

City Council Minutes
Tuesday, March 9, 2021

Regular Meeting
Via zoom

Tuesday, March 9, 2021
6:00 p.m.

The regular meeting was called to order by Mayor Michele Daniels. The city clerk called the roll:

Councilor Goss-present
Councilor Morin-present
Mayor Daniels-present

Councilor Ferris-present
Councilor Phanthay-present

Mayor Daniels declared a quorum present. City Manager Stephen Bost and City Solicitor Jonathan Pottle were also present.

Mayor Daniels led members of the council and others present in reciting the pledge of allegiance to the flag of the United States of America.

Mayor Daniels read the notice for the regular meeting.

TO: Joseph Ferris, Jerry Goss, Michele Daniels, Soubanh Phanthay and Jenn Morin MEMBERS OF THE BREWER CITY COUNCIL you are hereby notified a regular meeting of the City Council will be held on Tuesday, March 9, 2021 at 6:00 p.m. virtually, via zoom to consider and act on the items on the attached agenda.

s/Michele Daniels
Mayor and Chairman of the City Council
Or _____
Majority of the City Council

a true copy, attest: s/Vincent P. Migliore
City Clerk

OFFICER'S RETURN

I have on the date(s) and time(s) indicated given notice of this meeting by giving in hand of by leaving at the usual dwelling place of the within named an attested copy of this notice of meeting:

Given/Delivered to:	by (person delivering)	Title	Date	Time
Michele Daniels	V. Migliore	CC.	03/05/21	13:00
Soubanh Phanthay	E. Willby	Sgt.	03/05/21	15:46
Jerry Goss	E. Willby	Sgt.	03/05/21	15:43
Joseph L. Ferris	E. Willby	Sgt.	03/05/21	15:30
Jenn Morin	E. Willby	Sgt.	03/05/21	15:50

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With the shift to remote meetings, we have modified how we receive public comments. At this time, the Brewer City Council is accepting written public comments in place of in-person participation. Written public comments must be e-mailed to City Clerk Vincent Migliore at vmigliore@brewermaine.gov or mailed to Public Comments, City Hall, 80 North Main Street, Brewer ME 04412. Public Comments must be received in writing by 4:00 PM on the date of the Council meeting in order to be provided to the City Council in advance of the meeting. Any public comments received will become part of the permanent record of the meeting. If e-mailing, please note "Public Comment" and the meeting date in the subject field.

CITY COUNCIL REGULAR MEETING
Tuesday, March 9, 2021 6:00 P.M.

Virtual Meeting via Zoom due to the ongoing COVID-19 pandemic
Physical attendance by the public at City Hall is not permitted
General Public Link:

https://us02web.zoom.us/webinar/register/WN_7tMRoNRXTiKit4ycJDxuXw

- I. Call to Order** (Mayor Daniels)
- II. Roll Call** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America** (Mayor Daniels)
- A. Minutes of February 9, 2021 Regular Meeting** (Councilor Phanthay)
- B. Awards, Petitions and Public Comments**
 - 1. Presentation: Pedestrian Safety Action Plan, Patrick D. Adams, Maine DOT
- C. Consent Calendar**
 - 1. (2021-A008) ORDER Accept donations to the City of Brewer for the purchase of fitness equipment. (Councilor Goss)
 - 2. (2021-A009) ORDER Authorize purchase and installation of fitness park on the Brewer Riverwalk. (Councilor Ferris)
 - 3. (2021-A010) ORDER Accept donation from Hannaford Community Bag Program to the Brewer Public Library. (Councilor Morin)
 - 4. (2021-A011) ORDER Award contract for 2021 street line painting. (Councilor Phanthay)
 - 5. (2021-A012) ORDER Authorize purchase of a snow pusher blade. (Councilor Goss)
 - 6. (2021-A013) ORDER Remove an undeveloped 25' wide strip of land reserved for a pedestrian way adjacent to Canterbury Road Located between Lots 67 & 68 as shown on tax map 48, and also shown between Lots 32 & 33 on Plan D687-76 recorded in the Penobscot County Registry of Deeds, from the list of unaccepted streets whose time for acceptance was extended. (Councilor Ferris)
 - 7. (2021-A014) ORDER Declare city property surplus and authorize sale or disposal of surplus property. (Councilor Morin)
 - 8. (2021-B002) RESOLVE Adopt amendment to Brewer's flexible benefits plan. (Councilor Phanthay)
 - 9. (2021-A015) ORDER Authorize City Manager to sign cooperative agreement

