

City Council Minutes
Tuesday, April 13, 2021

Regular Meeting
Via zoom

Tuesday, April 13, 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, April 13, 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	R. Ackerson	Dep. Clerk	04/09/21	13:33
Soubanh Phanthay	L. Sewall	Cpl.	04/09/21	17:31
Jerry Goss	L. Sewall	Cpl.	04/09/21	18:22
Joseph L. Ferris			04/09/21	17:30
Jenn Morin	L. Sewall	Cpl.	04/09/21	17:26

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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, April 13, 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_oKufCcpDTeaaJu7IQz86Dg

- 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 March 9, 2021 Regular Meeting** (Councilor Morin)
- B. Awards, Petitions and Public Comments**
 - 1. Presentation: Regional Bus Stop Policy and Design Guidelines, Sara Devlin
(A video of the full presentation can be viewed at <https://www.youtube.com/watch?v=VbwZKPfzqWI&t=4s>)
- C. Consent Calendar**
 - 1. (2021-A026) ORDER Commit Water Assessment to Treasurer for Collection. (Councilor Phanthay)
 - 2. (2021-A027) ORDER Commit Sewer Assessment to Treasurer for Collection. (Councilor Goss)
 - 3. (2021-A028) ORDER Authorize the donation and/or disposal of unclaimed bicycles. (Councilor Ferris)
 - 4. (2021-A029) ORDER Authorize additional funding for the Riverwalk Trail – Phase 3 Project. (Councilor Morin)
 - 5. (2021-A030) ORDER Accept grant for fire equipment and supplies. (Councilor Phanthay)
 - 6. (2021-A031) ORDER Authorize payment to the town of Bucksport to reimburse costs for BLETP training for Officer Christopher Woodman. (Councilor Goss)
 - 7. (2021-A032) ORDER Accept donation to the Brewer Parks and Recreation Department for special event. (Councilor Ferris)
 - 8. (2021-A033) ORDER Declare the property situated at 7 Madison Avenue, Brewer, Maine, and more specifically described in the Penobscot County Registry of Deeds in Book 4811, Page 1, to be surplus and authorize its disposal. (Councilor Morin)

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9. (2021-A034) ORDER Accept wellness funds from Maine Municipal Employees Health Trust. (Councilor Phanthay)
10. (2021-A035) ORDER Authorize purchase and installation of lighting, security, Wi-Fi and other improvements on the Brewer Riverwalk at Veteran's Park. (Councilor Goss)
11. (2021-A036) ORDER Appropriate funds for the Penobscot Bridge Corridor Traffic Signal Improvement Project. (Councilor Ferris)
12. (2021-A037) ORDER Authorize extension of audit services contract. (Councilor Morin)
13. (2021-A038) ORDER Authorize write-off of uncollectible tax balances. (Councilor Phanthay)
14. (2021-A039) ORDER Authorize the purchase of a Police K-9 with Department of Justice asset forfeiture funds. (Councilor Goss)
15. (2021-A040) ORDER Authorize settlement with the Maine Department of Environmental Protection for wastewater infractions. (Councilor Ferris)

D. Monthly Reports (Councilor Morin)

E. Nominations, Appointments, Elections

F. Unfinished Business

1. (2021-A041) ORDER Reconsider Order 2021-A008 "Accept donations to the City of Brewer for the purchase of fitness equipment." passed on March 9, 2021 to update the donation amount. (Councilor Phanthay)

G. New Business

1. (2021-C002) ORDER Amend Chapter 49, entitled "Vacant Property Registration Ordinance" of the City of Brewer Charter, Codes and Ordinances, Section 5. (Councilor Goss)

H. New Items with Leave of Council

I. ADJOURN

A. Minutes of March 9, 2021 Regular Meeting

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

B. Awards, Petitions and Public Comments

1. Presentation: Regional Bus Stop Policy and Design Guidelines, Sara Devlin

(A video of the full presentation can be viewed at <https://www.youtube.com/watch?v=VbwZKPfzWI&t=4s>)

