state the following:

Mr. Chairman, I move we advertise the PIDF By-Law changes as submitted for a public hearing to be scheduled at the Council's December 2nd meeting.

Motion made by: _____ Seconded by: _____

CHAPTER 25

CITY OF PRESQUE ISLE

Presque Isle Development Fund By-Laws



Approved by the City Council: June 1987
Amended by the City Council: March 6, 1995
Amended by the City Council: July 9, 2007
Amended by the City Council: September 7, 2011
Amended by the City Council: February 6, 2012
Amended by the City Council: October 1, 2012

Attest: _____
Tom King, City Clerk

City Seal

SECTION 1: PURPOSE

The Presque Isle Development Fund (PIDF) ~~Revolving Loan Fund~~ will help to create and/or retain jobs and to broaden the local tax base by providing low-interest loans and programs for existing and new businesses and industries in Presque Isle.

SECTION 2: LIMITATIONS

Sec. 2-A. The City of Presque Isle is the legal recipient and administrator of the Grant proceeds used to establish the Fund, acting through the ~~Planning & Development Department~~ Department of Economic & Community Development administrative staff, hereinafter referred to as **STAFF**.

Sec. 2-B. These bylaws will govern all rules and proceedings pertaining to loans and eligible business activities, and the rules and regulations of the U.S. Department of Housing and Urban Development (HUD), as applicable, will be used as a guideline in implementing the Presque Isle Development Fund.

SECTION 3: TRUSTEES

Sec. 3-A. Functions

The Presque Isle Development Fund Review committee, hereinafter referred to as **TRUSTEES**, will act in an advisory capacity to the Presque Isle City Council. The PIDF TRUSTEES will be responsible for the overall coordination for loans to (PIDF), including evaluation of applications for loans to businesses or corporations that will enhance the economy of the Presque Isle area by increasing and/or retaining the number of jobs and employees. The TRUSTEES will make recommendations to the City Council for approval of loan applications or new incentives/programs.

Sec. 3-B. Composition

There will be nine (9) TRUSTEES. One TRUSTEE from each of the following bodies, except where otherwise indicated below, will be appointed as a TRUSTEE by the City Council:

Presque Isle City Council (2)
Designated City employee (1)
Central Aroostook Chamber of Commerce (1)
Business Community (1)
Presque Isle At-Large Citizens (2)
Local Bank Representative (with commercial lending capacity preferred) (1)
Presque Isle Industrial Council (1)

The City Manager will be a Member of the BOARD OF TRUSTEES, EX OFFICIO, without a vote.

TRUSTEES will annually elect a Chair~~and~~, Vice-Chair, and Secretary at the first scheduled meeting in January of each year. The Chair will preside at all meetings of the committee and he/she will perform all the duties incidental to his/her office. The Vice-Chair will preside in the absence of the Chair and will have all the authority and responsibilities of this office. The Secretary will take an accurate record of all minutes and transactions during PIDF meetings.

Sec. 3-C. Terms of Office

1. TRUSTEES (2) representing the Presque Isle City Council will be appointed annually by the Council;
2. The Presque Isle Industrial Council will be represented by its Executive director, on an on-going basis;
3. A designated City employee will be appointed by the City Manager, on an on-going basis;
4. All other appointments shall be for staggered three (3) year terms, expiring on December 31, based on the following initial appointment rotation:
 - a. Chamber of Commerce Representative: ~~2010~~ 2019
 - b. At-Large Citizen (1): ~~2012~~ 2021
 - c. At-Large Citizen (1): ~~2012~~ 2021
 - d. Local Bank Representative (1): ~~2011~~ 2020
 - e. Business Community (1): ~~2012~~ 2021

Sec. 3-D. At such time as a TRUSTEE shall leave the employment of, or terminate his/her association with the organization or group that gave rise to the appointment as TRUSTEE, or no longer resides in Presque Isle, such TRUSTEE will be ineligible to continue to act as a TRUSTEE and the City Council will fill the vacancy caused thereby with another person from the same organization or group for the un-expired term of office.

Sec. 3-E.

A TRUSTEE's appointment will be considered vacated, if such TRUSTEE, without just cause, fails to attend three (3) consecutive meetings of the BOARD OF TRUSTEES; or fails to attend at least seventy-five percent (75%) of meetings held in any one (1) calendar year. By majority vote of the TRUSTEES, a determination that a TRUSTEE has failed to meet attendance requirements will be forwarded to the City Council. The final decision regarding a TRUSTEE's continued service will be made by the City Council.

Sec. 3-F

A TRUSTEE's appointment shall continue to serve at the expiration of their term until either a new member has been appointed or the expiration of ninety (90) days from the end of the term, whichever occurs first.

SECTION 4: ALL LOAN FUNDS RULES AND REGULATIONS

Sec. 4-A.

TRUSTEES, and all City employees are not directly or indirectly eligible for a loan.

Sec. 4-B.

City Councilors are not directly or indirectly eligible for a loan.

Sec. 4-C.

All costs of preparation of loan documentation will be borne by the applicant, although consulting assistance may be made available.

Sec. 4-D.

Prior to the release of funds, loan applicants must include evidence of approval for any permits required for operation of a business regulated by agencies such as the Department of Environmental Protection, Bureau of Public Lands, City of Presque Isle, etc.

Sec. 4-E.

Approvals or disapprovals of loan applications will be made in writing. In case of disapprovals, the reasons for such action will be established.

Sec. 4-F.

The TRUSTEES may, from time to time, propose to the City Council amendments of the rules and procedures, as appropriate and as necessary.

Sec. 4-G.

The TRUSTEES may, at their discretion, on a case-by-case basis, recommend to the City Council waiver of the established rate, term and/or minimum and maximum loan amounts on projects that demonstrate a clear benefit to the City.

SECTION 5: LOAN SELECTION REVIEW CRITERIA

- Sec. **5-A.** Except to the extent that this Ordinance contains a contrary provision, all provisions of the Ordinance of the City of Presque Isle shall be in addition to the provisions of this Ordinance.
- Sec. **5-B.** Borrower(s) will provide financial information, where relevant. Each loan request will be accompanied by a written application completed by the Borrower. The loan application will contain such financial information as deemed necessary by the TRUSTEES and will be approved and updated from time to time by the TRUSTEES, as deemed appropriate.
- Sec. **5-C.** All loans are to be made on a cooperative participation basis with private and public sources. ~~In addition to PIDF, each borrower's loan package must include private financing and a minimum equity participation of at least 20%. PIDF participation will not exceed one forth (25%) of the loan package. The TRUSTEES reserve the right to waive the required maximum participation limit of 25%, and also reserve the right to grant direct loans without participation with another lender, in extraordinary cases provided the justification for doing so is documented in the file.~~
- Sec. **5-D.** Loans requiring ~~The PIDF will require~~ collateral ~~which~~ may consist of one or more of the following, but will not be limited to: a mortgage on land, buildings, and equipment; assignment of warehouse receipts for marketable merchandise; assignment of certain types of contracts; a security interest on chattels, or in some instances, assignment of current receivables; and personal or corporate guarantees, secured or unsecured.
- Sec. **5-E.** Maturity will be structured to reflect the borrower's ability to pay and the type of loan and collateral offered, ~~but may not exceed ten (10) years on equipment or fifteen (15) years on real estate. Balloon payments may be required by the TRUSTEES. Maturity of working capital loans, however, usually will be set at no more than seven (7) years.~~
- Sec. **5-F.** Interest rates will be set on each individual loan request at the time of recommendation by the TRUSTEES.

SECTION 6: GENERAL LOAN CLOSING

- Sec. **6-A.** Disbursements will be made upon loan closing, as called for by loan documents, or as determined by mutual agreement of the parties.
- Sec. **6-B.** There will be no prepayment penalty.
- Sec. **6-C.** Legal Representation:

The City Solicitor, on behalf of the City will contact the borrower, or his/her representative, and the participating financial institution and undertake preparation for closing the loan. After scheduling the closing date, the City Solicitor will prepare documentation for the closing of the PIDF loan.

SECTION 6: OPERATIONAL GUIDELINES FOR DEVELOPMENT FUND LOAN PROGRAM

Sec. 6-A. Local Economic Development Objectives

The following criteria may be used by the Trustees in determining the feasibility of recommending a loan, as well as the terms and conditions of the loan:

- a. Job Creation/retention
- b. Diversification of business enterprises
- c. Increase the local tax base and reduce erosion of same
- d. Development within Presque Isle
- e. Leverage other public and/or private funds.

Sec. 6-B. Eligibility Requirements:

Residency:

The Presque Isle Development Fund (PIDF) can only make loans to entrepreneurs who wish to expand a business or start a new business in Presque Isle.

Types of Business:

Eligible businesses will include non-profit and for profit industrial, manufacturing, retail commercial, agriculture, and service business, whether sole, proprietorship, partnership or corporation.

Applicant Credentials:

The applicant must be the owner or head of the business for which a loan is being requested – i.e. proprietor, senior partner, president, or majority stockholder and must have the authority to make legal agreements for that business. The applicant must be capable of actually making or supervising the making of proposed product or providing the proposed service. The applicant must have proven ability in developing and managing businesses of the kind proposed or, as a minimum, must have the appropriate educational background and technical training.

Equity Requirements:

All applicants will be required to provide a minimum of equity needed for the proposed business venture, amounting to 20% of the total project cost (or 25% of the loan requested). Equity may be in the form of cash, securities, real property, equipment or such other form that the TRUSTEES will deem appropriate.

Sec. 6-C. Types and Terms of Loans:

Types of Loans:

The PIDF Loan Program will be designed to provide low interest loans for eligible business activities, including loans for acquisition, equity capital, working capital and lines of credit and other arrangements, to include "gap financing".

Loan Amounts:

The minimum loan amount to any business will be ~~\$5,000~~10,000 and the maximum loan amount will be \$200,000. These limits on loan amounts will be reviewed periodically by the Presque Isle City Council and changes will be made, as appropriate.

Interest Rates:

The basic interest rate will be determined on a case-by-case basis and will not be lower than one percent (1%) below Wall Street Journal (WSJ) prime rate, recommended by the TRUSTEES for approval by the City Council from time to time.

Loan Amortization:

Generally, the borrower will be required to repay loan principal and interest over a five (5) to fifteen (15) year period, depending on the size of the loan, the type of loan, and the type of business. Payments of principal and interest will be made monthly, quarterly, or annually as determined by the City. Flexible payments terms such as a six (6) month moratorium on principal payments ~~or variable payments schedules~~ may be worked out on a case-by-case basis.

Delinquency:

A loan payment will be considered delinquent if payment has not been made within fifteen (15) days after the specified due date. In the event of delinquency, a notice will be sent to the borrower. In any agreed upon payments is not received within fifteen (15) days of due date, then such delinquent payment will be subject to a late fee of ~~\$15.00~~25.00 for each delinquent payment, at the option of the City; in addition, the City reserves the right to call the entire loan balance outstanding if payment is not made within thirty (30) days of the due date thereof.

Defaults:

If a borrower defaults on a loan agreement, whether through non-payment of scheduled loan payments or through breach of an loan condition, including those conditions found in the letter(s) of commitment, appropriate legal action will be taken to ensure that the loan amount will be recovered and returned to the City of Presque Isle. Any person who defaults on a loan under this program will be barred directly or indirectly from making any future loan application to the PIDF Trustees.

SECTION 7: OPERATIONAL GUIDELINES FOR REGIONAL ECONOMIC REVOLVING LOAN PROGRAM

Sec. 7-A. Eligibility Requirements:

Residency:

The REDRLP is only available to entrepreneurs who wish to expand a business or start a new business in Presque Isle.

Types of Business:

Eligible businesses shall not exceed \$10,000,000 in annual sales or employ more than 100 employees while meeting one of the following criteria:

- Manufacturing technologies
- Technologies systems & services
- Value-added natural resource enterprises
- A business converting from defense dependency
- A business significantly engaged in export of goods and services outside Maine
- A business that dedicates significant resources to research & development
- Other businesses employing less than 15 employees
- A quality childcare project
- A business significantly engaged in serving tourists

Applicant Credentials:

The applicant must be the owner or head of the business for which a loan is being requested – i.e. proprietor, senior partner, president, or majority stockholder and must have the authority to make legal agreements for that business. The applicant must be capable of actually making or supervising the making of proposed product or providing the proposed service. The applicant must have proven ability in developing and managing businesses of the kind proposed or, as a minimum, must have the appropriate educational background and technical training.

Equity Requirements:

The Trustees have discretion in requesting collateral for loan amounts less than or equal to \$49,999 may not be required to provide collateral for their loans. All other REDRLP Loan amounts from \$50,000 to \$350,000 will be required to provide a minimum of equity match of 50% of the total loan amount requested. Equity may be in the form of cash, securities, real property, equipment or such other form that the TRUSTEES will deem appropriate.

Sec. 7-C. Types and Terms of Loans:

Types of Loans:

The REDRLP Loans will be designed to the standards of the Financing Authority of Maine (FAME) by providing low interest loans for eligible business activities, including for acquisition of real estate, machinery, equipment or raw materials and inventory, or general working capital.

Loan Amounts:

The minimum loan amount to any business will be \$5,000 and the maximum loan amount will be \$350,000. These limits on loan amounts will be reviewed periodically and updated to the standards of FAME.

Interest Rates:

The basic interest rate will be determined on a case-by-case basis upon a recommendation by the TRUSTEES for approval by the City Council.

Loan Amortization:

Generally, the borrower will be required to repay loan principal and interest over a five (5) to twenty (20) year period, depending on the size of the loan, the type of loan, and the type of business. Payments of principal and interest will be made monthly, quarterly, or annually as determined by the City. Flexible payments terms such as a six (6) month moratorium on principal payments may be worked out on a case-by-case basis.

Delinquency:

A loan payment will be considered delinquent if payment has not been made within fifteen (15) days after the specified due date. In the event of delinquency, a notice will be sent to the borrower. In any agreed upon payments is not received within fifteen (15) days of due date, then such delinquent payment will be subject to a late fee of ~~\$15.00~~ \$25.00 for each delinquent payment, at the option of the City; in addition, the City reserves the right to call the entire loan balance outstanding if payment is not made within thirty (30) days of the due date thereof.

Defaults:

If a borrower defaults on a loan agreement, whether through non-payment of scheduled loan payments or through breach of an loan condition, including those conditions found in the letter(s) of commitment, appropriate legal action will be taken to ensure that the loan amount will be recovered and returned to the City of Presque Isle. Any person who defaults on a loan under this program will be barred directly or indirectly from making any future loan application to the PIDF Trustees.

SECTION 8: OPERATIONAL GUIDELINES FOR MICROFINANCING PROGRAM

Sec. 8-A. Eligibility Requirements:

Residency:

The Microfinancing Program is only available to entrepreneurs who wish to expand a business or start a new business in Presque Isle.

Types of Business:

Eligible businesses shall not exceed \$50,000 in annual sales or employ more than 2 employees while meeting one of the following criteria:

- Manufacturing technologies
- Technologies systems & services
- Value-added natural resource enterprises
- A business converting from defense dependency
- A business significantly engaged in export of goods and services outside Maine
- A business that dedicates significant resources to research & development
- Other businesses employing less than 15 employees
- A quality childcare project
- A business significantly engaged in serving tourists

Applicant Credentials:

The applicant must be the owner or head of the business for which a loan is being requested – i.e. proprietor, senior partner, president, or majority stockholder and must have the authority to make legal agreements for that business. The applicant must be capable of actually making or supervising the making of proposed product or providing the proposed service. The applicant must have proven ability in developing and managing businesses of the kind proposed or, as a minimum, must have the appropriate educational background and technical training.

Equity & Contingency Requirements:

There are no collateral or equity requirements for this program. As a condition of receiving a loan through this program, the applicant will enter into an agreement whereby the PIDF will have exclusive right of refusal to fund future expansion of business operations through the Development Fund programs.

Sec. 8-C. Types and Terms of Loans:

Types of Loans:

This program offers low interest loans for eligible activities, including research & development, acquisition of machinery, equipment or raw materials and inventory, or general working capital. All applicants will be required to attend a financial health and business planning course offered by New Ventures Maine or Northern Maine Development Commission.

Loan Amounts:

The minimum loan amount to any business will be \$1,000 and the maximum loan amount will be \$10,000. These limits on loan amounts will be reviewed periodically and updated by the Trustees.

Interest Rates:

The basic interest rate will be determined on a case-by-case basis but will not exceed the standard Wall Street Journal (WSJ) prime rate. Suggested terms will be provided upon a recommendation by the TRUSTEES for approval by the City Council.

Loan Amortization:

Generally, the borrower will be required to repay loan principal and interest over a five (5) to ten (10) year period, depending on the size of the loan and intended use. Payments of principal and interest will be made monthly._

Principal Forgiveness Bonus

Upon paying consecutive on-time monthly payments during all but one year of the loan term, the last year's outstanding principal will be forgiven, and the loan will be closed. Example: Five-year loan requires 48 consecutive months on on-time payments. Ten-year loan requires 108 consecutive on-time payments.

Delinquency:

A loan payment will be considered delinquent if payment has not been made within fifteen (15) days after the specified due date. In the event of delinquency, a notice will be sent to the borrower. In any agreed upon payments is not received within fifteen (15) days of due date, then such delinquent payment will be subject to a late fee of ~~\$15.00~~25.00 for each delinquent payment, at the option of the City; in addition, the City reserves the right to call the entire loan balance outstanding if payment is not made within thirty (30) days of the due date thereof.

Defaults:

If a borrower defaults on a loan agreement, whether through non-payment of scheduled loan payments or through breach of an loan condition, including those conditions found in the letter(s) of commitment, appropriate legal action will be taken to ensure that the loan amount will be recovered and returned to the City of Presque Isle. Any person who defaults on a loan under this program will be barred directly or indirectly from making any future loan application to the PIDF Trustees.

SECTION 9: WINTERIZATION AND RENTAL MODERNIZATION (WARM) PROGRAM

Sec. 9-A. Program Overview

The WARM program offers multiple low interest loans to property owners of rental units within Presque Isle city limits to incentivize energy savings by updating windows, doors and heating systems.

Sec. 9-B. Eligibility

Residency:

The WARM program is available to property owners of rental units within Presque Isle.

Qualifying Applicants:

Owners shall own but not live in a single-family or multi-family residential dwellings that is being rented within Presque Isle. Owners must have a history of credit worthiness with financial institutions.

Applicant Credentials:

The applicant must be the owner of a single family and/or multi-family dwelling(s) loan is being requested and must have the authority to make legal agreements for said property(ies). Landlords that offer low income rentals are strongly encouraged to apply for this program.

Equity Requirements:

All applicants will be required to sign a new or rider mortgage agreement as collateral before funds may be issued.

Sec. 9-C. Types & Terms of Loans

Types of Loans:

The WARM program offers multiple low interest loans to property owners in Presque Isle to incentivize energy savings by updating windows, doors and heating systems within the city limits.

Loan Amounts:

The minimum loan amount to any property owner will be \$1,000 and the maximum loan amount will be \$20,000. These limits on loan amounts will be reviewed periodically and updated by the Trustees.

Interest Rates:

The basic interest rate will be at a minimal one percent (1%) but will not exceed the standard Wall Street Journal (WSJ) prime rate. Suggested terms will be provided upon a recommendation by the TRUSTEES for approval by the City Council.

Loan Amortization:

Generally, the borrower will be required to repay loan principal and interest over a four (4) to ten (10) year period, depending on the size of the loan and intended use. Payments of principal and interest will be made monthly.

Delinquency:

A loan payment will be considered delinquent if payment has not been made within fifteen (15) days after the specified due date. In the event of delinquency, a notice will be sent to the borrower. In any agreed upon payments is not received within fifteen (15) days of due date, then such delinquent payment will be subject to a late fee of \$25.00 for each delinquent payment, at the option of the City; in addition, the City reserves the right to call the entire loan balance outstanding if payment is not made within thirty (30) days of the due date thereof.

Defaults:

If a borrower defaults on a loan agreement, whether through non-payment of scheduled loan payments or through breach of an loan condition, including those conditions found in the letter(s) of commitment, appropriate legal action will be taken to ensure that the loan amount will be recovered and returned to the City of Presque Isle. Any person who defaults on a loan under this program will be barred directly or indirectly from making any future loan application to the PIDF Trustees.

SECTION 10: PRESQUE ISLE DOWNTOWN FASCADE PROGRAM

Sec. 10-A. Program Overview

The City's Downtown Façade program offers zero percent non-payment loans for qualifying downtown commercial façades to improve the aesthetics of storefronts within the Downtown Retail Business & Retail Business Zones. A list of qualifying applicants shall be submitted by the Department of Economic & Community Development to the Planning Board & City Council for approval.

Sec. 10-B. Eligibility

Qualifying Applicants & Credentials:

The Downtown Façade program is available to property owners of qualifying commercial properties in the Downtown Retail and Retail Business Zones. Owners must be current on all taxes owed and the property must not have any outstanding liens. Applicants can also be commercial tenants with written approval by landlord to apply. The commercial landlord understands the responsibility and terms of the program when allowing their tenant to be an applicant.

Equity Requirements:

All property owners will be required to sign a new or rider 20-year mortgage agreement connected to the property to be improved as collateral before funds may be issued. In addition, applicants must match 50% of the total funds requested unless complying with the historical preservation bonus of 25%.

Sec. 10-C. Types & Terms of Loans

Types of Loans:

The Downtown Façade program offers zero percent (0%) non-payment forgivable loans to qualifying properties for the improvement of downtown facades to include new windows, doors, lighting, brickwork, siding improvements, signage, and mural installations.

Loan Amounts:

The minimum and maximum loan amount to a facade is \$5,000 to \$100,000.00 per qualifying commercial property. These limits on loan amounts will be reviewed periodically and updated by the Trustees.

Terms & Interest Rates:

The interest rate for this loan shall be zero (0%). Terms will be set for 20 years from the date of issuance. Repayment will not be required unless the property has been transferred or sold to new owners within the 20-year term. Repayment to the City will be prorated at a reduction of 3.33% per year of the principal balance. The remaining principal will be charged a 5% interest rate before closing the loan with the City's Finance Department. After 20 years of continual ownership, the City shall relinquish it's current or rider mortgage agreement with the applicant and the applicant may sell or apply for new façade funds with the city.

It is recommended Façade improvements conform to the historical nature of Presque Isle's downtown architecture revival efforts. While not a requirement, conforming to the standards set by the Planning Board & Presque Isle Historical Society will offer applicants a bonus that will reduce their private equity match for the project from 50% to 25%. The usage of this program's funds for installation of vinyl/plastic siding will be prohibited regardless if the applicant decision to take part of historical bonus.

All fees associated with filing and legal shall be paid by the applicant at time of filing and closing.

Additional Funds:

Should Community Development Block Grant (CDBG) funds become available, previous or current applicants may apply for these funds in addition to the loan program offered by the city. These funds will not count towards the private match requirements of the non-payment loan administered by the Development Fund Trustees.

It is encouraged for applicants to seek additional funds from private sources to enhance the arts and cultural features of façade appeal. Nothing will preclude an applicant for using façade loan funds from this program to improve the aesthetic nature of their property.

SECTION 11: ABILITY TO WAIVE REQUIREMENTS

- Sec. 11-A.** These By-laws may be amended and/or suspended at any time by affirmative vote of the Presque Isle City Council, when in the sole discretion of the City Council, the By-laws warrant changes, and/or the purpose for which these By-laws were created initially no longer exists or could, in the sole judgment of the City Council, be more efficiently or effectively carried out by other means available to the City.
- Sec. 11-B.** The City Council may vote to waive any or all requirements of these By-Laws, upon recommendation by the Board of Trustees, on a case by case basis so long as such action does not violate any Federal or State rules, regulations or requirements.
- Sec. 11-C.** Upon vote by the City Council to suspend these By-laws, the BOARD OF TRUSTEES will be disbanded and dissolved without further involvement with the Presque Isle Development Fund.

SECTION 12: SEVERABILITY

If any section, phrases, sentence or portion of these By-Laws are for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

PRESQUE ISLE CITY COUNCIL MEETING

For:

November 4, 2020

AGENDA ITEM

SUBJECT

BUDGET WORKSHOP

WORKSHOP: Presentations

Outside & Unclassified Requests

REQUESTED ACTION

Discussion only.

PRESQUE ISLE CITY COUNCIL MEETING

For:

November 4, 2020

AGENDA ITEM # EXECUTIVE SESSION

SUBJECT

EXECUTIVE SESSION: Pursuant to 1 M.R.S.A. § 405(6)(D) to discuss Negotiations

INFORMATION

REQUESTED ACTION

BE IT RESOLVED by Councilor _____, seconded by Councilor _____ to enter into Executive Session pursuant to 1 M.R.S.A. § 405(6)(D) to discuss Negotiations matter.

PRESQUE ISLE CITY COUNCIL ANNOUNCEMENTS

Wednesday, November 4th, 2020

- There will be a Budget Workshop scheduled for Thursday, November 5, 2020 at 3:00 PM in the Council Chambers at City Hall.
- There will be a Budget Workshop scheduled for Wednesday, November 18, 2020 at 5:15 PM in the Council Chambers at City Hall.
- The next regularly scheduled meeting of the Presque Isle City Council is on Wednesday, December 2, 2020 at 6:00 PM in the Council Chambers at City Hall.