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with Northern Light Medical Transport (dba Northern Light Medical Transport and Emergency Care) for ambulance services. (Councilor Goss)

11. (2021-A016) ORDER Authorize reallocation of funds to cover insurance deductible expense. (Councilor Ferris)

D. Monthly Reports (Councilor Morin)

E. Nominations, Appointments, Elections

Consent Calendar

1. (2021-A017) ORDER Reappoint Inspector of Buildings. (Councilor Phanthay)
2. (2021-A018) ORDER Reappoint Inspector of Plumbing. (Councilor Goss)
3. (2021-A019) ORDER Reappoint members to the Board of Appeals of the City of Brewer. (Councilor Ferris)
4. (2021-A020) ORDER Reappoint member to the Brewer Board of Assessment Review. (Councilor Morin)
5. (2021-A021) ORDER Reappoint member to the Cemetery Board of the City of Brewer. (Councilor Phanthay)
6. (2021-A022) ORDER Appoint and reappoint members to the Board of Commissioners of the Housing Authority of the City of Brewer. (Councilor Goss)
7. (2021-A023) ORDER Reappoint member to the Library Board of Trustees of the City of Brewer. (Councilor Ferris)
8. (2021-A024) ORDER Reappoint members to the Parks & Recreational Advisory Commission of the City of Brewer. (Councilor Morin)
9. (2021-A025) ORDER Appoint and reappoint members to the Brewer Planning Board. (Councilor Phanthay)
10. (2021-B003) RESOLVE Confirm City Manager's appointments of Constables. (Councilor Goss)

F. Unfinished Business

1. (2021-C001) ORDER Amend Chapter 9, entitled "Fire Prevention" of the City of Brewer Charter Codes and Ordinances. (Councilor Ferris)

G. New Business

H. New Items with Leave of Council

I. ADJOURN

A. Minutes of February 9, 2021 Regular Meeting

ACTION: Councilor Phanthay moved that the minutes be accepted and placed on file. Councilor Goss seconded. The motion passed with a unanimous vote.

B. Awards, Petitions and Public Comments

1. Presentation: Pedestrian Safety Action Plan, Patrick D. Adams, Maine DOT

Patrick D. Adams of the Maine Department of Transportation made a presentation on the City of Brewer Pedestrian Safety Action Plan. Mr. Adams said that this plan was the result of an on-going project where

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Maine DOT has partnered with twenty-one (21) communities to affect safety. Mr. Adams said that Brewer was notable among the participating communities because of its development of the river-walk.

Public Comments

Mayor Daniels asked if any communications had been received from the public, there were none.

Councilor Goss asked if this would be the last City Council meeting attended by Frank Higgins as head of the Engineering Department who will be retiring in the near future. The City Manager confirmed. Councilor Goss gave thanks to Mr. Higgins for his effort and the work he had accomplished. Councilor Morin offered her congratulations. Councilor Ferris said that Mr. Higgins was a model engineer, understated and very effective. Councilor Phanthay offered congratulations and thanks to Mr. Higgins. Mayor Daniels recalled that Mr. Higgins had made it a point to educate Council members new to the board, and Mayor Daniels found his teaching to be knowledge that “we’ve used over and over again”.

C. Consent Calendar

2021-A008

March 9, 2021

TITLE: ORDER, ACCEPT DONATIONS TO THE CITY OF BREWER FOR THE PURCHASE OF FITNESS EQUIPMENT.

Filed February 11, 2021
By Jerry Goss

WHEREAS, the City of Brewer Economic Development Department has determined that fitness equipment along the Riverwalk would encourage physical fitness and attract new users to the Riverwalk; and

WHEREAS, Machias Savings Bank has agreed to help sponsor an outdoor fitness center through a donation of \$25,000 made in five annual installments of \$5,000 each.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council herewith accepts the donations and directs that the funds be deposited in the Riverwalk Fitness Park Grant Revenue account (0500100-360000-57023); and

FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from the Riverwalk Fitness Park Expense account (0510121-551102-57023) for the purchase of fitness equipment to be installed on the Riverwalk at Veteran’s Park.