Connie Reed of the Bangor Area Comprehensive Transportation System (BACTS) made a presentation on Regional Bus Stop Policy and Design Guidelines. Mayor Daniels asked how far apart the bus stops would be located, Ms. Reed said the distance between stops would range between a quarter-mile and a half-mile depending on density, environment, and safety. Mayor Daniels asked what considerations were being made for people with mobility issues, Ms. Reed said that there is a para-transit system already in place that offers door-to-door service, and all the bus stops will have ADA accessibility. The

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City Manager voiced concerns that the transition will be difficult for riders, that federal funding could dry-up thus forcing municipalities to underwrite the cost, and that the project is not truly subject to community input. Ms. Reed said there would be heavy public participation and outreach, and that there would be a learning curve with the transition. The City Manager then asked if there would be an opportunity for a community to opt-out of designated stops, BACTS Representative Sara Devlin responded “No.”

Public Comments

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

C. Consent Calendar

2021-A026

April 13, 2021

TITLE: ORDER, COMMIT WATER ASSESSMENT TO TREASURER FOR COLLECTION.

Filed March 10, 2021
By Soubanh Phanthay

WHEREAS, under Chapter 40 of the Water Department of the City of Brewer, a water charge is assessed to water users;

NOW, THEREFORE WE, the Brewer City Council does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of \$620,438.64 at the established rate, as provided by Title 30A MRSA § 3406 (supp [1991] and Title 38 MRSA § 1208 [1989]) and as such sections may be amended from time to time; and

FURTHER ORDERED, that said charges are due and payable on the date of this commitment.

EVENT	COMMITMENT	COMMENTS
March	\$614,193.56	
December	\$2,746.28	
January	\$2,063.52	
February	\$1,435.28	

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UNCLAIMED BICYCLES.

Filed March 17, 2021
By Joseph L. Ferris

WHEREAS, the Brewer Police Department collects abandoned bicycles and stores these bicycles if the owner cannot be found; and

WHEREAS, pursuant to Maine Revised Statutes, Title 25, Chapter 401, subsection 3503, any bicycles that have been in the possession of the Brewer Police Department for a period of time greater than 6 months that have been unclaimed can be sold for cash at public auction to the highest bidder and that any property offered but not sold at public auction may be donated to a nonprofit organization or charity or disposed of as waste; and

WHEREAS, pursuant to Maine Revised Statutes, Title 25, Chapter 401, subsection 3503, the Brewer Police Department must provide notice of the public auction which shall be published in a newspaper of general circulation in Penobscot County at least 10 days prior to such auction; and

WHEREAS, proceeds of the sale of the unclaimed bicycles are exempt from Maine Revised Statutes, Title 33, Chapter 41; and

WHEREAS, due to Covid-19 restrictions it has not been practical to conduct a public auction and current storage space is limited due to the number of bicycles; and

WHEREAS, the Bangor Breakfast Kiwanis Club hosts an annual yard sale with proceeds benefiting community children in the greater Bangor and Brewer area and the Bangor Breakfast Kiwanis Club has offered to service any functional bicycles and place them for sale at their event to provide opportunity for area youth to acquire a good bicycle at a nominal cost.

NOW THEREFORE BE IT ORDERED, that the City Manager, or his designee, is herewith authorized to direct that all unclaimed bicycles that have been in the possession of the Brewer Police Department for a period of time greater than 6 months be donated to the Bangor Breakfast Kiwanis Club; and

BE IT FURTHER ORDERED, that bicycles that are not serviceable may be disposed of.

Statement of Fact: This order authorizes unclaimed bicycles in the possession of the Brewer Police Department to be donated to the Bangor Breakfast Kiwanis Club annual yard sale to benefit children in the greater Bangor area.

2021-A029

April 13, 2021

TITLE: ORDER, AUTHORIZE ADDITIONAL FUNDING FOR THE

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RIVERWALK TRAIL – PHASE 3 PROJECT.

Filed March 22, 2021
By Jenn M. Morin

WHEREAS, on February 11, 2020 the Brewer City Council approved Order 2020-A016 which authorized funding in the amount of \$100,000 to cover the City’s 20% cost share for the Riverwalk Phase 3 Project which, at that time, had an estimated total project cost of \$493,000; and

Whereas; Per the terms and conditions of the Municipal/State Agreement for this project the City is responsible for 100% of any project costs in excess of \$493,000; and

Whereas; The City’s project team has requested modifications to the original project scope in order to ensure that Phase 3 of this project maintains the character and level of detail that the citizens of Brewer have come to expect and enjoy on Phases 1 and 2 of the trail; and

Whereas; These modifications have increased the estimated total project cost to \$625,000 excluding contingency.

NOW THEREFORE BE IT ORDERED, that the City Manager, or his designee, is authorized to execute Modifications, as he deems necessary, to the Municipal/State Agreement for the Riverwalk Phase 3 Project (MDOT WIN 24773) to increase the City’s funding share to an amount not to exceed \$300,000 which covers the currently estimated City share plus a 10% contingency; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of an additional \$200,000 in TIF Special Project funds to support this extension of the waterfront trail, which is an approved TIF-eligible project; and

BE IT FURTHER ORDERED, that all costs for this project shall be charged to account 0510121-551102-57021.

Statement of Fact: This order authorizes additional funding for Phase 3 of the Riverwalk Trail Project to cover the current estimated project cost plus approximately 10% contingency.

2021-A030

April 13, 2021

TITLE: ORDER, ACCEPT GRANT FOR FIRE EQUIPMENT AND SUPPLIES.

Filed March 24, 2021
By Soubanh Phanthay

WHEREAS, the City of Brewer Fire Department has been awarded \$1,490 by the Maine Forest Service for a 2021 Volunteer Fire Assistance Grant; and

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WHEREAS, the funds will be used to purchase forestry equipment including hose, firefighting foam, hose adapters, and headlamps; and

WHEREAS, this forestry equipment will help firefighters extinguish wildland fires protecting wildlands and homes from spreading fire; and

WHEREAS, the grant requires that the City provide an equal share of local funds as a match, which the Fire Department has available in its budget.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, Maine, by vote of its City Council, does herewith accept the \$1,490 in grant money from the Maine Forest Service and directs that these funds be deposited into account 0600059-360000-59034 FY21 2021 VFA – FORESTRY GRANT REVENUE.

FURTHER ORDRED, that the City Council authorizes the appropriation and expenditure of the \$1,490 in grant funds along with the \$1,490 in local match from 0600059-560000-59034 FY21 VFA – GRANT EXPENSE for the items detailed above.

FURTHER ORDERED, that the \$1,490 in local match required come from 0115911-550200 – Fire City Share/Match—Misc Grants.

Statement of Fact: The City of Brewer Fire Department received a \$1490 grant award from the 2021 Volunteer Fire Assistance for the purchase of Forestry Equipment. This order accepts these funds and authorizes the expenditure of an equal amount of City funds required as the local match. Research shows that this equipment will enable firefighters to reach the fire and deploy foam agents that extinguish fires quicker and reduce the possibility of rekindle. During night operations, the headlamps will ensure crews have proper illumination to prevent fall injuries.

2021-A031

April 13, 2021

TITLE: ORDER, AUTHORIZE PAYMENT TO THE TOWN OF BUCKSPORT TO REIMBURSE COSTS FOR BLETP TRAINING FOR OFFICER CHRISTOPHER WOODMAN.

Filed March 26, 2021
By Jerry Goss

WHEREAS, the City of Brewer hired Christopher Woodman as a full-time officer on March 30, 2021 to fill a vacancy in the Brewer Police Department; and

WHEREAS, Officer Woodman comes to us from the Bucksport Police Department where he worked in a full-time capacity since September 2017; and

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WHEREAS, Officer Woodman graduated from the Maine Criminal Justice Academy's Basic Law Enforcement Training Program (BLETP) on November 17, 2019; and

WHEREAS, the Maine Criminal Justice Academy Board of Trustees has established mandatory reimbursement rates for the BLETP Academy Training to be paid to the employing agency who put the officer through the BLETP, and said reimbursement rate for Officer Woodman is \$32,480; and

WHEREAS, this unanticipated, one-time expense can be paid for with unanticipated state revenue sharing funds.

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is herewith authorized and directed to pay the Town of Bucksport the Maine Criminal Justice Academy's set mandatory BLETP Academy Training reimbursement rate for Officer Woodman; and

FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of \$32,480 from 0115811-500861 (Police Training Costs Reimbursement) to the Town of Bucksport to be funded from \$32,480 in unanticipated state revenue sharing funds in account 0106902-300200.

Statement of Fact: This order authorizes the City to reimburse the Town of Bucksport \$32,480 for costs incurred to send Christopher Woodman, the City of Brewer's newest Police Officer, to Criminal Justice Academy training. This mandatory reimbursement rate is established by a state board. The City will pay this expense with unanticipated state revenue sharing funds it received.

2021-A032

April 13, 2021

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PARKS AND RECREATION DEPARTMENT FOR SPECIAL EVENT.

Filed March 29, 2021
By Joseph L. Ferris

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$250.00 from Kiwanis Club of Brewer for support of the Egg Hunt; and

WHEREAS, it is the recommendation and request of the Parks & Recreation Director and the donor that this donation be appropriated and expended to supplement the Egg Hunt.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council herewith accepts this donation and directs that the donation be receipted to the Special Events Revenue account (0107123-300325); and

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BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of this money from the Special Events Expense account (0117121-506150).

Statement of Fact: This order accepts a contribution to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Egg Hunt.

2021-A033

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TITLE: ORDER, DECLARE THE PROPERTY SITUATED AT 7 MADISON AVENUE, BREWER, MAINE, AND MORE SPECIFICALLY DESCRIBED IN THE PENOSBCOT COUNTY REGISTRY OF DEEDS IN BOOK 4811, PAGE 1, TO BE SURPLUS AND AUTHORIZE ITS DISPOSAL.

Filed March 29, 2021
By Jenn M. Morin

WHEREAS, the tax lien against the property situated at 7 Madison Avenue, Brewer, Maine, (now Tax Assessor's Map 35, Lot 99 and formerly Tax Map 35, Lots 99 and 100) and more specifically described in the Penobscot County Registry of Deeds in Book 4811, Page 1 (herein after referred to as the "Property") has automatically foreclosed; and

WHEREAS, the City has acquired title to the Property; and

WHEREAS, City staff has concluded that the Property is not required for public purposes and recommends to the City Council that it be declared surplus and sold or otherwise disposed of as would be in the best interest of the citizens of Brewer.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council, based on the City's staff recommendation, hereby declares the Property situated at 7 Madison Avenue, Brewer, Maine, to be surplus property for public purposes; and authorizes the City Manager, or his designee, to sell or otherwise dispose of the Property;

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to take any and all further action he, or his designee, deem necessary and to sign any and all documents that he, or his designee, deem appropriate to effectuate the sale or transfer of said Property.

Statement of Fact: This order declares the vacant property located at 7 Madison Avenue surplus and authorizes the City Manager to sell it. The City obtained the property, formerly owned by the heirs of Marie L. McDonough, through the automatic foreclosure of a 2019 tax lien. The City previously acquired ownership of the property in 2015 and worked with the heirs to regain ownership: first, through a December 2016 payment arrangement which they stopped paying in September 2017; and second, in early 2018, by providing a final opportunity—which they did not take advantage of—to pay the balance

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before the City moved to sell the property. The City declared the property surplus in March 2018, prompting the heirs to petition the City to pay the balance owed. The Council agreed to accept payment and released the property back to them in May 2018. The heirs have not paid any taxes since that time and the property remains vacant and dilapidated.

2021-A034

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TITLE: ORDER, ACCEPT WELLNESS FUNDS FROM MAINE MUNICIPAL EMPLOYEES HEALTH TRUST.

Filed March 29, 2021
By Soubanh Phanthay

WHEREAS, the City of Brewer is eligible to receive up to \$3,440 from the Maine Municipal Employees Health Trust to support wellness initiatives and expenses in Calendar Year 2021; and

WHEREAS, the City's Wellness Committee has wellness programs and initiatives planned for this coming year;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council hereby accepts the up to \$3,440 in wellness funds and directs that they be deposited into the City's Calendar Year 2021 Wellness Grant Revenue account (0600501-360000-53022);

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of the wellness funds from the Calendar Year 2021 Wellness Expense account (0600501-560000-53022) to promote the health and wellness of City employees.

Statement of Fact: This order accepts up to \$3,440 from the Maine Municipal Employees Health Trust to be used in calendar year 2021 to support City health and wellness initiatives and expenses.

2021-A035

April 13, 2021

TITLE: ORDER, AUTHORIZE PURCHASE AND INSTALLATION OF LIGHTING, SECURITY, WIFI AND OTHER IMPROVEMENTS ON THE BREWER RIVERWALK AT VETERAN'S PARK.

Filed April 2, 2021
By Jerry Goss

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

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WHEREAS, Veteran’s Park will have an increase in visitors with the addition of the fitness equipment, and the City wishes to maintain the same safety, visual and functional standards as the rest of the Brewer Riverwalk; and

WHEREAS, Omega Security Group provided security camera and other services for Phases 1 and 2 of the Riverwalk and has provided the City with an acceptable quote for lighting and equipment; and

WHEREAS, the City has tax increment financing (TIF) funds available to cover the cost to purchase and install the lighting, security camera, and Wi-Fi along with other amenities, such as benches and trash receptacles.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its Council herewith authorizes the appropriation and expenditure of up to \$25,000 in TIF funds from the Riverwalk Fitness Park expense account (0510121-551102-57023) to purchase and install security, lighting, Wi-Fi, and amenities in Veteran’s Park; and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to enter into a contract not to exceed \$20,000 with Omega Security Group to install lighting and security at Veteran’s Park and to work with other vendors to procure other amenities outlined above; and

FURTHER ORDERED, that the City Council 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 \$25,000 in TIF funding to purchase and install security, lighting, Wi-Fi and other amenities on the Riverwalk at Veteran’s Park to provide continuity of safety, visual and functional standards as the rest of the Riverwalk.

2021-A036

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TITLE: ORDER, APPROPRIATE FUNDS FOR THE PENOBSCOT BRIDGE
CORRIDOR TRAFFIC SIGNAL IMPROVEMENT PROJECT.

Filed April 5, 2021
By Joseph L. Ferris

WHEREAS, in September 2020, the City Council passed order 2020-A098 authorizing Brewer’s participation in the Penobscot Bridge Corridor Traffic Signal Improvement Project being administered by the City of Bangor and scheduled for implementation during the summer of 2022; and

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WHEREAS, that order anticipated the City's \$25,000 share of project costs would be included in the FY2022 CIP for funding; and

WHEREAS; the City has received \$23,000 more in Local Road Assistance Program (LRAP) funds from the State this year than estimated as part of the FY21 budget; and

WHEREAS, the City has also collected more motor vehicle excise tax this year than budgeted; and

WHEREAS, using these current funds to pay for the corridor traffic signal project would avoid the need to debt finance these signal improvements.

NOW THEREFORE BE IT ORDERED, that City Council herewith authorizes the appropriation and expenditure of \$23,000 in unanticipated LRAP funds from 0106602-300201 (DOT Road Assistance) and \$2,000 from 0105500-300010 (Excise Tax-Motor Vehicle) to support the City of Brewer's 10% cost share for the Penobscot Bridge Corridor Traffic Signal Improvement Project to be charged to CIP account 0510133-551635 (Signals—Penobscot Corridor).

Statement of Fact: This order appropriates \$25,000 in unanticipated revenue to cover the City of Brewer's 10% share of costs for the Penobscot Bridge Corridor Traffic Signal Improvement Project, which the City Council authorized in September 2020.

2021-A037

April 13, 2021

TITLE: ORDER, AUTHORIZE EXTENSION OF AUDIT SERVICES
CONTRACT.

Filed April 7, 2021
By Jenn M. Morin

WHEREAS, the City's contract with audit firm Runyon Kersteen Ouellette (RKO) of South Portland, Maine concluded with the completion of the FY2020 audit; and

WHEREAS, the Deputy Finance Director is responsible for overseeing the annual audit and preparing many of the required financial schedules; and

WHEREAS, given the recent change in that position, the Finance Director recommends extending the contract with RKO an additional year to facilitate the transition and assist in staff training; and

WHEREAS, Runyon Kersteen Ouellette has provided the City exemplary service since 2006 and proposed reasonable terms for an extension through the FY21 audit.

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NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the extension of the audit services contract with Runyon Kersteen Ouellette to cover the FY2021 audit and authorizes the City Manager or his designee to execute any and all necessary documents to secure this extension; and

BE IT ORDERED, that the City Council hereby approves the contract price of \$48,500 for the FY21 audit.

FURTHER ORDERED, that the City Council 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 these contractor services.

Statement of Fact: This order authorizes a one-year extension of the contract for audit services with Runyon Kersteen Ouellette of South Portland.

2021-A038

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TITLE: ORDER, AUTHORIZE WRITEOFF OF UNCOLLECTIBLE TAX BALANCES.

Filed April 7, 2021
By Soubanh Phanthay

WHEREAS, by virtue of foreclosed tax liens dating back to 2005 and 2018, the City has acquired ownership of the two properties listed below; and

WHEREAS, the City has determined that it is in its best interest to maintain ownership of these land only parcels for the health, welfare and benefit of Brewer residents; and

WHEREAS, the unpaid sewer and real estate taxes listed below associated with these parcels must, thus, be declared uncollectible and written off.

ORDERED, that in accordance with Title 36, M.R.S.A. §841(3) the following real estate taxes, which according to the Tax Collector cannot be collected due to being uncollectible, are herewith abated:

Map/Lot	Location	Former owner	RE Tax Owed
4/19	Day Road	Thomas Hodgkins	\$1,294.68
21/059	Mill St	Unknown	\$ 296.12
		Total	\$1,590.80

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of \$1,590.80 of Undesignated Fund Balance (0109800-300901) to the Adjustments/Write-offs account (0116900-509890) to fund this real estate tax write-off expense.

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Statement of Fact: This order authorizes the use of fund balance to write-off \$1,590.80 in uncollectible real estate taxes related to two land parcels the City acquired through the automatic foreclosure of tax liens going back to 2005 and 2018.

2021-A039

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TITLE: ORDER, AUTHORIZE THE PURCHASE OF A POLICE K-9 WITH
DEPARTMENT OF JUSTICE ASSET FORFEITURE FUNDS.

Filed April 7, 2021
By Jerry Goss

WHEREAS, The Brewer Police Department desires to enter into an agreement to purchase a fully trained Police K-9 from Southern Coast K-9, Inc.; and

WHEREAS, the cost of the trained K-9 is \$10,500, which would be paid for with available asset forfeiture funds; and

WHEREAS, K-9 shall be trained in tracking, drug detection and article searches.

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the Police Department to purchase a Police K-9 from Southern Coast K-9, Inc. for \$10,500 and to spend additional asset forfeiture funds for supplies and equipment needed to support this enhancement to the City's drug enforcement efforts; and

BE IT FURTHER ORDERED, that the City Council authorizes the appropriation and expenditure of the funds needed from the appropriate account within the Department of Justice Asset Forfeiture Org 0200103 to make this purchase and implement this enforcement enhancement;

FURTHER ORDERED, that the City Council 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 goods and services for this project.

Statement of Fact: The Brewer Police Department will use asset forfeiture funds to purchase a trained Police K-9 from Southern Coast K-9 Incorporated for the amount of \$10,500.

ACTION: Councilor Ferris asked that order 2021-A040 be removed from the Consent Calendar. Councilor Phanthay moved that the remaining orders on the consent calendar have passage. Councilor Ferris seconded the motion. The motion passed by a unanimous vote.

2021-A040

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TITLE: ORDER, AUTHORIZE SETTLEMENT WITH THE MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR
WASTEWATER INFRACTIONS.

Filed April 7, 2021
By Joseph L. Ferris

WHEREAS, in March 2020, the Maine Department of Environmental Protection (MDEP) presented the City of Brewer with a proposed Administrative Consent Agreement related to violations of the City's wastewater license; and

WHEREAS, the City has worked closely with MDEP to address the issues and remediate and respond to the impacts, taking steps that have included updating policies and procedures and moving up the replacement of the Oak Grove Pump Station by two years, among others; and

WHEREAS, as a result of the City's efforts over the past year, MDEP has agreed to reduce the penalty by \$10,000 and to remove many of the conditions it initially proposed.

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the City Manager, or his designee, to enter into a settlement agreement with the Maine Department of Environmental Protection for wastewater infractions; and

FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of \$35,000 from Sewer Administration Miscellaneous Expense account (0817502-502900) to settle this matter with the MDEP.

Statement of Fact: This order authorizes the City of Brewer to pay the Maine Department of Environmental Protection \$35,000 to settle the matter of wastewater incidents that violated conditions of the City's wastewater license. The City has taken numerous steps, including the complete replacement of the Oak Grove Pump Station, to help prevent future infractions.

ACTION: Councilor Ferris moved that the order have passage. Councilor Goss seconded the motion. Councilor Ferris asked for the background of this order. The City Manager advised that there was an overflow discharge from the Oak Grove Pump Station in 2018, caused by towels and rags being deposited into the system, which due to the Pump Station's age clogged the system and stopped the impellers. The City began mitigation efforts, including speeding up a long-term project to replace the Pump Station entirely. DEP began enforcement measures, including a monetary penalty. City Staff worked with DEP to reduce the amount of the penalty. Councilor Ferris asked if the repairs had been made, the City Manager said yes, that the pump station had been completely replaced. The motion passed by a unanimous vote.

D. Monthly Reports

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

E. Nominations, Appointments, Elections

There were none.

F. Unfinished Business

2021-A041

April 13, 2021

TITLE: ORDER, RECONSIDER ORDER 2021-A008 “ACCEPT DONATIONS TO THE CITY OF BREWER FOR THE PURCHASE OF FITNESS EQUIPMENT.” PASSED ON MARCH 9, 2021 TO UPDATE THE DONATION AMOUNT.

Filed March 29, 2021
By Soubanh Phanthay

ORDERED, that the City Council reconsider Order 2021-A008 “Accept donations to the City of Brewer for the purchase of fitness equipment”, that was passed at the regular council meeting on March 9, 2021, to update the donation amount as follows:

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~~ \$35,000 made in five annual installments of ~~\$5,000~~ \$7,000 each;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its 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

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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.

ACTION: Councilor Phanthay moved that the order have passage. Councilor Goss seconded the motion. The motion passed by a unanimous vote.

G. New Business
2021-C002

April 13, 2021

TITLE: ORDER, AMEND CHAPTER 49, ENTITLED "VACANT PROPERTY REGISTRATION ORDINANCE" OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, SECTION 5.

Filed April 6, 2021
By Jerry Goss

BE IT ORDAINED, by the City of Brewer in City Council assembled that Chapter 49, of the Charter, Codes and Ordinances of the City of Brewer, entitled "Vacant Property Registration Ordinance", Section 5 shall be amended as follows:

SECTION 5. APPLICABILITY; LICENSE REQUIRED; RENEWAL; EXPIRATION; RENEWAL LICENSE; TRANSFERABILITY; EXEMPTIONS

The provisions of this ordinance apply to all residential, commercial, or industrial vacant buildings ~~located within the area bounded by; the east side of the Penobscot River, the west side of the Bucksport branch of the Pam Am railroad tracks and Interstate 395.~~

Statement of Fact: This amendment will help in cleaning up the City as more properties become abandoned and in a state of disrepair.

ACTION: Councilor Goss moved that the amendment be certified and filed with the clerk for posting. Councilor Ferris seconded the motion. The motion passed by a unanimous vote.

H. New Items with Leave of Council
There were none.

I. ADJOURN

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ACTION: Councilor Ferris moved that the meeting be adjourned. Councilor Goss seconded the motion. The motion passed by a unanimous vote. The meeting was adjourned at 6:33pm.

ADJOURNED, ATTEST: _____ Vincent P. Migliore
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine