



Presque Isle City Council Meeting

Wednesday, June 1st, 2022

6:00 PM

Sargent Family Community Center

AGENDA

Call to Order

Pledge of Allegiance

Public Hearing

1. Approval for a Malt, Spirituous and Vinous Liquor License and Special Permit for Music, Dancing & Entertainment for Ignite Presque Isle, d/b/a Presque Isle Hotel Company, with a location of 436 Main Street (Single Hearing)
2. Approval of a Malt, Spirituous and Vinous Liquor License and Special Permit for Music, Dancing & Entertainment for Presque Isle Inn, Inc. d/b/a Presque Isle Inn and Convention Center, with location of 116 Main Street (Single Hearing)
3. Adopt changes to Chapter 59A Marijuana Ordinance

Citizen Comments

Consent Agenda

4. Approve Minutes from May 4, 2022
5. Approve 2022 Warrants #14 - #17 totaling \$2,204,980.08
6. Approve Reappointment to Northern Maine Development Commission
7. Approve Appointment to Library Board of Trustees (Alternate)
8. Approve Election Warrants
9. Versant Power
10. Transfer of Capital Reserves
11. Approve Quitclaim Deed

Old Business

12. Dangerous Building – 45 Elm Street
13. City Hall Renovation Update

New Business

14. Website RFQ
15. Airport Update

Manager's Report

Announcements

Executive Session

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

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Pursuant to 1 M.R.S.A. § 405(6)(C) 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:	May 23, 2022
RE:	June 1st Council Meeting, 6pm Sargent Family Community Center

Call to Order

Roll Call

Pledge of Allegiance

Public Hearings

1. Approval for a Malt, Spirituous and Vinous Liquor License and Special Permit for Music, Dancing & Entertainment for Ignite Presque Isle, d/b/a Presque Isle Hotel Company, with a location of 436 Main Street (Single Hearing) **Staff Recommends Approval**
2. Approval of a Malt, Spirituous and Vinous Liquor License and Special Permit for Music, Dancing & Entertainment for Presque Isle Inn, Inc. d/b/a Presque Isle Inn and Convention Center, with location of 116 Main Street (Single Hearing) **Staff Recommends Approval**
3. Adopt changes to Chapter 59A Marijuana Ordinance: Galen will update the council on the progress of the Marijuana Working Group and provide recommended changes to the existing ordinance. Changes include: permitting staff review the authority to deny incomplete applications, clarifying odor controls, require posting of health notices, adding training requirements for businesses, and prohibiting retail stores in agricultural zones. After council reviews proposed changes and is agreeable, **Staff Recommends Approval**

Citizen Comments

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

4. Approve Minutes from May 4, 2022
5. Approve 2022 Warrants #14 - #17 totaling \$2,204,980.08
6. Approve Reappointment to Northern Maine Development Commission
7. Approve Appointment to Library Board of Trustees (Alternate)
8. Approve Election Warrants
9. Versant Power: Carmichael St. pole installation
10. Transfer of Capital Reserves: Transfer of funds associated with Enterprise Fleet
11. Approve Quitclaim Deed: Purchase and Sale agreement from December 2021 included.

Old Business

12. Dangerous Building – 45 Elm Street
13. City Hall Renovation Update: Committee will provide update on renovation progress.

New Business

14. Website RFQ: At the time of the memo, the members of the committee have narrowed the list of firms to interview down to three. Interviews will occur this week and the committee should have a final recommendation for the council meeting. Materials provided at meeting. **Committee recommends approval of selected firm.**
15. Airport Update: Scott Wardwell, Airport Director will give an update about enplanements and activities at the airport. **For Discussion.**

Manager's Report**Announcements****Executive Session**

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

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Adjournment

PRESQUE ISLE CITY COUNCIL MEETING

For:

June 1, 2022

AGENDA ITEM # 1

SUBJECT

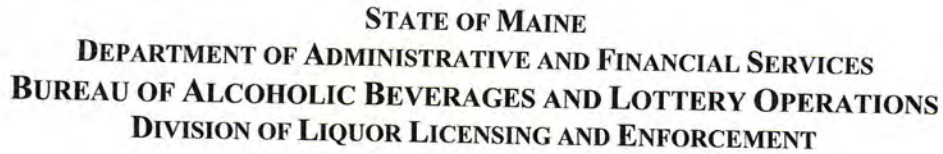
PUBLIC HEARING: Approval for a Malt, Spirituous and Vinous Liquor License and Special Permit for Music, Dancing and Entertainment for Ignite Presque Isle, d/b/a Presque Isle Hotel Company, with location of 436 Main Street. (Single Hearing)

INFORMATION

- 1) Application
- 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 Music, Dancing and Entertainment for Presque Isle Ignite Presque Isle, d/b/a Presque Isle Hotel Company, with location of 436 Main Street



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: 6/21/22

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:

Food: \$300,000 Beer, Wine or Spirits: \$100,000 Guest Rooms: \$750,000

☒ 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 checked="" 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:

436 Main 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

IGNITE PRESQUE ISLE

BOARD OF DIRECTORS

Ryan Pelletier, Chairperson
8 Island Road
St. Agatha, ME 04772
Aroostook County Administrator

Julie Libby, Vice-Chairperson
101 Barton Street
Presque Isle, ME 04769
Retired, Financial

Cathy Beaulieu, Treasurer
407 Main Street
Presque Isle, ME 04769
Owner, Wilder's Jewelry Store

Patricia Sutherland, Secretary
1738 Chapman Road
Chapman, ME 04757
Retired College Administrator

Bruce Sargent, Board Member
425 Centerline Road
Presque Isle, ME 04769
Owner, Falcon Transportation

Kallie Bard, Board Member
298 Ogren Road
Caribou, ME 04736
Financial Professional, Thompson Financial Group

Angie Helton, Board Member
141 Brigham Street
South Portland, ME 04106
President, Northeast Media Associates

James Nelson, Board Member
15 Superior Drive
Caribou, ME 04736
Commercial Lender, TD Bank N.A.

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
Clinton Edward Deschene	11-27-72	Presque Isle ME 04769
Robert Joseph Ottaviano	9-28-68	New Haven, CT

Residence address on all the above for previous 5 years

Name	Address:
Clint Deschene	301 State St. Presque Isle ME 04769
Name	Address:
Robert Ottaviano	72 Miles St. Washburn, ME 04786
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: 49

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)

Restaurant, Lobby area
Basement Ball Room, Red Room 1st floor Rm 201 + 204
exec. board rooms

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: Notivty of the blessed Virgin Mary + St. Mary's Catholic

Distance: 0.1

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: 5-18-2022

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 permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

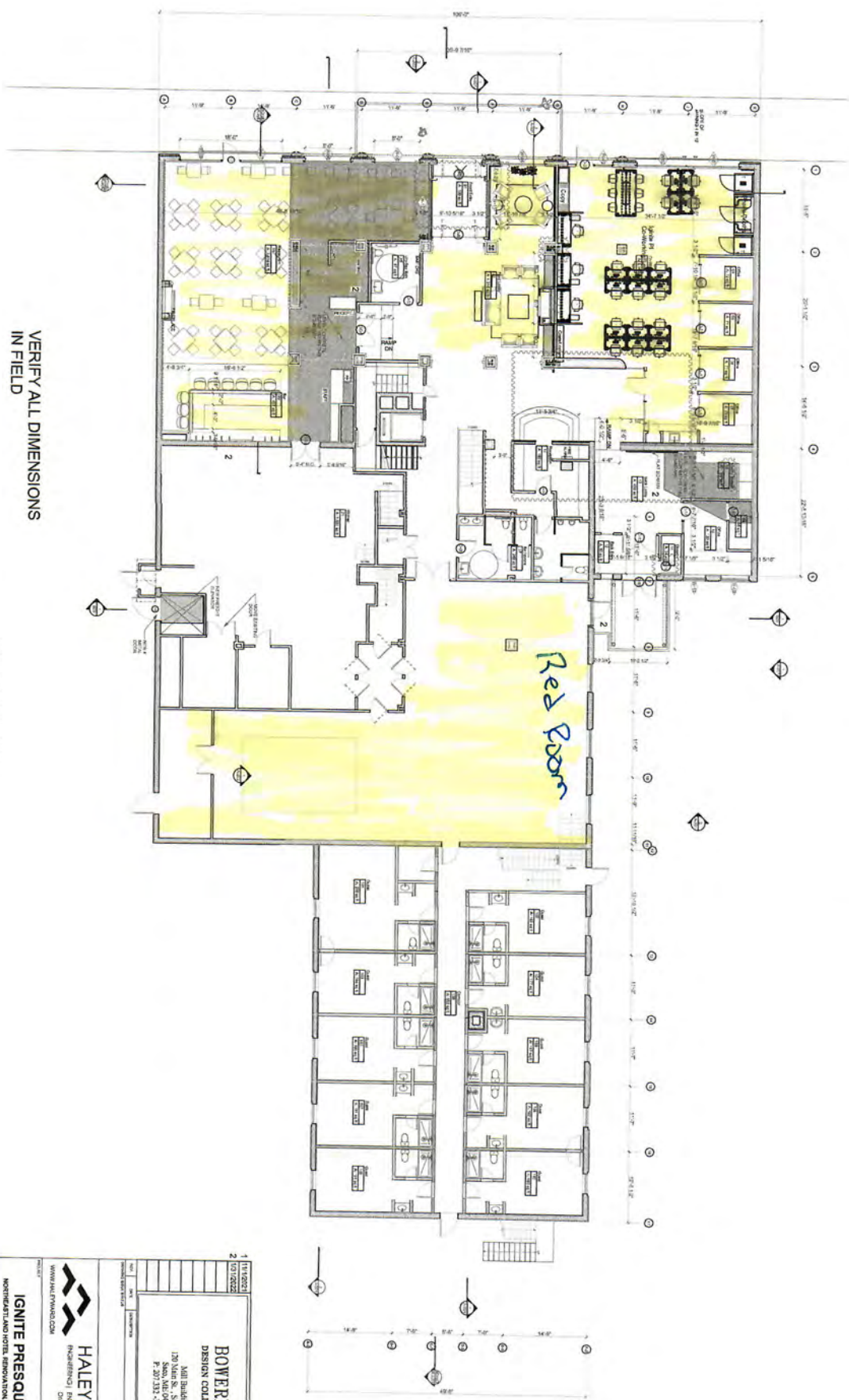
Section V: Fee Schedule

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

Highlighted Areas to be Licensed



VERIFY ALL DIMENSIONS
IN FIELD

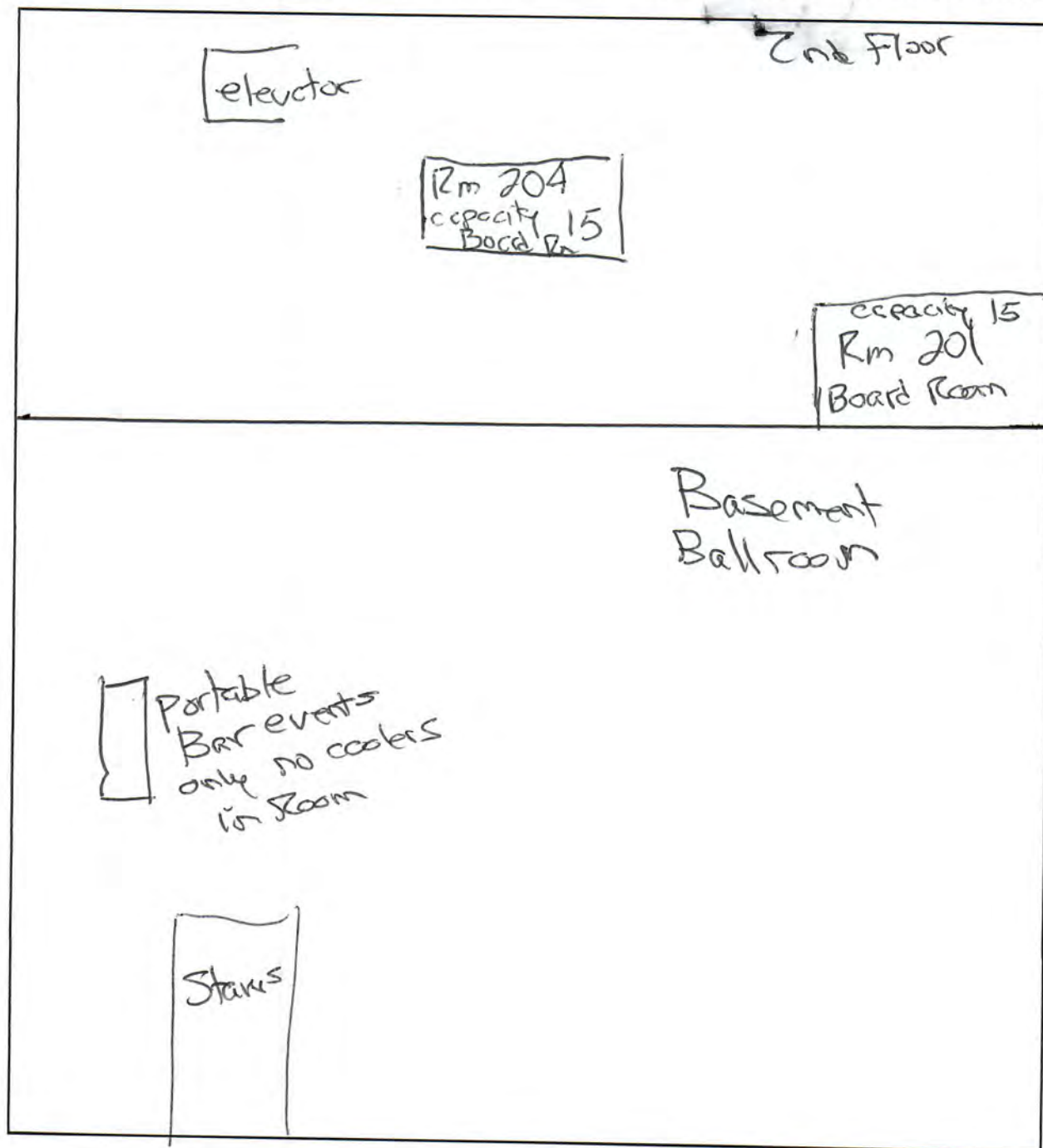
Ground Floor Plan
SCALE: 1/8"=1'-0"

BOWEBIRD DESIGN COLLECTIVE 1201 N. 1st St. Suite 100 Seattle, WA 98101 P: 206.333.2211		HALEY WARD ARCHITECT 1201 N. 1st St. Suite 100 Seattle, WA 98101 P: 206.333.2211	
IGNITE PRESQUE ISLE NORTHATLANT HOTEL RENOVATION PRESQUE ISLE, ME			
CONSTRUCTION SET GROUND FLOOR PLAN			
DATE	1/31/2022	BY	AW
PROJECT NO.	13494	SCALE	1/8"=1'-0"
A-103		1/11/2022 1/21/2022	

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: Ignite Presque Isle
2. Doing Business As, if any: Presque Isle Hotel Company Northeastland Hotel
3. Date of filing with Secretary of State: 12-21-2020 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
Clinton Deschene	301 State Street Presque Isle ME 04769	11-27-72	CEO	0%

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

Date of this notice: 01-07-2021

Employer Identification Number:
86-1274227

Form: SS-4

Number of this notice: CP 575 A

IGNITE PRESQUE ISLE
& CLINTON DESCHENE
PO BOX D
PRESQUE ISLE, ME 04769

For assistance you may call us at:
1-800-829-4933

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 86-1274227. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, payments, and related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear off stub and return it to us.

Based on the information received from you or your representative, you must file the following form(s) by the date(s) shown.

Form 940
Form 944

01/31/2022
01/31/2022

If you have questions about the form(s) or the due date(s) shown, you can call us at the phone number or write to us at the address shown at the top of this notice. If you need help in determining your annual accounting period (tax year), see Publication 538, *Accounting Periods and Methods*.

We assigned you a tax classification based on information obtained from you or your representative. It is not a legal determination of your tax classification, and is not binding on the IRS. If you want a legal determination of your tax classification, you may request a private letter ruling from the IRS under the guidelines in Revenue Procedure 2004-1, 2004-1 I.R.B. 1 (or superseding Revenue Procedure for the year at issue). Note: Certain tax classification elections can be requested by filing Form 8832, *Entity Classification Election*. See Form 8832 and its instructions for additional information.

If you are required to deposit for employment taxes (Forms 941, 943, 940, 944, 945, CT-1, or 1042), excise taxes (Form 720), or income taxes (Form 1120), you will receive a Welcome Package shortly, which includes instructions for making your deposits electronically through the Electronic Federal Tax Payment System (EFTPS). A Personal Identification Number (PIN) for EFTPS will also be sent to you under separate cover. Please activate the PIN once you receive it, even if you have requested the services of a tax professional or representative. For more information about EFTPS, refer to Publication 966, *Electronic Choices to Pay All Your Federal Taxes*. If you need to make a deposit immediately, you will need to make arrangements with your Financial Institution to complete a wire transfer.

DOMESTIC
NONPROFIT CORPORATION

STATE OF MAINE

ARTICLES OF INCORPORATION

Filing Fee \$40.00

File No. 20210276ND Pages 5

Fee Paid \$ 40

DCN 2203572270022 ARTI

-----FILED-----

12/21/2020


Deputy Secretary of State

A True Copy When Attested By Signature

Deputy Secretary of State

Pursuant to 13-B MRSA §403, the undersigned incorporator(s) execute(s) and deliver(s) the following Articles of Incorporation:

FIRST: The name of the corporation is IGNITE PRESQUE ISLE

SECOND: ("X" one box only. Attach additional page(s) if necessary.)



The corporation is organized as a public benefit corporation for the following purpose or purposes:
See Exhibit A attached.



The corporation is organized as a mutual benefit corporation for all purposes permitted under Title 13-B or, if not for all such purposes, then for the following purpose or purposes:

THIRD: The Registered Agent is a: (select either a Commercial or Noncommercial Registered Agent)



Commercial Registered Agent

CRA Public Number: _____

(name of commercial registered agent)



Noncommercial Registered Agent

KATELYNN J. RONAN

(name of noncommercial registered agent)

84 HARLOW STREET, BANGOR, MAINE 04401

(physical location, not P.O. Box – street, city, state and zip code)

P.O. BOX 1401, BANGOR, MAINE 04402-1401

(mailing address if different from above)

FOURTH: Pursuant to 5 MRSA §108.3, the new commercial registered agent as listed above has consented to serve as the registered agent for this nonprofit corporation.

FIFTH: The number of directors (not less than 3) constituting the initial board of directors of the corporation, if the number has been designated or if the initial directors have been chosen, is 3.

The minimum number of directors (not less than 3) shall be 3 and the maximum number of directors shall be 11.

SIXTH: Members: ("X" one box only.)

☒
☐

There shall be no members.

There shall be one or more classes of members and the information required by 13-B MRSA §402 is attached.

SEVENTH: (Optional) ☒ (Check if this article is to apply.)

No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in or intervene in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office.

EIGHTH: (Optional) ☒ (Check if this article is to apply.)

Other provisions of these articles including provisions for the regulation of the internal affairs of the corporation, distribution of assets on dissolution or final liquidation and the requirements of the Internal Revenue Code section 501(c) are set out in Exhibit B attached hereto and made a part hereof.

Incorporators

Dated DECEMBER 15, 2020

Katelynn J. Ronan
(signature)

Street 84 HARLOW STREET
(address)

KATELYNN J. RONAN

(type or print name)

BANGOR, MAINE 04401

(city, state and zip code)

(signature)

Street _____
(address)

(type or print name)

(city, state and zip code)

(signature)

Street _____
(address)

(type or print name)

(city, state and zip code)

For Corporate Incorporators*

Name of Corporate Incorporator _____

By _____
(signature of officer)

Street _____
(principal business location)

(type or print name and capacity)

(city, state and zip code)

Name of Corporate Incorporator _____

By _____
(signature of officer)

Street _____
(principal business location)

(type or print name and capacity)

(city, state and zip code)

*** Articles are to be executed as follows:**

If a corporation is an incorporator (13-B MRSA §401), the name of the corporation should be typed or printed and signed on its behalf by an officer of the corporation. The articles of incorporation must be accompanied by a certificate of an appropriate officer of the corporation, not the person signing the articles, certifying that the person executing the articles on behalf of the corporation was duly authorized to do so.

Please remit your payment made payable to the Maine Secretary of State.

Submit completed form to:

Secretary of State
Division of Corporations, UCC and Commissions
101 State House Station
Augusta, ME 04333-0101
Telephone Inquiries: (207) 624-7752

Email Inquiries: CEC.Corporations@Maine.gov

**EXHIBIT A
TO
ARTICLES OF INCORPORATION
OF
IGNITE PRESQUE ISLE**

Ignite Presque Isle (the "Corporation") is organized exclusively for charitable, educational, and scientific purposes, specifically for such purposes of the organization and implementation of economic development and revitalization of Presque Isle, Maine as a service center. Notwithstanding any other provision of these Articles of Incorporation, the Corporation shall not carry on any activities not permitted to be carried on by (a) a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or (b) corporations, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

**EXHIBIT B
TO
ARTICLES OF INCORPORATION
OF
IGNITE PRESQUE ISLE**

Upon dissolution of the Corporation or the termination of its activities, the assets of the Corporation remaining after the payment of all its liabilities shall be distributed exclusively to one or more organizations organized and operated for the same or similar purposes as the Corporation, or to those as shall then qualify as an exempt organization or organizations under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

No part of the net earnings of the Corporation shall inure to the benefit of any Director or officer of the Corporation, or any private individual (except that reasonable compensation may be paid for services rendered to or for the Corporation in carrying out one or more of its purposes), and no Director or officer of the Corporation, or any private individual, shall be entitled to share in the distribution of any of the Corporation's assets on dissolution of the Corporation.

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 **June 1, 2022** at **6:00 PM** at the Sargent Family Community Center, to consider a Malt, Spiritous and Vinous Liquor License Plus a Special Permit for Music, Dancing and Entertainment from:

Ignite Presque Isle, d/b/a Presque Isle Hotel Company 436 Main St.

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.

Per City Council

Kimberly A. Finnemore

City Clerk

Published May 25, 2022

PRESQUE ISLE CITY COUNCIL MEETING

For:

June 1, 2022

AGENDA ITEM # 2

SUBJECT

PUBLIC HEARING: Approval for a Malt, Spirituous and Vinous Liquor License and Special Permit for Music, Dancing, and Entertainment for Presque Isle Inn, Inc. d/b/a Presque Isle Inn and Convention Center, with location of 116 Main Street (Single Hearing)

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 for Presque Isle Inn, Inc. d/b/a Presque Isle Inn and Convention Center, with location of 116 Main Street.



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.

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

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

Legal Business Entity Applicant Name (corporation, LLC): <u>Presque Isle Inn Inc.</u>	Business Name (D/B/A): <u>Presque Isle Inn & Convention Center</u>
Individual or Sole Proprietor Applicant Name(s):	Physical Location: <u>116 main st Presque Isle ME 04769</u>
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: <u>cang.guach@gmail.com</u>
Telephone # Fax #:	Business Telephone # Fax #: <u>207-764-3321 207-498-3149</u>
Federal Tax Identification Number: <u>86-3222728</u>	Maine Seller Certificate # or Sales Tax #: <u>1217089</u>
Retail Beverage Alcohol Dealers Permit:	Website address: <u>www.presqueisleinn.com</u>

1. New license or renewal of existing license? ☐ New Expected Start date: _____
☒ Renewal Expiration Date: 6/21/22

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:
Food: \$0.3M Beer, Wine or Spirits: \$0.3M Guest Rooms: \$1.5M

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 type="checkbox"/> Class A Restaurant/Lounge
(Class XI) | <input type="checkbox"/> Class A Lounge
(Class X) |
| <input checked="" 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:

116 Main St. 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
Jaime Gray	04/05/84	Gorham, NH
Kammie Ferguson	05/06/01	Jacksonville, FL
Cang Quach	01/20/80	Saigon, Vietnam
Residence address on all the above for previous 5 years		
Name	Address:	
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:

Cang Quach 5020 Mission St. Apt 2
San Francisco CA 94112

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: 110

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)

Olde Gaol Tavern
Time Out Sports Bar
Gram Russ's Restaurant
Banquet Rooms North 1, North 11, South 1
Conference room 4

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: University of Maine at Presque Isle

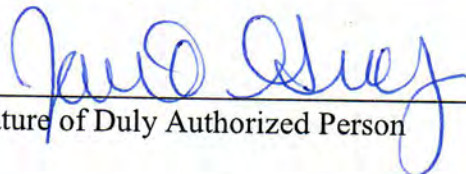
Distance: 600.00

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: 05/11/2022


Signature of Duly Authorized Person

Signature of Duly Authorized Person

Jaime Gray
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 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.

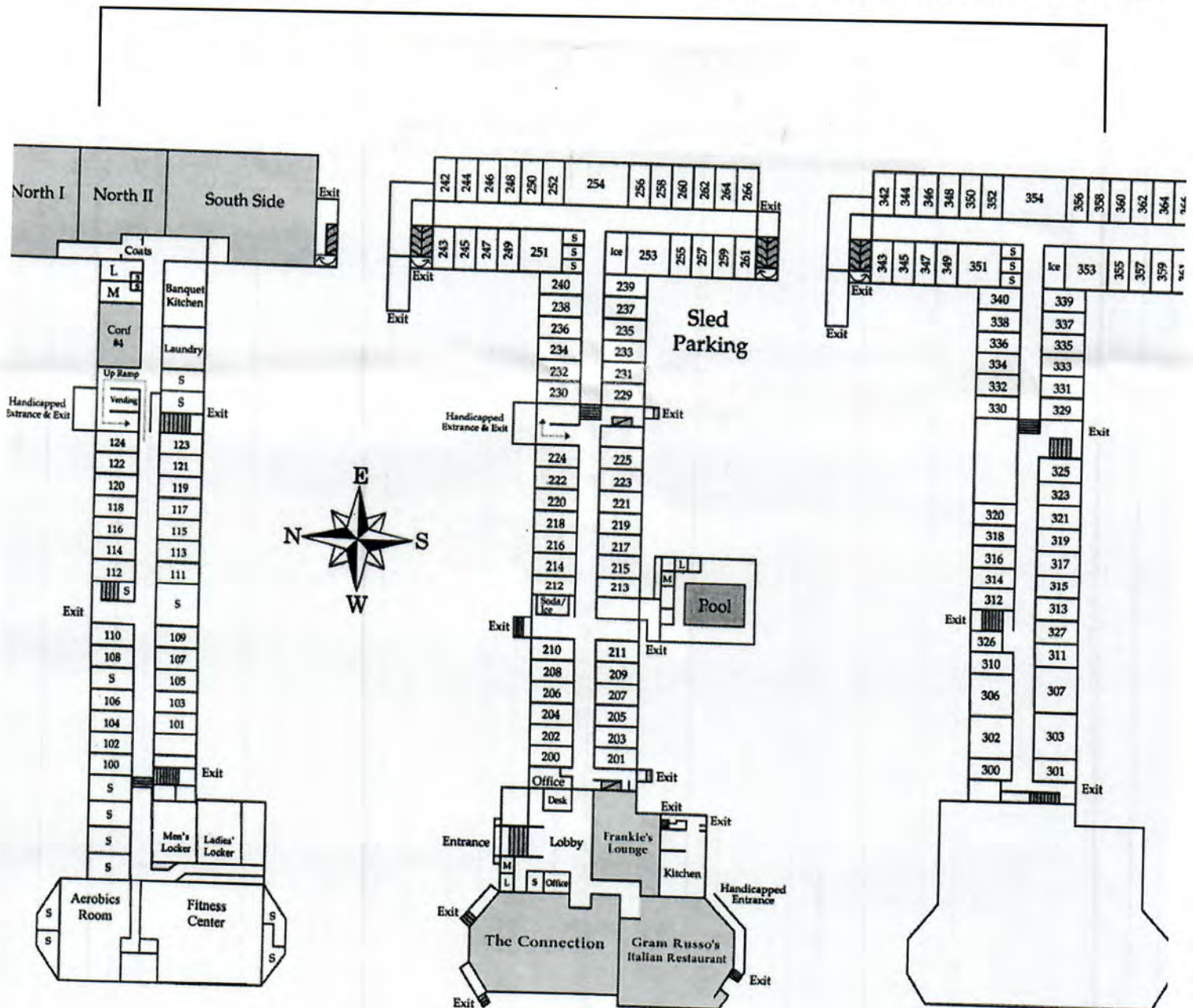
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together 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: Presque Isle ~~Maine~~ Inn Inc.
2. Doing Business As, if any: Presque Isle Inn & Convention Center
3. Date of filing with Secretary of State: 4/13/2021 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
Cang Quach	5020 Mission St Apt #2 San Francisco CA 94112	01/20/80	owner	100

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

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.

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 **June 1, 2022** at **6:00 PM** at the Sargent Family Community Center, to consider a Malt, Spiritous and Vinous Liquor License Plus a Special Permit for Music, Dancing and Entertainment from:

**Presque Isle Inn, Inc. d/b/a Presque Isle Inn and Convention Center
116 Main St.**

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 760-2702 at least two (2) business days prior to the meeting date.

Per City Council
Kimberly A. Finnemore
City Clerk

Published May 25, 2022

PRESQUE ISLE CITY COUNCIL MEETING

For:

June 1, 2022

AGENDA ITEM # 3

SUBJECT

PUBLIC HEARING: Chapter 59A, Marijuana Ordinance

INFORMATION

- 1) Memorandum
- 2) Mark up of Chapter 59A, Marijuana Ordinance
- 3) Public Hearing Notice

REQUESTED ACTION

BE IT RESOLVED by Councilor _____, seconded by Councilor _____ to approve revisions to Chapter 59A, Marijuana Ordinance.



City of Presque Isle, Maine

The Office of
Director of Economic & Community Development
Galen Weibley
Email: gweibley@presqueisleme.us

MEMORANDUM

TO:	Kim Finnemore, City Clerk & Martin Puckett, City Manager & City Councilors
FROM:	Galen Weibley, Director of Economic & Community Development
DATE:	May 17, 2022
RE:	Public Hearing to Accept changes to the Marijuana Ordinance Chapter 59A

After diligently discussing the current City ordinance in comparison to current operations and state regulation we have determined the following reforms are needed in our ordinance that will safeguard the community and showcase how Presque Isle Marijuana Businesses are a step above the state requirements in offering quality customer services and products.

Below is a summary of the changes proposed by the Working Group for the Council to consider:

- Added section regarding staff review and granting authority of staff review to deny applications not fit for the City Council.
- Added better verbiage for Odor Control standards approved by the Code Enforcement Officer.
- Added Notice requirement for businesses to post at establishments regarding marijuana use during pregnancy may cause harm to baby health
- Removed Marijuana Retail Stores from Agricultural Forestry and Farming Zone
- Added training requirement for sales staff to complete annually
- Added appeal process for denial of application

After hearing public comment regarding the proposed changes, Council can make additional changed or take staff suggestion of the following motion:

Suggested Motion: Mr. Chairman, I move that we adopt changes to the City's Chapter 59A as submitted/amended.

Enclosure: Mark up version on Chapter 59A Marijuana Ordinance

CHAPTER 59 A

CITY OF PRESQUE ISLE

Adult Use and Medical Marijuana Businesses

Ordinance

REPEALS AND REPLACES CHAPTER 59



Approved by the City Council: January 23, 2020

Amended: October 7, 2020

Amended: June 1, 2022

True Copy Attest: _____

City Clerk

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Adult Use and Medical Marijuana Businesses

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A. Title:

This ordinance shall be known and cited as the “City of Presque Isle Adult Use and Medical Marijuana Businesses Ordinance” and will be referred to hereinafter as “this Ordinance”. This Ordinance limits all subject Adult Use and Medical Marijuana Businesses to the zoning districts specified in section J. E., prescribes definitions of Adult Use and Medical Marijuana Businesses, provides for permitting/licensing and regulation of Adult Use and Medical Marijuana Businesses, and provides performance standards for Adult Use and Medical Marijuana Businesses.

B. Authority and Applicability:

WHEREAS, implementing a system for the regulation of stores, dispensaries, cultivation, manufacturing, and testing for the production and sale of marijuana, is a complex function with significant administrative demands on the City of Presque Isle; and

WHEREAS, ensuring that possession and use of Adult Use and Medical Marijuana is limited to persons who are 21 years of age or older, except in the case of minors in possession of a medical marijuana patient card, is necessary to protect those who have not yet reached adulthood from the effects of irresponsible use of marijuana; and

WHEREAS, the City of Presque Isle believes that any production, processing, or selling of adult Use and Medical Marijuana should be conducted in a safe and fair manner for the health, safety, and welfare of the community, which includes complying with provisions of all applicable laws and ordinances relating to adult use and medical use of marijuana throughout the City of Presque Isle; and

NOW THEREFORE, this Ordinance is adopted pursuant to the Marijuana Legalization Act, 28-B M.R.S. §101 et seq.; the Maine Medical Use of Marijuana Act, 22 M.R.S. §2421 et seq.; and the City’s home rule authority under Article VIII, Part 2, Section 1 of the Maine Constitution 30-A M.R.S. §3001 et seq., and 30-A M.R.S. §4301 et seq.

C. Purpose:

It is the purpose of this Ordinance to regulate Adult Use and Medical Marijuana Businesses in order to promote the health, safety, and general welfare of the citizens of Presque Isle, and to establish reasonable and uniform regulations for the appropriate location of Adult Use and Medical Marijuana Businesses in Presque Isle. Persons or entities wishing to establish an Adult Use or a Medical Marijuana Business within the City of Presque Isle shall first obtain a license from the Presque Isle City Council (hereinafter “the City Council”) and shall be subject to the provisions of this Ordinance. This Ordinance may not be construed to limit any privileges or rights of a qualifying patient, primary caregiver, registered or otherwise, or registered dispensary under the Maine Medical Use of Marijuana Act.

D. Conflict with Other Ordinances; State Law:

Whenever a provision of this Ordinance conflicts with or is inconsistent with other provisions of this Ordinance, or of any other ordinance, regulation or standard, the more restrictive provision shall apply. Nothing herein is intended to conflict with State law; whenever a provision of this Ordinance conflicts with State law the more restrictive provision shall apply. All applicants and licensees shall comply with all applicable State laws.

E. Effective Date:

The effective date of this Ordinance, and the business licensing thereunder, shall be the date of adoption by the City Council.

F. Validity and Severability:

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

G. Definitions:

Adult Use Cultivation facility: a facility licensed under this ordinance to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to Adult Use Products Manufacturing Facilities, to Adult Use Marijuana Stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature marijuana plants and seedlings to Adult Use Marijuana Stores.

Adult Use Marijuana Nursery Cultivation Facility: a facility licensed under this ordinance to cultivate not more than 1,000 SF of plant canopy pursuant to 28-B M.R.S. §501.

Adult Use Marijuana Store: a facility licensed under this ordinance to purchase adult use marijuana, immature marijuana plants and seedlings from an Adult Use Cultivation Facility, to purchase adult use marijuana and adult use marijuana products from an Adult Use Products Manufacturing Facility and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.

Adult Use Marijuana Testing Facility: a facility licensed under this ordinance to develop, research and test adult use marijuana, adult use marijuana products and other substances.

Adult Use Products Manufacturing Facility: a facility licensed under this ordinance to purchase adult use marijuana from a cultivation facility or another product manufacturing facility; to manufacture, label and package adult use marijuana and adult use marijuana products; and to sell adult use marijuana and adult use marijuana products to marijuana stores and to other products manufacturing facilities.

Code Enforcement Officer (CEO): a person, appointed by the City Council, to administer and enforce Land Use Ordinances, Zoning Ordinances, Building Codes, and certain State Laws.

Cultivation or Cultivate: the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale.

Harvested Marijuana: the plant material harvested from a mature marijuana plant, except the stalks, leaves and roots of the plant that are not used for a qualifying patient's medical use. "Harvested marijuana" includes marijuana concentrate and marijuana products.

Immature marijuana plant: a marijuana plant that is not a mature marijuana plant or a seedling.

Law Enforcement Officer (LEO): means any officer, agent, or employee of a State, unit of local government, or Sheriff Deputy authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law. This includes full and part-time personnel.

Manufacture or Manufacturing: the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis.

Marijuana means the leaves, stems, flowers and seeds of a marijuana plant, whether growing or not.

Marijuana Business: Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Testing Facility, Registered Dispensary, Registered Caregiver Retail Store, Adult Use Marijuana Cultivation Facility, Adult Use Marijuana Products Manufacturing Facility, Adult Use Testing Facility, or Adult Use Marijuana Store licensed under this Ordinance.

Medical Marijuana Cultivation Facility: a facility licensed under this ordinance to cultivate, prepare and package medical marijuana at a location that is not the residence of the Registered Caregiver or Qualifying Patient.

Medical Marijuana Manufacturing Facility: a registered tier 1 or tier 2 manufacturing facility or a person authorized to engage in marijuana extraction under section 2423-F.

Medical Marijuana Testing Facility: a public or private laboratory that:

- A. Is authorized in accordance with 22 M.R.S. §2423-A, subsection 10 to analyze contaminants in and the potency and cannabinoid profile of samples; and
- B. Is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the State of Maine.

Medical Use: the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a qualifying patient's medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification under this chapter.

Plant Canopy: the total surface area within the licensed premises of an Adult Use Marijuana Cultivation Facility that is authorized for use at any time by the cultivation facility licensee to cultivate mature marijuana plants. The surface area of the plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the plant canopy consists of non-contiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used by the cultivation facility licensee, the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the licensed premises of a cultivation facility that are used by the licensee to cultivate immature marijuana plants and seedlings and that are not used by the licensee at any time to cultivate mature marijuana plants.

Pre-School: A public or private institution that provides instruction to children who are 3 to 5 years of age

Qualifying patient: a person who has been a resident of the State for at least 30 days and who possesses a valid written certification regarding medical use of marijuana in accordance with section 2423-B.

Registered caregiver: a person or an assistant of that person that provides care for a qualifying patient and who is registered by the State of Maine pursuant to 22 M.R.S. §2425-A.

Registered Caregiver Retail Store: a facility licensed to sell harvested marijuana to qualifying patients for the patients' medical use.

Registered Dispensary: an entity registered under 22 M.R.S. § 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.

Testing or test: the research and analysis of marijuana, marijuana products or other substances for contaminants, safety or potency.

H. License Required:

No person may establish, operate or maintain a Marijuana Business without first obtaining a Certificate of Occupancy from the CEO and a license from the City Council.

It is a violation of this Ordinance for any person to operate a Marijuana Business without a valid Marijuana Business license issued by the City pursuant to this Ordinance.

Pursuant to 28-B M.R.S. § 402, an applicant seeking to operate an Adult Use Marijuana Business may not submit an application for a license unless the applicant has been issued a conditional license by the State of Maine to operate the Adult Use Marijuana Business.

Marijuana Business Licenses shall be administered on a first come, first served basis based upon the date the application is deemed complete.

The cultivation, manufacturing, testing or sale of adult use marijuana from a residence is prohibited, unless it is for personal use in accordance with 28-A M.R.S. § 1502. Home cultivation of adult use marijuana for personal use is exempt from the licensing requirements of this Ordinance. Provided, however, that outdoor cultivation of adult use marijuana for personal use is prohibited, unless the residence is located in an agricultural zoning district.

I. Application Procedure:

A. An application for a license must be made on a form provided by the City.

B. All applicants must be qualified according to the provisions of this Ordinance.

Applicants shall provide sufficient information to demonstrate that they meet all qualifications and standards established in this Ordinance.

C. Application to establish a Marijuana Business

1. If the applicant who wishes to operate a Marijuana Business is a single individual, this person must sign the application for a license. If the applicant who wishes to operate a Marijuana Business is more than one individual, each person who has an interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if a license is granted.

2. The completed application for a Marijuana Business license shall contain the following information and shall be accompanied by the following documents:

- a. If the applicant is an individual: The individual shall state their legal name and any aliases, and submit proof that they are at least twenty-one (21) years of age.
- b. If the applicant is a partnership: The partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, submit a copy of the partnership agreement, if any, and submit proof that all partners are at least twenty-one (21) years of age.
- c. If the applicant is a corporation: The corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under State law, the names and capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, the address of the registered office for service of process, and submit proof that all officers, directors and principal stockholders are at least twenty-one (21) years of age.
- d. If the applicant is a limited liability company (LLC): The LLC shall state its complete name, the date of its establishment, evidence that the LLC is in good standing under State law, the names and capacity of all members, a copy of its operating agreement, if any, the address of its registered office for service of process, and submit proof that all members are at least twenty-one (21) years of age.

- e. If the applicant intends to operate the Marijuana Business under a name other than that of the applicant, they must state the Marijuana Business' name and submit the required registration documents.
 - f. If the applicant, an officer, member or employee has been convicted of criminal activity under State and/or federal law, they must list the specified criminal activity involved, and the date, place, and jurisdiction of each conviction.
 - g. If the applicant has had a previous license under this Ordinance or other similar Marijuana Business license applications in another town, city or state denied, suspended or revoked, they must list the name and location of the Marijuana Business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and they must list whether the applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation that is permitted/licensed under this Ordinance, whose license has previously been denied, suspended or revoked, listing the name and location of the Marijuana Business for which the permit was denied, suspended, or revoked as well as the date of denial, suspension or revocation.
 - h. If the applicant holds any other permits/licenses under this Ordinance or other similar Marijuana Business license from another town, city, or state the applicant shall provide the names and locations of such other permitted/licensed businesses.
 - i. The type of Marijuana Business for which the applicant is seeking a license.
 - j. The location of the proposed Marijuana Business, including a legal description of the property, street address, and telephone number.
 - k. Sufficient documentation demonstrating possession or entitlement to possession of the proposed licensed premises of the Marijuana Business pursuant to a lease, rental agreement, purchase and sale agreement or other arrangement for possession of the premises or by virtue of ownership of the premises.
 - l. The applicant's mailing address and residential address.
 - m. Recent passport-style photograph(s) of the applicant(s).
 - n. The applicant's driver's license.
 - o. A sketch showing the configuration of the subject premises, including building footprint, interior layout with floorspace to be occupied by the business, and parking plan. The sketch must be drawn to scale with marked dimensions.
 - p. A copy of a City Tax Map depicting: the subject property lines and the property lines of other properties within one thousand (1,000) feet of the subject property; measured in accordance with Section J.A.3.
3. All applications for a Marijuana Business license shall be kept confidential by the City.

4. All applicants, including all individuals, officers, directors, managers, members, and partners, for any Adult Use Marijuana Business license, excepting Adult Use Marijuana Testing Facilities, must be residents of the State, as defined in 28-B M.R.S.A. §102, and a majority of shares, partnership interests, and membership interests, or other equity interests in corporate applicants must be held or owned by persons who are residents.

All applicants, including all individuals, officers, directors, managers, members, and defined partners, for any Medical Marijuana Business license must be residents of the State, as in 22 M.R.S. § 2422.

5. If an applicant is a person, the person must be a resident as that term is defined in the application. If the applicant is a corporation, partnership, or limited liability company, every officer, and managing partner must be a person who is a resident, and a majority of shares, partnership interests, or other equity interests must be held or owned by persons who are residents. The residency requirement does not apply to applicants for testing licenses.

6. The Presque Isle Marijuana Application Review Board (consisting of Police Chief, Fire Chief, Code Enforcement Officer, Economic Development Director, City Assessor, and City Engineer) shall review all applications for completeness and ensure all plans will allow a Marijuana Business to follow this Ordinance. Unanimous approval by all members of the Review Board is required before sending a license application to the City Council for final approval. The Review Board may deny an application for failure to meet the requirements of this Ordinance. Action for denial does not preclude an applicant to reapply with a new application and corresponding application fee.

Commented [GW1]: New Section added to ordinance to highlight City application process from staff review to City approval.

D. Application and License Fees All applications must be submitted with a (SEE SCHEDULE A) fee. If an application is approved, the following license fees must be paid before the City will issue a license:

Marijuana Store: Annual Operation License Fee: (SEE SCHEDULE A)

Marijuana Manufacturing Facility: Annual Operation License Fee: (SEE SCHEDULE A)

Marijuana Testing Facility: Annual Operation License Fee: (SEE SCHEDULE A)

Adult Use Marijuana Cultivation:

Tier 1: 0 to 500 SF of plant canopy: Annual Permit/Licensing Fee: (SEE SCHEDULE A)

Tier 2: 501-2,000 SF of mature plant canopy: Annual License Fee: (SEE SCHEDULE A)

Tier 3: 2,001-7,000 SF of mature plant canopy: Annual License Fee: (SEE SCHEDULE A)

Tier 4: > than 7,000SF of mature plant canopy: Annual License Fee (SEE SCHEDULE

A)

Medical Marijuana Cultivation: Annual Operation License Fee: (SEE SCHEDULE A)

Adult Use Marijuana Nursery Cultivation: Annual License Fee: (SEE SCHEDULE A) (Plant canopies of individual Nursery Cultivations are permanently capped at 1,000 SF.)

Renewal applicants for Adult Use Marijuana Cultivation licenses may seek an increase to a higher tier if they comply with the requirements in this section. Applicants for Adult Use Marijuana Cultivation licenses may not hold more than three (3) such licenses or a total

combined plant canopy in excess of 30,000 SF.

I. Standards for Permit:

A. General

1. All Marijuana Businesses shall comply with applicable state and local laws and regulations.
2. Marijuana Businesses shall only be located within the zoning districts permitted in section E. below.
3. Marijuana Businesses may not be located on property within one thousand (1,000) feet of the property line of a preexisting public or private school (K-12). For the purposes of this Ordinance, "school" includes a public school, private school as defined in 20-A M.R.S.A. §1:
Required setbacks shall be measured as the most direct, level, shortest, without regard to the intervening structures or objects, straight-line distance between the school property line and the property line of the parcel of land on which the Marijuana Business is located. If the Marijuana Business is located within a commercial subdivision, the required setback shall be measured from the front door of the Marijuana Business to the property line of the school. Presence of a town, city, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.
4. Marijuana Businesses may not be located on property within one hundred fifty (150) feet of the property line of a parcel containing one or more other Marijuana Businesses, a Church, Pre-School, Day Care, or Community Center. Required setbacks shall be measured as the most direct, level, shortest, without regard to the intervening structures or objects, straight-line distance between the front doors of existing primary structures of the parcels of land on which the Marijuana Businesses are located. If the Marijuana Business is located within a commercial subdivision, the required setback shall be measured from the front door of each of the Marijuana Businesses. Presence of a town, city, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

Adult Use and Medical Marijuana Cultivation Facilities and Adult Use and Medical Marijuana Manufacturing Facilities operating within the industrial zoning district are exempt from this setback requirement.
5. No outside cultivation or storage of marijuana, marijuana products, or related supplies is permitted, except that outdoor cultivation of marijuana in the Agricultural Farming / Forestry District is permitted.
6. Pursuant to 22 M.R.S. §2429-D(3), Registered Caregiver Retail Stores, Registered Dispensaries, Medical Marijuana Testing Facilities, and Medical Marijuana Manufacturing Facilities, as well as Medical Marijuana Cultivation Facilities, that were operating with City approval prior to December 13, 2018, are grandfathered in their current location and current use and shall be treated as legally non-conforming uses in accordance with Article III of the Presque Isle Zoning Ordinance if their location or use is not in conformance with this ordinance or applicable zoning ordinances, provided, however, that said Marijuana Businesses shall apply for and obtain a license.

The holder of a license for a Medical Marijuana Cultivation Facility or a Medical Marijuana Manufacturing Facility that complies with all applicable provisions of this Ordinance and the Presque Isle Zoning Ordinance, may exchange their license for an Adult Use Cultivation Facility or Adult Use Manufacturing Facility license in the same location, provided they meet all requirements and standards to operate an Adult Use Cultivation Facility or Adult Use Manufacturing Facility, with the exception of the required setbacks between facilities and schools. Said holder must file an application and pay a (SEE SCHEDULE A) fee.

The holder of a license for a Registered Caregiver Retail Store that complies with all applicable provisions of this Ordinance and the Presque Isle Zoning Ordinance may exchange their license for an Adult Use Marijuana Store license in the same location, provided they meet all requirements and standards to operate an Adult Use Marijuana Store. Said holder must file an application and pay a (SEE SCHEDULE A) fee.

All Adult Use Marijuana Stores and Registered Caregiver Retail Stores must be operated from permanent locations, which may utilize telephone and internet orders as long as the buyer pays for and picks up such orders in the store on the day the order is made, an exception is made for Registered Caregiver Retail Stores whereas it may be a necessity for the business to deliver medical marijuana to a patient. These deliveries will be made by the business and no contracted/paid delivery service will be authorized. Delivery must be made directly to the Qualified Patient and proper identification is verified.

7. Adult Use Marijuana Stores and Registered Caregiver Retail Stores may not use vending machines for sales, may not have "drive-through" or "drive-up" window serviced sales, and may not have internet-based sales with credit/debit card payment and delivery by USPS, UPS, FedEx, DHL, or any other global or local delivery service or courier.
8. Security measures at all Marijuana Business premises shall include, at a minimum, the following:
 - a. Security surveillance cameras installed and operating twenty-four (24) hours a day, seven (7) days a week, with thirty (30) day video storage, to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises; and
 - b. Door and window combination video and motion detector intrusion system with audible alarm and smart phone monitoring, maintained in good working condition; and
 - c. A locking safe permanently affixed to the premises that is suitable for storage of all marijuana, marijuana products, and cash stored overnight on the licensed premises; and
 - d. Exterior lighting that illuminates the exterior walls of the licensed premises during dusk to dawn, that is either constantly on or activated by motion detectors, and complies with applicable light pollution standards established in the Technical Assistance Bulletin (Lighting Manual) produced by the State Planning Office; and
 - e. Deadbolt locks on all exterior doors and any other exterior access points, excepting window which shall have locks; and
 - f. Methods to ensure that no person under the age of twenty-one (21) shall have access to marijuana and marijuana products.

9. **Ventilation**

All Marijuana Businesses are required to be in compliance with Odor Control and Abatement Performance Standards, and all Marijuana Cultivation facilities shall submit an odor mitigation plan sufficient to mitigate potential nuisance conditions at property lines.

Commented [TSP2]: All Marijuana Businesses are required to be in compliance with Odor Control and Abatement Performance Standards, and all Marijuana Cultivation facilities shall submit an odor mitigation plan sufficient to mitigate potential nuisance conditions at property lines.

Commented [GW3R2]: Added new language to section.

10. Operating Plan

Marijuana Businesses which cultivate, test, and/or manufacture are required to submit an operation plan that at a minimum addresses the following:

- a. wastewater; and
- b. disposal of waste.

11. Required Notices

There shall be posted in a conspicuous location inside each Marijuana Store, at least one legible sign containing the following information: On-site consumption of marijuana is illegal; Open and public consumption of marijuana in the State of Maine is illegal; The use of marijuana or marijuana products may impair a person's ability to drive a car or operate machinery; No one under the age of twenty-one (21) may purchase marijuana or marijuana products, except a minor with medical marijuana card; Loitering prohibited; **Marijuana use during pregnancy can be harmful to your baby's health.**

Commented [GW4]: Per Meg Hegman's recommendation for awareness & education

12. Signs

All signs used by and all marketing and advertising conducted by or on behalf of the marijuana business may not involve advertising or marketing that has a high likelihood of reaching persons under 21 years of age or that is specifically designed to appeal particularly to persons under 21 years of age. The signs, marketing, or advertising is prohibited from making any health or physical benefit claims. All signage shall meet the City's Land Use Sign standards and may use an image or images of the marijuana plant or plants, or parts thereof, as long as they do not exceed 20% of the sign face, but there shall be no pictorial representations of other marijuana products, by-products, or paraphernalia associated with the use or distribution of retail marijuana.

The exterior of all Marijuana Stores shall display a 1' x 1' image of any universal symbol for Medical or adopted by the State's Department of Administration and Financial Services.

- B. Right of Access/Background Check/Inspection Every Marijuana Business shall allow law enforcement officers and the Presque Isle Code Enforcement Officer ("CEO") to enter the premises at reasonable times for the purpose of checking compliance with all applicable State laws and this Ordinance. All premises managers for Marijuana Businesses shall submit emergency contact information to the Presque Isle 911 Communication Center. All business assets shall be reported to the City Assessor annually.
- Due to fire, explosion, and other hazards inherent in Marijuana Cultivation, Testing, and Manufacturing facilities, including, but not limited to, heavy electrical loads, hot lighting fixtures, CO2 enrichment, extraction solvents (acetone, butane, propane, ethanol, heptane, isopropanol, CO2, etc.), high-pressure extraction methods (CO2, etc.), and flammable contents, the owners of all such facilities shall agree to be inspected annually by the Presque Isle Fire Department and have a Knox Box installed at the structure's exterior entrance for emergency access. Knox Boxes shall be obtained and installed in coordination with the Presque Isle Fire Department.
- C. Indemnification By accepting a license issued pursuant to this Ordinance, the licensee waives and releases the City, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of any Marijuana Business owners, operators, employees, clients, or customers for a violation of local, State or federal laws, rules, or regulations.

By accepting a license issued pursuant to this Ordinance, the permittee/licensee agrees to indemnify, defend, and hold harmless the City, its officers, elected officials, employees, attorneys, agents, and insurers against all liability, claims, and demands on account of any injury, loss or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or

damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of a permitted/licensed Marijuana Business.

D. State Law

In the event the State of Maine adopts any additional or stricter law or regulation governing the sale, cultivation, manufacture, distribution, or testing of Marijuana or Marijuana products, the additional or stricter regulation shall control the establishment or operation of any Marijuana Business in Presque Isle.

Compliance with all applicable State laws and regulation shall be deemed an additional requirement for issuance or denial of any license under this Ordinance, and noncompliance with State laws or regulations shall be grounds for revocation or suspension of any license issued hereunder.

E. Zoning

All applications for business subject to review by this ordinance shall be submitted to the CEO for initial review for conformance with the standards of this ordinance. Within 10 business days of receipt of an application the CEO shall inform the applicant in writing in the event that the application is found to be incomplete.

- F. A Certificate of Occupancy shall be issued by the Code Officer upon inspection of the premises and finding that the building or buildings are in compliance with applicable Building, Electrical, and Plumbing Codes adopted by the City of Presque Isle.

LAND USE CHART			
CLASSIFICATION	ALLOWABLE ZONES	PERMITTING AUTHORITY	MINIMUM LOT SIZE (In Acres)
Marijuana Store	B, RB, DRB, SC, GD	CEO	None
Marijuana Manufacturing Facility	B, I, AFF	CEO	5
Marijuana Testing Facility	B, I, RO	CEO	None
Marijuana Cultivation Facility			
Tier 1 0 to 500 SF mature canopy	B, I, AFF, AHZ	CEO	.25
Tier 2 501 to 2,000 SF mature canopy	B, I, AFF, AHZ	CEO	.5
Tier 3 2,000 to 7,000 SF mature canopy	B, I, AFF, AHZ	CEO	.5
Tier 4 > 7,000 SF mature canopy	B, I, AFF, AHZ	CEO	1
Nursery - Marijuana Cultivation	B, I, AFF, AHZ	CEO	1

Commented [GW5]: Added for ease of understanding measurement

Commented [GW6]: Removed AFFZ

K. Enforcement

A. Violations

1. Any violation of this Ordinance, including failure to comply with any condition, may be enforced in accordance with 30-A M.R.S. §4452. Every day a violation exists constitutes a separate violation.
2. Commencement of any Marijuana Business without a City license for same shall be a violation of this Ordinance. Any party committing such a violation shall immediately cease operations, whether of a construction, renovation, or business nature, upon notification by the Code Enforcement Officer (CEO). Upon such CEO notification, the City can pursue fines and/or penalties under 30-A M.R.S. §4452.

B. Law Enforcement Officer ("LEO") and Code Enforcement

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

1. If the LEO or CEO finds that any provision of this Ordinance is being violated, they shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including but not limited to, discontinuance of illegal use of land, buildings, or structures, or work being done, removal of illegal buildings or structures, and abatement or mitigation of violations. A copy of such notices shall be submitted to the City Council and be maintained as a permanent record.
2. The LEO or CEO shall keep a complete record of all essential transactions of the LEO or CEO, including Marijuana license applications submitted, permits/licenses granted or denied, training certifications, revocation actions, revocation of permits/licenses, appeals, court actions, violations investigated, violations found, and fees collected.

C. Legal Actions

When the above notification and/or inspection actions do not result in the voluntary correction or abatement of the violation by the subject Marijuana Business, the City Council, upon receiving written notification from the LEO or CEO, may institute any and all actions and proceedings, either legal or equitable, including injunctions of violations and the impositions of penalties and/or fines in order to enforce the provisions of this Ordinance.

The City Council, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action.

D. Penalties/Fines

Any person, including but not limited to, a Marijuana Business owner, a property owner where such business is located, or any agent or contractor for same, who orders or conducts any activity in violation of this Ordinance, or fails to comply with any of its requirements, shall be penalized in accordance with 30-A M.R.S. §4452. Fines of \$100.00 to \$5,000.00 per day, as levied by the City Council may result. All fines will be paid to the City of Presque Isle.

L. Training:

A. Individuals who sell marijuana and marijuana products, pursuant to a Marijuana Store business license, must complete responsible marijuana vendor sales practices training **as approved by the CEO or State.** This training may be completed online and an employee must be certified within 60 calendar days of employment.

Commented [GW7]: Changed wording based on feedback from Working group. Removed when available.

B. Recordkeeping

Marijuana Store licensees shall maintain on the licensed premises, written records of the vendor training programs completed by individuals who sell marijuana and marijuana products and shall produce those records upon request by the CEO or LEO with the Presque Isle Police Department.

C. Failure to comply with the training requirements

Failure to meet the training requirement imposed by the **CEO**, may result in the denial/revocation of a Marijuana Business license during **renewal**.

Commented [GW8]: Clarified jurisdiction for Training Requirement

Commented [GW9]: Emphasized renewal instead of initial application

M. Appeals:

If the City of Presque Isle **denies an application or** fails to act on a person's request for local authorization to operate a marijuana establishment within the municipality within 90 days after the date the person submitted the request to the City, the request is deemed denied and the denial constitutes a final government action that may be appealed to the Superior Court in accordance with rule 80B of the Maine Rules of Civil Procedure, except that, if the City notifies the person in writing prior to the expiration of the 90-day period that the request cannot be processed prior to the 90-day period, the request is deemed denied and the denial constitutes a final government action only if the City fails to act on the request within 180 days after the date the person submitted the request to the City.

Commented [GW10]: Added clarifying language to the appeal process

N. Fees & Application:

The fee schedule of this Adult Use and Medical Marijuana Businesses Ordinance shall be reviewed and set annually each December by the Presque Isle City Council.

City staff shall design an application form that is compliant with this ordinance to be used for all Marijuana Business applications. Changes to this form will be reported to the City Council at the next available Council Meeting.

O. Sunset Provision:

This Ordinance shall be in force for the term of four (4) years from its effective date noted. This Ordinance shall become null and void upon the expiration of four (4) years from said effective date: unless recommended and required by the City Council to remain effective prior to such expiration date.

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 **June 1, 2022** at **6:00 PM** at the Sargent Family Community Center, to Accept Changes to the:

Marijuana Ordinance Chapter 59A

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 760-2702 at least two (2) business days prior to the meeting date.

Per City Council
Kimberly A. Finnemore
City Clerk

Published May 25, 2022

PRESQUE ISLE CITY COUNCIL MEETING

For:

June 1, 2022

AGENDA ITEM # 4

SUBJECT

CONSENT AGENDA: 2022 Minutes

INFORMATION

1) May 4, 2022 Minutes

REQUESTED ACTION

BE IT RESOLVED by Councilor _____, seconded by Councilor _____ to approve minutes from May 4, 2022.



Presque Isle City Council Meeting

May 4, 2022

6:00 PM

Sargant Family Community Center

Call to Order - Roll Call

Present: Chairman K. Freeman, Councilors M. Chasse, C. Green, D. Cyr and J. Willette.
Absent was Councilors G. Nelson and Deputy Chairman J. Shaw

City Manager Martin Puckett and City Clerk Kimberly Finnemore 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 for a Malt, Spirituous and Vinous Liquor License for Kelly Mathes d/b/a Confectionately Yours with location of 2 Reach Road.

Chairman K. Freeman opened the Public Hearing at 6:04 PM.

There were no citizens comments

Chairman K. Freeman closed the Public Hearing at 6:05 PM

BE IT RESOLVED by Councilor J. Willette seconded by Councilor C. Green to approve application for a Malt, Spirituous and Vinous Liquor License for Kelly Mathes d/b/a Confectionately Yours with location of 2 Reach Road.

Vote: 5-0

2. ACAP Housing Assistance Grant.

Chairman K. Freeman opened the Public Hearing at 6:05 PM

City Manager M. Puckett spoke on grant

Galen Weibley spoke on the procedures of the grant.

Jason Parent spoke on Behalf of ACAP and what the grant would be used for.

There were no citizens comments

Chairman K. Freeman closed the Public Hearing at 6:11 PM

BE IT RESOLVED by Councilor C. Green and seconded by Councilor M. Chasse to approve submitting ACAP's Community Development Block Grant Housing Assistance Program application.

Vote 5-0

Citizen Comments

There were no Citizens Comments

Consent Agenda

3. Approve Minutes from April 6, 2022 meeting.
4. Approve 2022 Warrants #11-#13 totaling \$797,920.37.
5. Approve Appointment of Pamela Palm to the Zoning Board.
6. Drug Forfeiture. Justin Pinette \$400.00
7. Memorial Day Parade.
8. Application for Utility Location Permit.

BE IT RESOLVED by Councilor M. Chasse, seconded by Councilor J. Willette to approve Consent Agenda #3-#8 as presented.

Vote: 5-0

Old Business

9. Downtown Façade Program Update

City Manager M. Puckett spoke on the Façade Program and the PI Development funds to use for TIF funds.

Galen Weibley spoke on the application process starting May 5, 2022 with deadline of July 6, 2022 to accept applications. Spoke on the way applications go thru before it comes in front of City Council.

BE IT RESOLVED by Councilor J. Willette, seconded by Chairman K. Freeman to approve using \$250,000.00 of PIDF as a loan by the City to start the Presque Isle Downtown Façade Loan Program and to be repaid from future TIF revenues.

Vote: 5-0

10. Marijuana Ordinance

Galen Weibley spoke about the working group that met to discuss the language of the Marijuana ordinance. Spoke about the changes to ordinances on page 9, 11, 12, 13 and 15.

BE IT RESOLVED by Chairman K. Freeman, seconded by Councilor C. Green to Schedule a public hearing for Marijuana Ordinance on June 1, 2022

Vote: 5-0

New Business

11. MDOT: Support Letter/Maine Street Funding Programs

Martin spoke about a new grant program thru DOT .

Dale Doughty the DOT Director of Planning spoke on the grant. The possibilities that could be done working with the City on the vision the City wants. The costs per stage of the grant. Spoke how the town of Sanford is using a grant.

BE IT RESOLVED by Councilor C. Green, seconded by Councilor J. Willette to approve letter of support to Honorable Pete Buttigieg, Secretary of USDOT

Vote: 5-0

12. Housing Update

City Manager M. Puckett spoke on the working group that consist of Tom Powers, Galen Weibley, Tim St. Peter, Lewis Cousins, Dana Fowler and City Manager Martin Puckett.

The staff has 10 different locations that they are looking at that meets all codes.

Manager's Report

M. Puckett spoke on the Circus is back after two years on May 5th-7th. Fiddlehead festival is May 20-22nd. Fireworks on the 21st and lots of fun stuff to do. Fun Run is back, Young people flights club on May 28th. Splash pad opening around 1st of June. Wednesday June 1st is the next Council Meeting at 6:00PM. June 14th is the City-Wide Yard Sale

Announcements

Adjournment

BE IT RESOLVED by Chairman K. Freeman seconded by Councilor D. Cyr to enter into Executive Session at 7:28PM pursuant to 1 M.R.S.A. § 405(6)(C) to discuss Real Estate matter.

Vote: 5-0

Out of executive session at 7:50 PM

BE IT RESOLVED by Councilor C. Green, seconded by Councilor J. Willette to authorize the City Solicitor to enter into settlement negotiations.

Vote: 5-0

BE IT RESOLVED by Councilor C. Green seconded by Councilor J. Willette to enter into Executive Session at 7:50PM pursuant to 1 M.R.S.A. § 405(6)(E) to discuss Negotiations.

Vote: 5-0

Out of executive session at 8:24 PM No action taken.

BE IT RESOLVED by Chairman K. Freeman seconded by Councilor J. Willette to enter into Executive Session at 8:24PM pursuant to 1 M.R.S.A. § 405(6)(E) to Consultation with Legal Counsel.

Vote: 5-0

Out of executive session at 9:10 PM

BE IT RESOLVED by Chairman K. Freeman seconded by Councilor C. Green to set per capita rate at \$65.00 per capita for EMS services.

Vote: 5-0

BE IT RESOLVED by Chairman K. Freeman, seconded by Councilor C. Green to adjourn at 9:10 PM.

Vote: 5-0

Attested by: _____
Kimberly A Finnemore, City Clerk

PRESQUE ISLE CITY COUNCIL MEETING

For:

June 1, 2022

AGENDA ITEM # 5

SUBJECT

CONSENT AGENDA: 2022 Warrants #14 - #17 totaling
\$ 2,204,980.08

INFORMATION

1) Warrant #14	\$ 596,630.06
2) Warrant #15	\$ 538,802.48
3) Warrant #16	\$ 453,126.29
4) Warrant #17	\$ 616,421.25

REQUESTED ACTION

BE IT RESOLVED by Councilor _____ seconded by
Councilor _____ to approve 2022 Warrants #14 - #17
totaling \$ 2,204,980.08.

PRESQUE ISLE CITY COUNCIL MEETING

For:

June 1, 2022

AGENDA ITEM # 6

SUBJECT

CONSENT AGENDA: Approve Appointment to Northern
Maine Development Commission

INFORMATION

1) Application

REQUESTED ACTION

BE IT RESOLVED by Councilor _____, seconded by
Councilor _____ to appoint Galen Weibley to the
Northern Maine Development Commission for the 2022-2023
fiscal year.

Northern Maine Development Commission
NMDC Member
Appointments

Please note: At least one (1) of your municipal representatives must be an elected official or an employee of a general purpose unit of local government.

Municipality/County: _____

Municipal Office/Address: _____

Phone Number: _____

First Representative:

Name: _____

Address: _____

E-mail: _____

Phone: _____

Occupation Profession: _____

Elected Official: Y/N _____

If Elected Official; Title: _____

Second Representative:

Name: _____

Address: _____

E-mail: _____

Phone: _____

Occupation Profession: _____

Elected Official: Y/N _____

If Elected Official; Title: _____

Please return electronically or via postal service to:

jdinsmore@nmdc.org

Northern Maine Development Commission
P.O. Box 779
Caribou, ME 04736
Attn: Judy

No later than June 3, 2022

Thank you.

PRESQUE ISLE CITY COUNCIL MEETING

For:

June 1, 2022

AGENDA ITEM # 7

SUBJECT

CONSENT AGENDA: Approve Appointment as Alternate to Library Board of Trustees

INFORMATION

1) Sharon Brown Application

REQUESTED ACTION

BE IT RESOLVED by Councilor _____ seconded by Councilor _____ to appoint Sharon Brown as Alternate to the Library Board of Trustees.

City of Presque Isle

Application for Appointment to City Board/Commission/CommitteeFull Name: Sharon BrownStreet Address: 131 Dudley St

Mailing Address (if different): _____

Telephone Number: 207 557 1161 (daytime) same (evening)Email Address: ssbrown49@gmail.comLength of time as a Presque Isle Resident: 45 years

I wish to be considered for appointment to the:

Library Board of Trustees (alternate)
(Name of Board/Commission/Committee)

Check one or both: _____ Full Membership Status _____ Associate Membership Status

Educational Background: High School Graduate, 1967; Bachelor of Science in Education, 1971; Masters in Educational Administration, 1988Employment History: Classroom Teacher, MS AD*70, MS AD*1; Special Education Teacher, Director, MS AD*1; Principal, MS AD*1Community Service: Volunteer Soup Kitchen, United Way, Amosook Area Agency on Aging

Please note any prior experience, knowledge or abilities that you have which would contribute to the activities of the Board/Commission/Committee:

Reading teacher; supervisor of budget, purchase, policy of elementary library, organizer of literacy eventsDate: February 28, 2022 Signature: Sharon Brown

PRESQUE ISLE CITY COUNCIL MEETING

For:

June 1, 2022

AGENDA ITEM # 8

SUBJECT

CONSENT AGENDA: District Budget Validation Referendum
Warrant and Notice of Election

INFORMATION

1) Warrant and Notice of Election

REQUESTED ACTION

BE IT RESOLVED by Councilor _____, seconded by
Councilor _____ to approve the Warrant and
Notice of Election for M.S.A.D. #1 Budget Validation
Referendum for June 14, 2022.

**WARRANT AND NOTICE OF ELECTION
CALLING MAINE SCHOOL ADMINISTRATIVE DISTRICT NO. 1
BUDGET VALIDATION REFERENDUM
(20-A M.R.S. § 1486)**

TO: Emalee Dyer, a resident Maine School Administrative District No. 1 (the "District") composed of the City of Presque Isle and the Towns of Castle Hill, Chapman, Mapleton, and Westfield, State of Maine.

In the name of the State of Maine, you are hereby ordered to serve upon the municipal clerks of each of the municipalities within the District, namely, the City of Presque Isle and the Towns of Castle Hill, Chapman, Mapleton, and Westfield, an attested copy of this warrant and notice of election. Service shall be in hand within three (3) days of the date of this warrant and notice of election. The municipal clerks of the above municipalities shall immediately notify the respective Municipal Officers. The Municipal Officers shall meet forthwith and countersign this warrant and notice of election. The Municipal Officers shall provide below for the respective municipal clerks to post or have posted this warrant and notice of election.

**CITY OF PRESQUE ISLE
DISTRICT BUDGET VALIDATION REFERENDUM
WARRANT AND NOTICE OF ELECTION**

Aroostook County, ss.

State of Maine

TO: Lyndsey Maynard, Resident of Presque Isle: You are hereby required in the name of the State of Maine to notify the voters of this municipality of the election described in this warrant and notice of election.

TO THE VOTERS OF PRESQUE ISLE: You are hereby notified that a District budget validation referendum election will be held at the Sargent Family Community Center, 24 Chapman Road in the City of Presque Isle on Tuesday, June 14, 2022 for the purpose of determining the following question:

Question 1: Do you favor approving the Maine School Administrative District No. 1 budget for the upcoming school year that was adopted at the latest District budget meeting?

The polls must be opened at 8:00 a.m. and closed at 8:00 p.m.

The Registrar of Voters shall hold office hours while the polls are open to correct any error in or change a name or address on the voting list; to accept the registration of any person eligible to vote and to accept new enrollments.

A person who is not registered as a voter may not vote in any election.

Given under our hand this day, May 4, 2022 at Presque Isle, Maine.

Julie Freeman
Joanna Newlands
Carol Sp Bell
Dorothy
Paul
Paul
Paul
Paul
Paul
Paul

Paul
Terry L Sandwily
Lori Denneson
Paul
Paul
Paul

A majority of the Board of School Directors of Maine School Administrative District No. 1

A true copy of the Warrant and Notice of Election, attest:

Emalee Dyer
Emalee Dyer
Resident of
Maine School Administrative District No. 1

Countersigned this _____ day of _____, 2022 at Presque Isle, Maine.

A majority of the Municipal Officers of Presque Isle, Maine

A true copy of the Warrant and Notice of Election, attest:

Kimberly Finnemore, Municipal Clerk
Presque Isle, Maine

PRESQUE ISLE CITY COUNCIL MEETING

For:

June 1, 2022

AGENDA ITEM # 9

SUBJECT

CONSENT AGENDA: Application for Utility Location Permit

INFORMATION

- 1) Memorandum
- 2) Application for Utility Location Permit
- 3) Utility Location Permit and Map

REQUESTED ACTION

BE IT RESOLVED by Councilor _____, seconded by Councilor _____ to approve the Application for Utility Location Permit.



City of Presque Isle

Department Of Public Services

Dana H. Fowler, P.E.

Email: dfowler@presqueisleme.us

MEMORANDUM

TO:	City Manager Martin Puckett and City Council
FROM:	Dana H. Fowler, Director of Public Services
DATE:	May 25, 2022
RE:	Versant Pole Application 2PRESQU222866

Versant Power has submitted an application for installing 2 new poles on Carmichael Street and 1 new pole on Rice Street. These 3 poles are replacements and are located near the intersection of Carmichael Street and Rice Street.

There are 5 other new poles shown on the application but they are all located on private property.

Approval of the application for utility location permit is recommended.

RECOMMENDED MOTION

Be it resolved by _____ and seconded by _____ to approve the application for a utility location permit submitted by Versant Power Emera Maine dated 03/02/22 with attached plan WO NO 2PRESQU222866.

12 Second Street

Presque Isle, ME, 04769-2459

Phone: 207.760.2707

Fax 207.764.2501

The City of Presque Isle is an equal opportunity provider. To file a complaint, write to Martin Puckett, City Manager, 12 Second Street, Presque Isle, ME, 04769, or call (207) 760-2700.

APPLICATION FOR UTILITY LOCATION PERMIT

TO: PRESQUE ISLE City Manager – Town of PRESQUE ISLE

VERSANT POWER, a Maine corporation being duly authorized pursuant to the laws of the State of Maine to generate, sell, distribute and supply electricity in the City of PRESQUE ISLE, County of Aroostook, State aforesaid, hereby applies for a permit to authorize it to locate, construct, maintain and operate certain of its facilities hereinafter described upon, along, over and across certain public ways situated in the said City of PRESQUE ISLE.

No public notice of this application will be made in accordance with the terms and conditions of Title 35-A, Section 2503, MRSA as amended.

LOCATION:

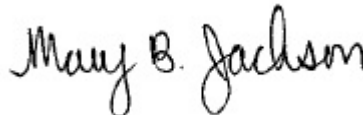
CARMICHAEL ST, beginning approximately 1177' northerly of STORAGE DR, three poles over a total distance of 439'.

DESCRIPTION:

The facilities will consist of a line composed of wood poles and supports therefore, crossarms, wires and/or cables together with associated appurtenances. The minimum clearance of the wires and/or cables, other than guywires, will be at least 18 feet over the public way. The poles will be set within the limits of the public way, but outside the part thereof customarily used for travel by vehicles. The initial operation of the facilities will be at 7200 volts, Three Phase; the voltage will be increased as occasion therefore requires for the operation not in excess of 20KV to ground.

Dated at Bangor, Maine

VERSANT POWER



on May 18, 2022

By: _____

Mary B. Jackson
Joint Line Coordinator



5/18/2022

Mr. Martin Puckett
City of Presque Isle
12 Second St
Presque Isle, ME 04769

Subject: SOLAR - G212-2 Presque Isle 12-36 Carmichael Rd

Dear Mr. Puckett,

Attached are our application and utility location permit forms for locations in PRESQUE ISLE.

When approved by a majority of the municipal officers or by an authorized representative, please return those forms to the return email address noted below, signed and dated with the recording data, and attested by the Clerk.

Very truly yours,

Mary Jackson
Joint Line Coordinator
Versant Power
T: 207-973-2520 | F: 207-973-2970
E: mary.jackson@versantpower.com
www.versantpower.com

Encl.

UTILITY LOCATION PERMIT

Upon the application of VERSANT POWER dated May 18, 2022, requesting permission to locate certain of its facilities hereinafter described upon, along, over and across certain public ways in the City of PRESQUE ISLE, County of Aroostook, State of Maine, all as set forth in its application, no newspaper publication having been made by applicant in connection with said application, permission is hereby given to said Versant Power to locate, construct, maintain and operate certain of its facilities hereinafter described upon, along, over and across certain public ways situated in said municipality as hereinafter set forth. This permit is granted subject to the provisions that any person, firm or corporation owning property within the subject municipality which abuts the applicable way may file written objection with this licensing authority within ninety (90) days after the installation of the facilities described in said application, said written objection and to be served by delivery in hand or by registered or certified mail.

LOCATION:

CARMICHAEL ST, beginning approximately 1177' northerly of STORAGE DR, three poles over a total distance of 439'.

DESCRIPTION:

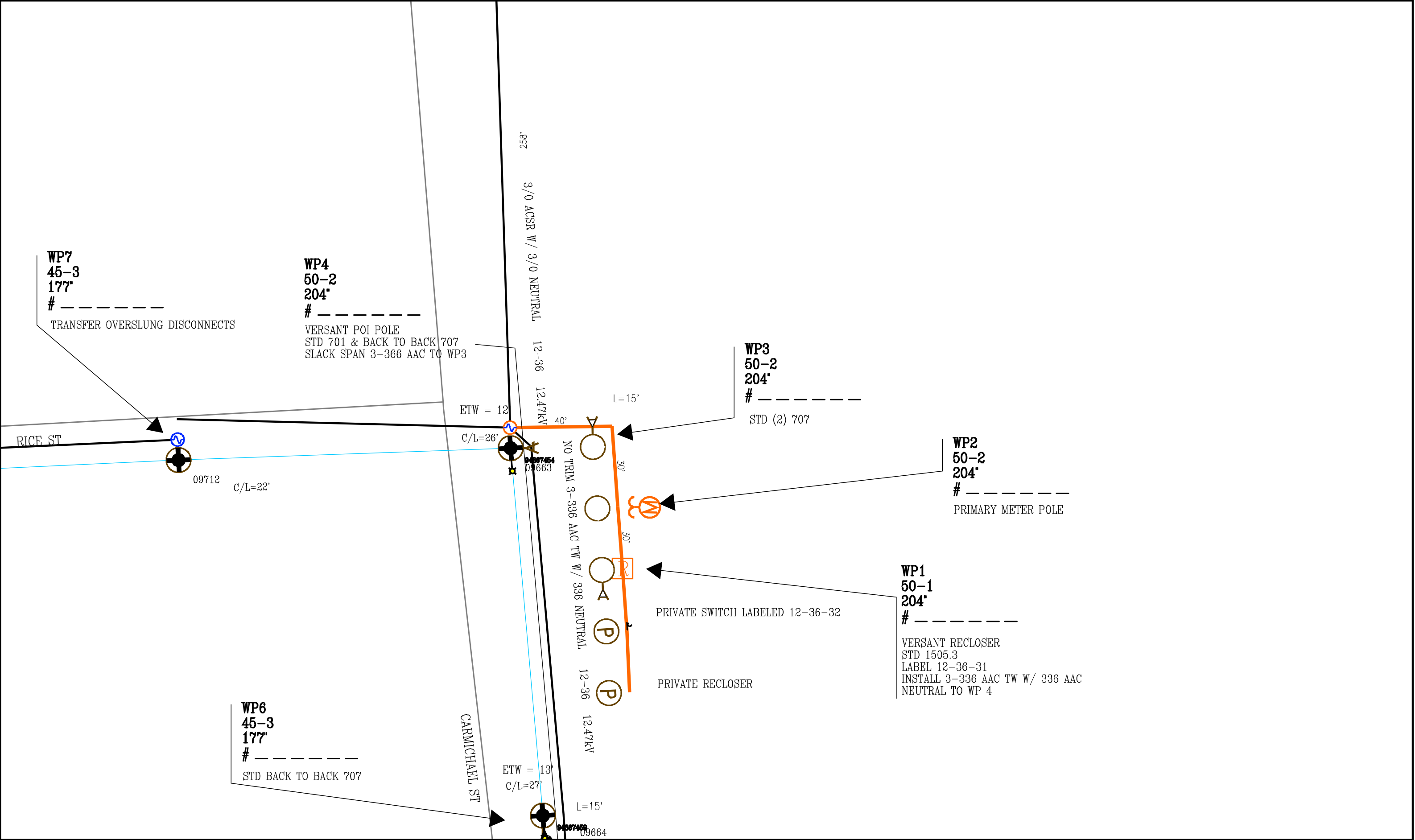
The facilities will consist of a line composed of wood poles and supports therefore, crossarms, wires and/or cables together with associated appurtenances. The minimum clearance of the wires and/or cables, other than guywires, will be at least 18 feet over the public way. The poles will be set within the limits of the public way, but outside the part thereof customarily used for travel by vehicles. The initial operation of the facilities will be at 7200 volts, Three Phase; the voltage will be increased as occasion therefore requires for the operation not in excess of 20KV to ground.

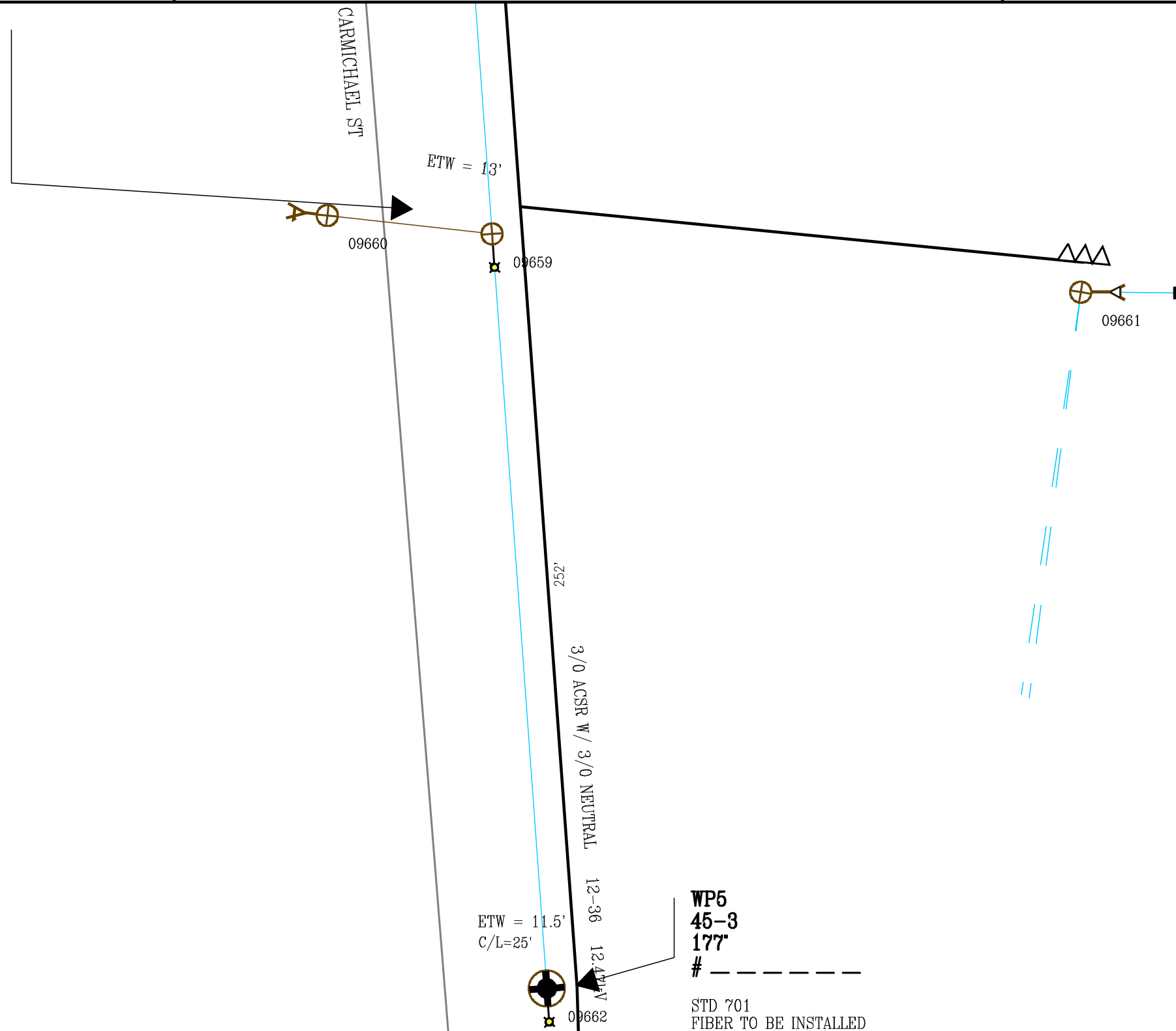
Authorizing signature (s):

Received and Recorded in
Book _____, Page _____,
on _____, 20____.
Attest:

Dated at _____, ME,
This _____ Day of _____, 20____

Clerk of _____





PRESQUE ISLE CITY COUNCIL MEETING

For:

June 1, 2022

AGENDA ITEM # 10

SUBJECT

CONSENT AGENDA: Transfer of Capital Reserves

INFORMATION

1) Memorandum

REQUESTED ACTION

BE IT RESOLVED by Councilor _____, seconded by Councilor _____ to authorize the transfer of funds from Police Reserves \$136,091.33, Rec. Reserves \$35,000.00, and DECD Reserves \$18,750.00 for a total of \$189,841.33 into the Enterprise Leasing Reserve.



City of Presque Isle, Maine

Finance Department

From the desk of:

Bradley Turner

Email: bturner@presqueisleme.us

MEMORANDUM

TO:	City Council
FROM:	Bradley Turner, Finance Director
DATE:	May 26, 2022
RE:	Enterprise Leasing Reserve

I am proposing we create a new capital reserve account called Enterprise Leasing Reserve. This reserve will be used to pay the monthly lease payments and Maintenance Agreement fees for the City's Fleet. We currently have funds set aside in several of the department's capital reserve accounts for vehicle replacement. I am requesting we move these funds into the new Enterprise Leasing Reserve. See below for the breakdown of transfer:

<i>Police Reserve #070:</i>	<i>\$136,091.33</i>
<i>Rec Reserve #072:</i>	<i>\$35,000.00</i>
<i>DECD #081:</i>	<i>\$18,750.00</i>

Total Transfer: *\$189,841.33*

BE IT RESOLVED BY COUNCILOR _____ and seconded by Councilor _____ that the City authorize the transfer of funds from the listed capital reserve accounts above into the Enterprise Leasing Reserve.

PRESQUE ISLE CITY COUNCIL MEETING

For:

June 1, 2022

AGENDA ITEM # 11

SUBJECT

CONSENT AGENDA: Approve Quitclaim Deed

INFORMATION

1) Quitclaim Deed

REQUESTED ACTION

BE IT RESOLVED by Councilor _____, seconded by Councilor _____ to approve the Quitclaim Deed to Aroostook Trusses, Inc. the land and buildings located at Missile Street, Presque Isle, Maine.

QUITCLAIM DEED
(MUNICIPAL)

The **CITY OF PRESQUE ISLE, MAINE**, a body corporate, located at 12 Second Street, Presque Isle, Maine 04769 (GRANTOR), for consideration paid, releases to **AROOSTOOK TRUSSES, INC.**, of P.O. Box 548, Presque Isle, County of Aroostook, State of Maine (GRANTEE), the land in Presque Isle, Aroostook County, Maine, described as follows, to wit:

PARCEL ONE

The land and buildings located at Missile Street, Presque Isle, Maine, also being the property described as Assessor's Map 014-141, Lot 530, City of Presque Isle, Maine described as follows:

A certain piece or parcel of land located on the southerly side of Missile Street, so called, and the easterly side of West Drive, so called, City of Presque Isle, Aroostook County, State of Maine, being more particularly described as follows:

Beginning at the northwest corner land now or formerly owned by Portland Air Freight, as recorded in Book 5825, Page 146 at a rebar found capped BRSA PLS #2196;

Thence, northerly along the easterly right of way limit of said West Drive, as shown on a survey plan titled "Subdivision Plan Revision to Subdivision of Park Place West 1, Skyway Industrial Park, Skyway Street, Airport Drive & Central Drive, Presque Isle, Maine, dated January 2, 2022" to be recorded, North 14°-18'-43" West, a distance of 416.17 feet to the southerly right of way limit of said Missile Street, at a rebar set and capped;

Thence, in an easterly direction along said limit of said Missile Street, North 75°-36'-05" East, a distance of 314.20 feet to the northwest corner of Lot 3 of the aforesaid Subdivision, at 5/8" rebar set and capped;

Thence, southerly along the west line of said Lot 3 and an extension thereof, South 14°-23'-55" East, a distance of 416.64 feet to the north line of said Portland Air Freight;

Thence, westerly along said north line, South 75°-41'-17" West, a distance of 314.83 feet to the ***Point of Beginning***.

The above-described piece or parcel of land contains 3.00 acres and is shown as Lot 9 on a survey plan titled "Subdivision Plan Revision to Subdivision of Park Place West 1, Skyway Industrial Park, Skyway Street, Airport Drive & Central Drive, Presque Isle, Maine, dated January 2, 2022" to be recorded.

Meaning an intending to convey a part and only a part of the same premises conveyed by the United States of America to the City of Presque Isle, dated April 27, 1962, and recorded in Book 849, Page 360. The above-described parcel is based on a field survey by B.R. Smith Associates, Inc. (BRSA) under the supervision of Timothy R. Roix, PLS, PE and shown on a plan titled "Subdivision Plan Revision to Subdivision of Park Place West 1, Skyway Industrial Park, Skyway Street, Airport Drive & Central Drive, Presque Isle, Maine" dated January 2, 2022, revised lots 3, 5, 7 & 9 added lot 10, to be recorded. All monuments set are 5/8" rebar, capped BRSA PLS #2196. Bearings are Maine State Grid North, East Zone, NAD 83, May 2018. All deeds referenced are recorded at the Aroostook South Registry of Deeds, Houlton, Maine.

PARCEL TWO

The land located at Missile Street, Presque Isle, Maine also being the property described as Assessor's Map 014-151, Lot 645, City of Presque Isle, Maine, described as follows:

A certain piece or parcel land located on the northerly side of Missile Street, so called, in the City of Presque Isle, County of Aroostook, State of Maine and being more particularly described as follows:

Commencing at the southwesterly corner of Lot 14 as shown on a plan titled "Missile Street Subdivision Revision" by B. R. Smith Associates, Inc., dated December 2, 2021 and recorded at the Southern Aroostook Registry of Deeds at Houlton, ME in Plan Book 2021, Page 46 at the northerly side of an Access Road as shown on said plan;

Thence, northwesterly along the westerly side of Lot #14 on a bearing of North 14°-06'-59" West, a distance of 311.96 feet to the northwesterly corner of Lot #14;

Thence, northeasterly along the northerly line of Lot #14 on a bearing of North 75°-42'-54" East, a distance of 556.24 feet to the northeasterly corner of Lot #14;

Thence, southeasterly along the easterly line of Lot #14 on a bearing of South 14°-17'-06" East, a distance of 309.13 feet to the southeasterly corner of Lot #14 being at the northerly right of way of said Access Road;

Thence, southwesterly along the southerly line of Lot #14, also being the northerly line of said Access Road, on a bearing of South 75°-25'-26" West, a distance of 557.17 feet to the **Point of Beginning**.

The above-described parcel of land contains 3.97 acres of land. Any and all rights within the said Access Road are hereby retained by the Grantor.

These parcels are also subject to the following:

Site Location of Development Act
Maine Department of Environmental Protection

Subject to an existing Maine Department of Environmental Protection Site License (MDEP #L-18711-L3-A-N) dated October 7, 1994. The above-referenced Site License and subsequent modifications and amendments will run with the above-described parcel in perpetuity. In addition to the Maine Department of Environmental Protection Standard Conditions of Approval, the above-described parcel is subject to several Special Conditions of Approval, including a Storm Water Management Plan and a Sedimentation and Erosion Control Plan on file at the offices of the Presque Isle Industrial Council. The above-described parcel may not be further divided without the approval from the Maine Department of Environmental Protection and the City of Presque Isle.

Avigation Easement

Reserving from the above-described parcel and easement and right of way for the unobstructed passage of all aircraft (aircraft being defined for the purpose of this instrument as any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air) by whomsoever owned and operated. Said easement is to be located over the entire above-described parcel along and above imaginary surfaces defined in FAR Part 77 for military airfields with precision instrument runways.

Together with the right to cause in all air space above the surface of the above-described parcel such noise, vibrations, fumes, dust, fuel particles and all other effects that may be caused by the operation of aircraft landing at, or taking off from, or operating at, on, or above other land of the Grantor herein; and Grantees do hereby fully waive, remise and release any right or cause of action which they may now have or which they may have in the future against Grantor, its successors and assigns, due to such noise, vibrations, fumes, dust, fuel particles and all other effects they may be caused or may have been caused by the operation of aircraft landing at, or taking off from, or operating at, on, or above the described parcel.

The easement and right of way hereby reserved includes the continuing right of the Grantor to prevent the erection or growth upon Grantee's property of any building, structure, tree or other object, extending into the air space of any imaginary plane defined in the afore-mentioned Part 77 regulations, and to remove from said air space, or at the sole option of the Grantor, as an alternative, to mark and light as obstructions to air navigation, any such building, structure, tree or other objects now upon, or which in the future may be upon Grantee's property, together with the right of ingress to, egress from and passage over Grantee's property for the above purpose.

To have and to hold said easement and right of way, and all rights appertaining thereto unto the Grantor, its administrators, executors, successors, and assigns, until such time as the Grantor, its administrators, executors, successors, and assigns, formally abandon any intention of the use of the Northern Maine Regional Airport and/or The Presque Isle International Airport parcel for aviation purposes by filing notice of such decision in the Southern Aroostook Registry of Deeds.

And for consideration herein set forth, the Grantees, for themselves, their administrators, executors, successors, and assigns, do hereby agree that for and during the life of said easement and right of way, they will not hereafter erect, permit the erection or growth of, or permit or suffer to remain on Grantee's property any building, structure, tree or object extending into the aforesaid prohibited air space, and that they shall not hereafter use or permit or suffer the use of Grantee's property in such a manner as to create electrical interference with radio communication between any installation upon said airport and aircraft, or as to make it difficult for flyers to distinguish between airport lights and other, or as to impair visibility in the vicinity of the airport or as otherwise to endanger the landing, taking off, or maneuvering of aircraft, it being understood and agreed that the aforesaid covenants shall run with the above-described land.

The above-described parcel of and is a portion of the land conveyed by the United States of America to the City of Presque Isle as recorded in Book 849, Page 360.

RIGHT OF FIRST REFUSAL RESERVED

Excepting and reserving to GRANTOR, a Right of First Refusal to repurchase the above described premises upon the same terms and conditions as any third party, *bona fide*, written offer to purchase. GRANTOR shall have forty-five (45) days to accept and close upon such terms and conditions as set forth in such written offer.

The said City of Presque Isle, Maine has caused this instrument to be signed in its corporate name by the Members of its City Council duly authorized this 1st day of June in the year of our Lord two thousand and twenty-two (2022).

Signed, Sealed and Delivered
in presence of

CITY OF PRESQUE ISLE, MAINE

WITNESS BY: _____
KEVIN FREEMAN

WITNESS BY: _____
MICHAEL CHASSE

WITNESS BY: _____
JACOB SHAW

WITNESS BY: _____
DOUGLAS D. CYR

WITNESS BY: _____
JEFFERY WILLETTE

WITNESS

BY: _____
CRAIG GREEN

WITNESS

BY: **(ABSTAINED)**
GARRY NELSON, SR.

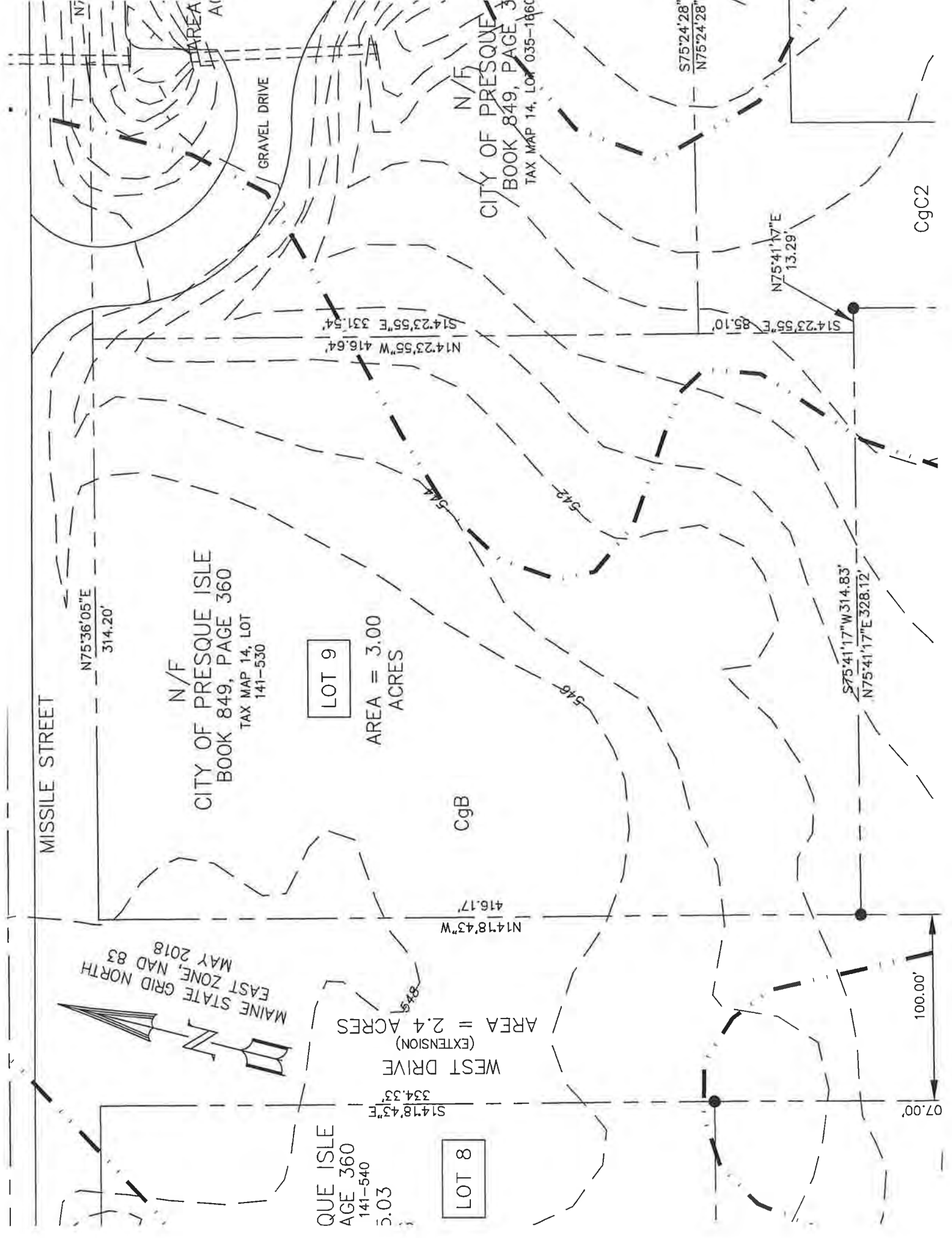
STATE OF MAINE,
AROOSTOOK, ss:

June 1, 2022

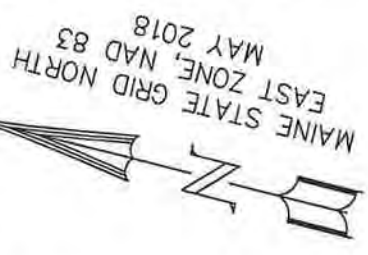
Personally appeared the above-named Kevin Freeman, a Member of the Presque Isle City Council, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said municipal corporation.

Before me,

NOTARY PUBLIC



MISSILE STREET



LOT 8
QUE ISLE
AGE 360
141-540
5.03

WEST DRIVE
(EXTENSION)
AREA = 2.4 ACRES

S14°18'43"E 334.33'

N14°18'43"W 416.17'

N/F
CITY OF PRESQUE ISLE
BOOK 849, PAGE 360
TAX MAP 14, LOT
141-530

LOT 9

AREA = 3.00
ACRES

CgB

N/F
CITY OF PRESQUE
BOOK 849, PAGE 3
TAX MAP 14, LOT 035-186C

07.00'
100.00'

CgC2

N75°36'05"E 314.20'

N14°23'55"W 416.64'
S14°23'55"E 331.54'

S14°23'55"E 85.10'

N75°41'17"E 13.29'

S75°24'28"
N75°24'28"

S75°41'17"W 314.83'
N75°41'17"E 328.12'

546

542

544

849

BOUNDARY LINE BETWEEN THE
PRESQUE ISLE INTERNATIONAL
AIRPORT AND THE SKYWAY
INDUSTRIAL PARK

3.97 Acres Pads 1+2

Exhibit "A"

SV1.01

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NO PORTION OF THIS PLAN MAY
BE IN ANY WAY REPRODUCED
OR USED FOR ANY PURPOSE
OTHER THAN THE SPECIFIC
PROJECT INDICATED HEREIN
WITHOUT THE WRITTEN
PERMISSION OF BIR GITH
ASSOCIATES, INC.

CLIENT:

PRESQUE ISLE INDUSTRIAL COUNCIL
650 AIRPORT DRIVE, SUITE 10
PRESQUE ISLE, ME 04769

SHEET NAME

BOUNDARY PLAN

DESIGNED BY:

BRSA PROJECT 2021024

PROJECT:

MISSILE STREET
SUBDIVISION REVISION
655 MISSILE STREET
PRESQUE ISLE, MAINE

DRAWN BY: KAJ

FIELD BOOK: NA

CHECKED BY: TTR

PLAN DATE: 11-16-2021

APPROVED BY: TTR

PLAN SCALE: 1"=100'

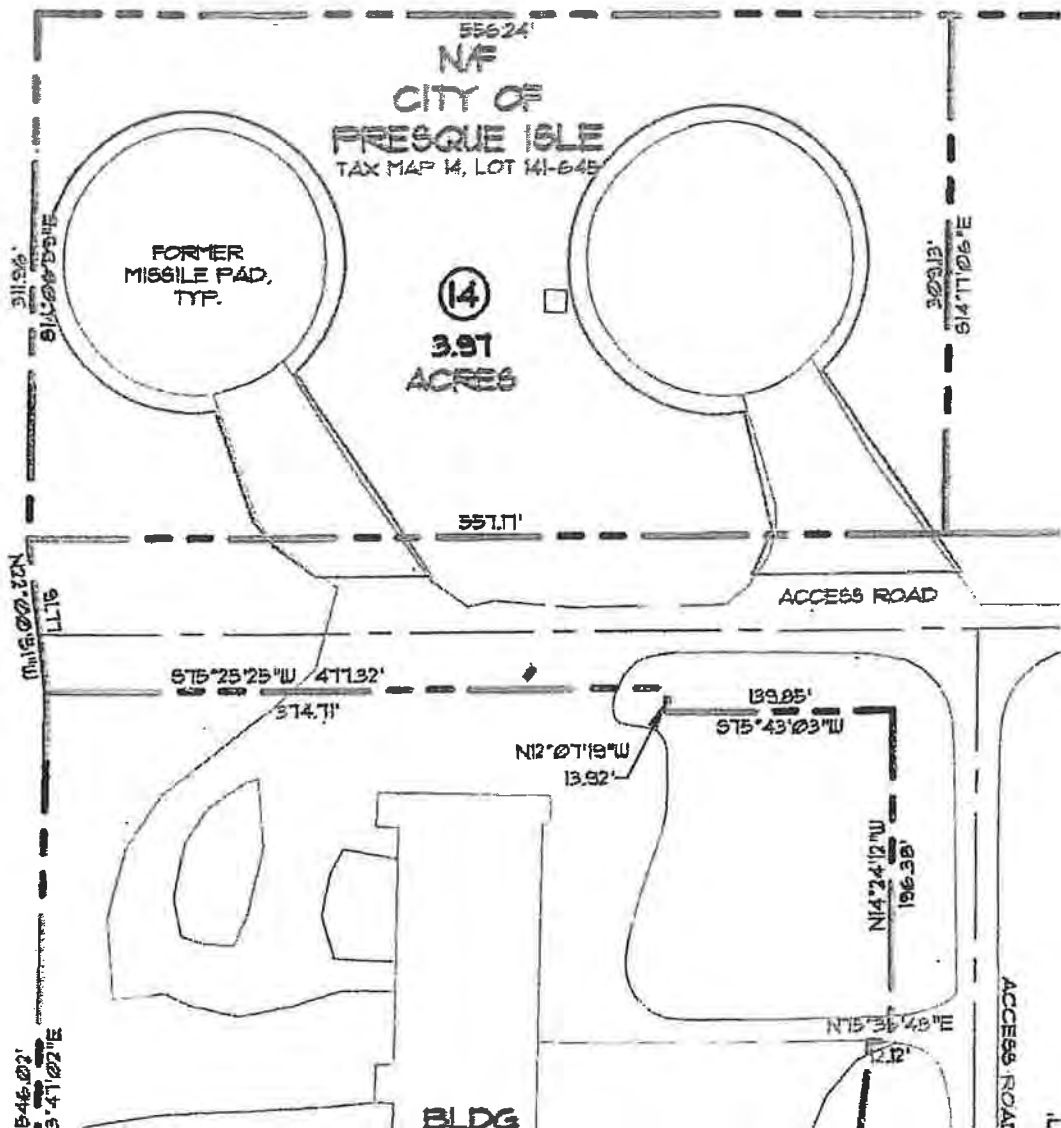
N75°35'21"E 101.09

⑬

1439
ACRES

171.05'
S22°24'37"W

14.64'
S10°36'31"E



⑬

ACCESS ROAD

BLDG

PRESQUE ISLE CITY COUNCIL MEETING

For:

June 1, 2022

AGENDA ITEM # 12

SUBJECT

OLD BUSINESS: Dangerous Building at 45 Elm Street

INFORMATION

- 1) Memorandum (Code Enforcement)
- 2) Memorandum (City Manager)
- 3) Narrative
- 4) Pictures

REQUESTED ACTION

BE IT RESOLVED by Councilor _____, seconded by Councilor _____ to adjudge 45 Elm Street to be a nuisance and dangerous property, for the owner to abate all conditions within 30 days to the satisfaction of the Code Enforcement Officer and assess a penalty of \$100.00 per day if not complied to. Direct the City Manager to cause the structure to be demolished and removed. The cost to be charged against the real estate that the structure sets and shall constitute a lien on such real estate.



City of Presque Isle, Maine

The Office of the City Manager

Martin Puckett

Email: mpuckett@presqueisleme.us

MEMORANDUM

TO:	Honorable City Council
FROM:	Martin Puckett, City Manager
DATE:	May 23, 2022
RE:	Dangerous Building

On Wednesday evening, you will have a public hearing for dangerous buildings. This memo is intended to provide you the necessary background information to assist you.

Essentially, you will be asked to listen to the evidence that will be presented to you to determine if the buildings being discussed meet the standard of being dangerous buildings, as defined within state law.

Legislative Authority

The Municipal Officers (City Council) of any community have been given the authority to act as a quasi-judicial board to determine whether a building meets the standard of a dangerous building. Further, should that determination be made, the City Council have the authority to order that the owner(s) correct or remove those items that cause the building to be dangerous. Should the order not be complied with, the Council can cause action to occur to abate the danger, and later bill the owner of the property for the costs associated.

Finally, should the bill not be paid, the community can then place a lien on the property that has the full enforcement weight of a tax lien. The vast majority of this authorization can be found in 17 M.R.S.A. § 2851, et seq. A copy of that statute is included as a reference.

Process

The City Council will act as the hearing body. The Council will need to determine several items.

First, you will need to listen to the testimony before you, follow up with any questions you may have, and then determine if the testimony and facts presented have met your understanding of the dangerous buildings statutes.

Next, if that is the case, the Council shall determine the correction action that is necessary and the time frame to meet that corrective action.

Finally, the Council should empower City staff to insure that the corrective action occurs, should the owners of the property not follow the order of the Council.

For the purpose of Wednesday night I will be handling the role of advising and assisting the staff that is presenting the case to the Council. To maintain objectivity, I will not be able to advise and assist the council. The Code enforcement officer will make recommendations for each property.

Here is the basic outline of the hearing:

1. Allow the city to present documentation and statements and allow council to ask questions
2. Allow the property owner to present documentation and statements and allow council to ask questions
3. Allow for either party to make final statements
4. Close Hearing and make a motion(s).



City of Presque Isle, Maine

From the desk of:
Penny Anderson

Email: panderson@presqueisleme.us

MEMORANDUM

TO:	Honorable City Council
CC:	Martin Puckett, City Manager; Galen Weibley, Director of Economic & Community Development Kim Finnemore, City Clerk Patty Jandreau, Executive Assistant
DATE:	May 10, 2022
RE:	Recommendations on Dangerous Buildings

Based upon the evidence presented and the testimony of the Code Enforcement Officer concerning the condition(s) of the premise(s) owned by **Addis Hafford**, located at 45 Elm Street, I hereby by move:

- That the Council adjudge these properties to be a nuisance and dangerous to life or property;
- That the Council make and record an Order stating that the owner shall, within (30) days of service of this Order, abate all conditions creating a nuisance or dangerous condition to the satisfaction of the Code Enforcement Officer;
- That should the owner fail to comply with the specified time, the owner shall be assessed a civil penalty of \$100.00 per day and the City Council further directs the City Manager to cause the structure(s) to be demolished and removed. The cost of such demolition and removal shall be charged against the real estate upon which the structure sets and shall constitute a lien on such real estate.

RECOMMENDED: Motion made by: _____ Seconded by: _____

CONDEMNED PROPERTIES

March 2, 2022

1. **45 Elm Street – Owned by Addis & Cheryl Hafford.** Our office has been dealing with code violation at this location since 2019, due to the following: Unsafe structure, roof leaking, cracks in foundation, the building has been vacant for several years and all utilities have been disconnected from the building. Back in 2019, George spoke with the family and they planned to demolish the property. At this time the house is still there with piles of garbage in it.

Several attempts by phone and letters have been made with no respond from Mr. Hafford.

There currently is no mortgage on the property. The 2021 taxes are still due and a lien will be placed in April if they have not been paid.

The tax card has the value of the property at \$53,900.00. Pictures are from May 7, 2020.



05.07.2020 16:43

A photograph of the front entrance of a house. The house has yellow horizontal siding and a white door with a glass insert. To the left of the door is a large white-framed window. A black house number '45' is mounted on the wall between the window and the door. A black outdoor light fixture is mounted on the wall to the right of the door. Bare tree branches are visible in the foreground on the left. The roofline shows a dark shingle and a wooden eave with some peeling paint.

45

05.07.2020 16:44



-05-07-2020 16:48



05.07.2020 16:49



05.07.2020 16:51



05.07.2020 16:51



05.07.2020 16:52



05.07.2020 16:52

PRESQUE ISLE CITY COUNCIL MEETING

For:

June 1, 2022

AGENDA ITEM # 13

SUBJECT

OLD BUSINESS: City Hall Update

INFORMATION

Verbal update provided at meeting

REQUESTED ACTION

FOR DISCUSSION

PRESQUE ISLE CITY COUNCIL MEETING

For:

June 1, 2022

AGENDA ITEM # 14

SUBJECT

NEW BUSINESS: City of Presque Isle Website

INFORMATION

1) Proposal provided at meeting

REQUESTED ACTION

BE IT RESOLVED: by Councilor _____, seconded by Councilor _____ to approve the committees recommendation.

PRESQUE ISLE CITY COUNCIL MEETING

For:

June 1, 2022

AGENDA ITEM # 15

SUBJECT

NEW BUSINESS: Airport Update

INFORMATION

1) Verbal presentation

REQUESTED ACTION

DISCUSSION ONLY:

PRESQUE ISLE CITY COUNCIL ANNOUNCEMENTS

Wednesday, June 1, 2022

- Food Truck Friday's begin in June and happen every other Friday. This month's dates are June 3rd and 17th at 5:00 pm at Riverside.
- Rockin' on Riverside will be on June 23rd at 6:00 pm with the band *Too Far North* playing. Also held at Riverside.
- This year's City Wide Yard Sale is the weekend of June 5, 6.
- Annual Chamber's Strawberry Shortcake Sale is on Thursday, June 16.
- We have the following vacancies for Boards/Committees; Zoning Board, alternate on Planning Board or alternate on the Library Board. Please see the City Clerk for an application or apply online.
- The next regularly scheduled meeting of the Presque Isle City Council will be on Wednesday, July 6, 2022 at 6:00 PM at the Sargent Family Community Center.