Statement of Fact: The City of Brewer Economic Development Office received a donation from Machias Savings Bank in order to purchase fitness equipment to be installed on the Riverwalk at Veteran’s Park.

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2021-A009

March 9, 2021

TITLE: ORDER, AUTHORIZE PURCHASE AND INSTALLATION OF FITNESS
PARK ON THE BREWER RIVERWALK.

Filed March 3, 2021
By Joseph L. Ferris

WHEREAS, six out of ten Americans are considered overweight or obese; and

WHEREAS, studies have shown that most adults strongly prefer outdoor exercise to indoor exercise; and

WHEREAS, health clubs provide a high-quality experience for adults who want to improve their health and wellness, but are not an option for every adult due to financial constraints; and

WHEREAS, outdoor fitness areas provided by community parks remove the financial barrier to regular exercise; and

WHEREAS, the City of Brewer wishes to install fitness equipment at the end of the Riverwalk at Veteran's Park to attract new users to our waterfront, including the Center Street business area, and encourage adults to exercise regularly and improve their fitness; and

WHEREAS, the Economic Development Department has researched options to incorporate fitness equipment into the City's Riverwalk and found that the GameTime Thrive 900 is specifically made to appeal to adults and provide all of the necessary elements of a well-rounded fitness program, including aerobic fitness, muscle development, core strength, and balance and flexibility; and

WHEREAS, the Thrive 900 combines multiple types of fitness exercises into a single, compact unit, making it a great option for locations with limited space, like Veteran's Park; and

WHEREAS, the Thrive 900 will work as a catalyst to encourage non-exercising adults to be more active, and provides a stage to perform a variety of exercises for multiple fitness levels at each station so it can be used by people of all abilities and fitness levels; and

WHEREAS, Machias Savings Bank has agreed to donate \$25,000 towards the purchase of this specific Thrive 900 system; and

WHEREAS, the City has tax increment financing (TIF) funds available to cover the remaining estimated \$43,000 cost to purchase and install the equipment.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its Council herewith authorizes the appropriation and expenditure of up to \$43,000 in tax increment financing (TIF)

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funds from the Riverwalk Fitness Park expense account (0510121-551102-57023) to supplement the \$25,000 private donation toward this project; and

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

Statement of Fact: This order authorizes the expenditure of up to \$43,000 in TIF funding to supplement \$25,000 in private donations, which together will be used for the purchase and installation of fitness equipment on the Riverwalk at Veteran's Park.

2021-A010

March 9, 2021

TITLE: ORDER, ACCEPT DONATION FROM HANNAFORD COMMUNITY BAG PROGRAM TO THE BREWER PUBLIC LIBRARY.

Filed February 24, 2021
By Jenn M. Morin

WHEREAS, the City of Brewer Public Library has received a donation of \$50 from the Hannaford Community Bag Program; and

WHEREAS, it is the recommendation of the Library Director that these funds be used to purchase adult fiction books.

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts this donation of \$50 from Hannaford Community Bag Program and authorizes its deposit in account 0107204-300420 and expenditure from account 0117201-502750.

Statement of Fact: This order accepts a Hannaford Community Bag Program donation to purchase adult fiction books at the City of Brewer Public Library.

NOTE: The Brewer Public Library sends a letter of acknowledgement and appreciation on behalf of the City Council and the Library to all who contribute to the library.

2021-A011

March 9, 2021

TITLE: ORDER, AWARD CONTRACT FOR 2021 STREET LINE PAINTING.

Filed March 2, 2021
By Soubanh Phanthay

WHEREAS, bids were solicited, received and evaluated for 2021's street line painting contract; and

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WHEREAS, Lucas Striping of Readfield, Maine submitted the lowest price of the five bids received.

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith accepts the bid from Lucas Striping and authorizes the City Manager, or his Designee, to approve a purchase order and payment to Lucas Striping the amount of \$29,393.76; and

BE IT FURTHER ORDERED, that funds for this contract shall be charged to account 0116611-501044 titled "Contracted Services".

Statement of Fact: The City had the option to continue a three-year contract jointly-bid with Bangor, but for consistency and reliability it was better for City to bid its own contract.

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2021-A012

March 9, 2021

TITLE: ORDER, AUTHORIZE PURCHASE OF A SNOW PUSHER BLADE.

Filed March 3, 2021

By Jerry Goss

WHEREAS, Public Works intended to include in their bid package for a new loader a 12' snow pusher blade but decided not to, due to a concern of exceeding approved funds for FY21 CIP purchases; and

WHEREAS, it is anticipated that less than \$14,000 would be needed for the purchase and installation of a new pusher blade for the City's loaders; and

WHEREAS, the CIP Fund has approximately \$16,500 in unanticipated funds as a result of Public Works capital purchases coming in under budget and surplus assets selling for more than estimated.

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these surplus CIP funds from 0510140-551090 (CIP Unallocated) in an amount up to \$14,000 for the purchase of a 12' snow pusher blade; and

BE IT FURTHER ORDERED, that the Brewer City Council authorizes the City Manager, or his designee, to select a vendor in the best financial interest of the City and finalize this purchase, and

BE IF FURTHER ORDERED, that funds for the is purchase shall come from CIP expense account 0510133-551637 (12' snow pusher blade).

Statement of Fact: Acquiring a snow pusher blade for City loaders would enhance capabilities and provide further backup in case of breakdown for the Public Works Department. The pusher blade can also be used to remove snow pack on roadways as it is able to be used with down pressure, a capability plow trucks do not have.

2021-A013

March 9, 2021

TITLE: ORDER, REMOVE AN UNDEVELOPED 25' WIDE STRIP OF LAND RESERVED FOR A PEDESTRIAN WAY ADJACENT TO CANTERBURY ROAD LOCATED BETWEEN LOTS 67 & 68 AS SHOWN ON TAX MAP 48, AND ALSO SHOWN BETWEEN LOTS 32 & 33 ON PLAN D687-76 RECORDED IN THE PENOBSCOT COUNTY REGISTRY OF DEEDS, FROM THE LIST OF UNACCEPTED STREETS WHOSE TIME FOR ACCEPTANCE WAS EXTENDED.

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Filed March 3, 2021
By Joseph L. Ferris

WHEREAS, historically, the time period within which undeveloped streets in recorded subdivisions could be constructed and accepted as a public street can be extended pursuant to Title 23 M.R.S.A. § 3032; and

WHEREAS, the Brewer City Council extended the time period to consider the acceptance of certain undeveloped paper streets in subdivisions by City Council Order A0997-14 (passed on September 1997 and recorded in the Penobscot County Registry of Deeds as book 6497, page 351) and subsequently by City Council Order 2017-A143 (passed on September 12, 2017 and recorded in said registry as book 14614, page 211), in accordance with Title 23 M.R.S.A. § 3032; and

WHEREAS, both City Council Orders applied to the 25' wide undeveloped future pedestrian way located between lots 67 and 68 on Tax Map 48 and also shown between lots 32 & 33 on a Plan recorded in the Penobscot County Registry of Deeds drawing file D687-76; and

WHEREAS, City staff has reviewed said 25' wide proposed pedestrian way on said plan D687-76 and have determined it to be of no benefit to the City now or in the future.

NOW, THEREFORE, BE IT ORDERED, that the undeveloped 25' wide proposed pedestrian way described herein is hereby removed from the list set forth in City Council Order 2017-A143 and recorded in Penobscot County Registry of Deeds in book 14614, page 211; and

BE IT FURTHER ORDERED, that the City Council herewith confirms that ownership of the 25' wide reserved strip of land herein referenced is equally divided and conveyed to the abutters pursuant to Title 23 M.R.S.A. section 3032; and

BE IT FURTHER ORDERED, that an attested copy of this Order shall be recorded in the Penobscot County Registry of Deeds by the City Clerk.

Statement of Fact: This Order states the City has elected not to accept a proposed way that is a 25' wide strip of land, originally reserved for a future pedestrian way, located adjacent to Canterbury Road between lots 67 and 68 on tax map 48.

2021-A014

March 9, 2021

TITLE: ORDER, DECLARE CITY PROPERTY SURPLUS AND AUTHORIZE SALE OR DISPOSAL OF SURPLUS PROPERTY.

Filed March 3, 2021
By Jenn M. Morin

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WHEREAS, certain property belonging to the City of Brewer has been identified as being no longer useful to the City,

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council declares the following Water Department equipment as surplus; Components and equipment removed during ozone upgrade and 1 drill press; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to sell, recycle or dispose of all aforementioned equipment by means that would be in the best interest of the City of Brewer; and

BE IT FURTHER ORDERED, that any funds received from the sale or disposal of the above-mentioned items be receipted to the Water Department Sale of Asset account (0700006-300410) and used to augment the Water Department's general capital reserve account (0700000-110805).

Statement of Fact: This order allows the sale or disposal of equipment which is no longer used or needed and allocates the proceeds to future capital replacement. We will try to sell legacy PLC components, compressors and air dryers from the ozone upgrade. If a buyer cannot be found the equipment will be scrapped.

2021-B002

March 9, 2021

TITLE: RESOLVE, ADOPT AMENDMENT TO BREWER'S FLEXIBLE BENEFITS PLAN.

Filed March 3, 2021
By Soubanh Phanthay

WHEREAS, it is necessary to amend the City's Flexible Benefits Plan document to reflect changes put in place by the federal government's passage of H.R. 133 Consolidated Appropriations Act Amendments on December 27, 2020 related to COVID-19 relief; and

WHEREAS, the changes temporarily expand employees' access to and ability to use health and dependent care flexible spending arrangement funds; and

WHEREAS, the changes will have no impact on the City of Brewer.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council herewith approves and adopts these amendments and authorizes the City Manager or his designee to execute and deliver to the Administrator of the Plan one or more counterparts of the amendment.

Statement of Fact: This resolve authorizes the City to amend its Flexible Benefits Plan document to reflect COVID-19 related changes resulting from the federal government's passage of H.R. 133 Consolidated Appropriations Act Amendments. The changes will have no impact on the City.

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2021-A015

March 9, 2021

TITLE: ORDER, AUTHORIZE CITY MANAGER TO SIGN COOPERATIVE AGREEMENT WITH NORTHERN LIGHT MEDICAL TRANSPORT (DBA NORTHERN LIGHT MEDICAL TRANSPORT AND EMERGENCY CARE) FOR AMBULANCE SERVICES.

Filed March 3, 2021
By Jerry Goss

WHEREAS, in 1999 the City entered into a Cooperative Ambulance Agreement with Meridian Mobile Health, LLC (dba Capital Ambulance and now named Northern Light Medical Transport (NLMT)) to provide ambulance services to the City of Brewer based out of the Public Safety Building; and

WHEREAS, the City and NLMT have renewed and extended the Agreement multiple times, with the current Agreement set to expire on March 31, 2021; and

WHEREAS, the City and NLMT have negotiated mutually agreeable terms to continue the fruitful partnership for another three years, through March 31, 2024;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the City Manager or his designee to finalize and sign an Agreement with Northern Light Medical Transport to provide ambulance services through March 31, 2024 under terms substantially the same as included in the attached draft Agreement.

Statement of Fact: The City's contract for ambulance services with Northern Light Medical Transport (NLMT) expires on March 31. This order authorizes the City to sign a new contract that would continue these services through March 31, 2024. NLMT pays the City approximately \$186,700 per year for the right to serve Brewer and base an ambulance at the Public Safety Building.

2021-A016

March 9, 2021

TITLE: ORDER, AUTHORIZE REALLOCATION OF FUNDS TO COVER INSURANCE DEDUCTIBLE EXPENSE.

Filed March 4, 2021
By Joseph L. Ferris

WHEREAS, on July 3, 2020, the communications tower at the Public Safety Building was struck by lightning; and

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WHEREAS, the charge caused significant damage to the communications tower and radio shack, and allowed an electrical surge to travel across lines and inside the building causing damage to a phone circuit board in the IT room; and

WHEREAS, there was also significant damage to the police department repeater, the automated gate, the overhead pages/alert system in the fire station; and

WHEREAS, this also caused electrical damage to the backup generator and other sensitive electronic equipment; and

WHEREAS, the City incurred \$45,891.98 in costs to repair the damage, all of which has been reimbursed by the City's insurer except the City's \$10,000 deductible.

NOW THEREFORE BE IT ORDERED, that the Brewer City Council hereby authorizes the reallocation of \$10,000 from the City's Deductible Expense account (0116200-501290) to the Police Building Maintenance and Repair account (0115820-504000) (\$8,000) and to the Fire Building Maintenance and Repair account (0115911-504000) (\$2,000) to cover the deductible expense.

Statement of Fact: This order authorizes the reallocation of \$10,000 from the insurance deductible expense account to the Police and Fire building maintenance accounts to cover the deductible cost associated with the City's \$45,891.98 insurance claim resulting from the July 3, 2020 lightning strike damage to the Public Safety communications tower and associated equipment.

ACTION: Councilor Goss moved that the orders on the consent calendar have passage, and that the resolve be adopted. Councilor Ferris seconded the motion. The motion passed by a unanimous vote.

D. Monthly Reports

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

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

2021-A017

March 9, 2021

TITLE: ORDER, REAPPOINT INSPECTOR OF BUILDINGS.

Filed March 1, 2021
By Soubanh Phanthay

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WHEREAS, Title 25 M.R.S.A. §2351-A provides that the municipal officers shall annually, by the month of April, appoint an Inspector of Buildings; and

WHEREAS, Stewart Brooks is the Brewer Code Enforcement Officer for the City of Brewer; and,

WHEREAS, it is the sense of the Brewer City Council that the Code Enforcement Officer performs as part of his duty's inspection of buildings.

NOW, THEREFORE, BE IT ORDERED that Stewart Brooks is herewith reappointed to the position of Inspector of Buildings for the City of Brewer for a term commencing April 1, 2021 and expiring March 31, 2022.

Statement of Fact: This is a yearly order for appointment or reappointment of person to position of inspector of buildings with approval by Council.

2021-A018

March 9, 2021

TITLE: ORDER, REAPPOINT INSPECTOR OF PLUMBING.

Filed March 01, 2021
By Jerry Goss

ORDERED, that Stewart Brooks is herewith reappointed Inspector of Plumbing for the City of Brewer for a term of one year commencing on April 1, 2021 and expiring on March 31, 2022.

FURTHER ORDERED, that the City Clerk notify the Maine Department of Human Services of this appointment.

Statement of Fact: This is a yearly order for appointment or reappointment of person to position of inspector of plumbing with approval by Council.

2021-A019

March 9, 2021

TITLE: ORDER; REAPPOINT MEMBERS TO THE BOARD OF APPEALS OF THE CITY OF BREWER.

Filed March 1, 2021
By Joseph L. Ferris

ORDERED, that Barry Twitchell, 50 Alan-A-Dale Road, and Christopher Reed, 19 Central Avenue, are herewith reappointed to the Board of Appeals of the City of Brewer for a three-year term; and

FURTHER ORDERED, that Mr. Twitchell's, and Mr. Reed's terms will commence April 1, 2021 and expire March 31, 2024.

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Statement of Fact: This is a yearly order for appointment or reappointment of persons to the city boards and commissions with approval by Council.

2021-A020

March 9, 2021

TITLE: ORDER; REAPPOINT MEMBER TO THE BREWER BOARD OF ASSESSMENT REVIEW.

Filed March 1, 2021
By Jenn M. Morin

ORDERED, that Michael Whalen, 271 Chamberlain Street is herewith reappointed to the Brewer Board of Assessment Review for a three-year term; and

FURTHER ORDERED, that Mr. Whalen's terms will commence April 1, 2021 and expire March 31, 2024.

Statement of Fact: This is a yearly order for appointment or reappointment of persons to the city boards and commissions with approval by Council.

2021-A021

March 9, 2021

TITLE: ORDER, REAPPOINT MEMBER TO THE CEMETERY BOARD OF THE CITY OF BREWER.

Filed March 1, 2021
By Soubanh Phanthay

ORDERED, that Jennifer Jacobs, 22 School Street, is herewith reappointed to the Brewer Cemetery Board for a three-year term; and

FURTHER ORDERED, that Ms. Jacobs term will commence April 1, 2021 and expire March 31, 2024.

Statement of Fact: This is a yearly order for appointment or reappointment of persons to the city boards and commissions with approval by Council.

2021-A022

March 9, 2021

TITLE: ORDER; APPOINT AND REAPPOINT MEMBERS TO THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF BREWER.

Filed March 3, 2021
By Jerry Goss

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ORDERED, that Marilyn Lavelle, 116 Eastern Avenue is herewith reappointed to the Board of Commissioners of the Housing Authority of the City of Brewer for five-year term;

BE IT FURTHER ORDERED, that Penelope Joy, 6 Cutler Place, is herewith appointed to the Board of Commissioners of the Housing Authority of the City of Brewer for five-year term; and

FURTHER ORDERED, that Ms. Lavelle's and Ms. Joy's terms will commence April 1, 2021 and expire on March 31, 2026.

Statement of Fact: This is a yearly order for appointment or reappointment of persons to the city boards and commissions with approval by Council.

2021-A023

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TITLE: ORDER; REAPPOINT MEMBER TO THE LIBRARY BOARD OF TRUSTEES OF THE CITY OF BREWER.

Filed March 1, 2021
By Joseph L. Ferris

ORDERED, that Gail Fernald, 29 School Street, is herewith reappointed to the Library Board of Trustees of the City of Brewer for a three-year term; and

FURTHER ORDERED, that Ms. Fernald's term will commence April 1, 2021 and expire March 31, 2024.

Statement of Fact: This is a yearly order for appointment or reappointment of persons to the city boards and commissions with approval by Council.

2021-A024

March 9, 2021

TITLE: ORDER; REAPPOINT MEMBERS TO THE PARKS AND RECREATIONAL ADVISORY COMMISSION OF THE CITY OF BREWER.

Filed March 1, 2021
By Jenn M. Morin

ORDERED, that Paul Soucy, 59 Broadlawn Drive, Thomas Tardiff, 9 Willow Way, and John Cuskelly, 92 Canterbury Road, are herewith reappointed to the Parks and Recreational Advisory Commission of the City of Brewer for three-year terms; and

BE IT FURTHER ORDERED, that Mr. Soucy's, Mr. Tardiff's, and Mr. Cuskelly's terms will commence April 1, 2021 and expire March 31, 2024.

Statement of Fact: This is a yearly order for appointment or reappointment of persons to the city boards and commissions with approval by Council.

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2021-A025

March 9, 2021

TITLE: ORDER; APPOINT AND REAPPOINT MEMBERS TO THE BREWER
PLANNING BOARD.

Filed March 1, 2021
By Soubanh Phanthay

ORDERED, that Constance Holden, 108 Chamberlain Street, and Timothy Daniels, 28 School Street, are herewith reappointed to the Brewer Planning Board of the City of Brewer for three-year terms; and

ORDERED, that Sarah Clark, 230 Washington Street, is herewith appointed as an associate member to the Brewer Planning Board of the City of Brewer for a three-year term; and

BE IT FURTHER ORDERED, that Ms. Holden's, Mr. Daniels's, and Ms. Clark's terms will commence April 1, 2021 and expire March 31, 2024.

Statement of Fact: This is a yearly order for appointment or reappointment of persons to the city boards and commissions with approval by Council.

2021-B003

March 9, 2021

TITLE: RESOLVE, CONFIRM CITY MANAGER'S APPOINTMENTS OF
CONSTABLES

Filed March 1, 2021
By Jerry Goss

RESOLVED, that the City Council herewith confirms the City Manager's appointments of the following constables for the City of Brewer for terms of one year each commencing April 1, 2021 and expiring March 31, 2022:

- Cpl. Levi Sewall
- Cpl. Amy Nickerson
- Cpl. Thomas Tardiff
- Cpl. Scott Jones
- Sgt. Edward Willey
- Sgt. Nelson Feero
- Sgt. Fred Luce
- Arden Jones, Court Officer
- Stewart Brooks, Code Enforcement Officer
- Michael Parady, Animal Control Officer

Statement of Fact: This is a yearly order to confirm City Manager's appointment of constables for the City of Brewer.

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ACTION: Councilor Phanthay moved that the orders on the consent calendar have passage, and that the resolve be adopted. Councilor Goss seconded the motion. The motion passed by a unanimous vote.

F. Unfinished Business

2021-C001

February 9, 2021

TITLE: ORDER AMEND CHAPTER 9, ENTITLED "FIRE PREVENTION" OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES.

Filed February 4, 2021
By Joseph L. Ferris

BE IT ORDAINED, by the City of Brewer in City Council assembled that Chapter 9, of the Charter, Codes and Ordinances of the City of Brewer, entitled "Fire Prevention" shall be amended by adding a new Article as follows:

CHAPTER 9 – FIRE PREVENTION

Article 13. COST RECOVERY FOR SERVICES

Section 1301. Purpose. The City is engaged in providing fire suppression, fire and public safety, and other emergency response services, and in consideration of services rendered, desires to establish the restitution policy for fire and public safety services as set forth in this Article.

Section 1302. Authority. This Article is adopted pursuant to and consistent with the Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1, of the Constitution of the State of Maine, and Title 30-A M.R.S.A. § 3001.

Section 1303. Applicability

Section 1303.1. The provisions of this Article shall govern all emergency and non-emergency incident scenes to which the Brewer Fire and/or Police Departments are dispatched or requested by the Penobscot County Communication Center, written mutual aid agreement, or any State or local agency including, but not limited to: control or confine hazardous materials; extinguish fire; respond to motor vehicle/traffic incident; remove or mitigate safety hazards; or provide overall scene safety.

Section 1303.2. This Article shall be applicable to all individuals or entities who receive emergency or non-emergency services provided by the Brewer Fire and/or Police Departments, as specified in this Article.

Section 1304. Responsibility. Parties to any incident to which this Article is applicable (i.e., "Responsible Party") shall provide the Brewer Public Safety Director and/or Incident Commander with sufficient personal and insurance information, including, but not limited to policy numbers and contact

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information for their underwriters and agents, to enable the City of Brewer to file claims with the Responsible Party's insurance carrier(s) or a third-party agency to recover the costs incurred during the incident.

Section 1305. Establishment of Fees. The Brewer Public Safety Director shall establish and update as needed a schedule of fees for the delivery of emergency and non-emergency services by the Brewer Fire and Police Departments for personnel, supplies, and equipment to the scene of emergency and non-emergency incidents. The schedule of fees shall be based on actual costs of the services and that which is usual, customary, and reasonable, which may include any services, personnel, supplies, and equipment and may also include costs incurred by other City departments participating in the incident response.

Section 1306. Restitution and Billing Procedure.

Section 1306.1. The City may seek restitution for costs of City services by filing claims with the Responsible Party's insurance company. The City is authorized to enter into a cost recovery agreement with a third-party billing company for the billing and collection of fees for Fire Department services through the filing of insurance claims. All such claims shall be submitted in the name of the City. The City shall only seek restitution for services from insured individuals or companies.

Section 1306.2. The Finance Director is authorized to institute legal action to collect insurance claims that remain outstanding for more than 60 days. Any legal and late fees associated with the attempt to collect outstanding payments incurred by the City shall be added to and in addition to the original claim. The Finance Director is authorized to write off claims, when a claim is not paid with a valid reason (e.g., insured but not at fault, not covered) or if all attempts to contact the insurance company fail by any common method available.

Section 1307. Administration and Enforcement. It shall be the duty of any third-party billing company with a valid cost recovery agreement with the City to effectively pursue the requirements of this Article for payment of services rendered by the City as specifically outlined herein.

Section 1309. Insurance Requirements. The third-party billing company shall at all times have valid General Liability insurance policy, a Cyber Liability policy, an Errors and Omissions Policy, and the City shall be named as an additional insured on such policies.

Section 1310. Severability. Sections of this Article shall be deemed severable. In the event any section, clause, or provision of this Article is declared invalid, the same shall not affect the validity of this Article as a whole or any part thereof other than the part so declared to be invalid.

Section 1311. Conflict with Other Sections. This Article shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law.

Statement of Fact: This ordinance amendment will allow the City to seek reimbursement from insurance companies for costs incurred responding to emergency incidents. The City intends to use a third-party provider to pursue these claims.

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ACTION: Councilor Ferris moved that the amendment be enacted. Councilor Goss seconded the motion. The motion passed by a unanimous vote.

G. New Business

There was none.

H. New Items with Leave of Council

There were none.

I. ADJOURN

ACTION: Councilor Goss moved that the meeting be adjourned. Councilor Phanthay seconded the motion. The meeting was adjourned at 6:21pm.

ADJOURNED, ATTEST: _____ Vincent P. Migliore
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine