

City Council Minutes

Tuesday, May 11, 2021

Regular Meeting
Via zoom

Tuesday, May 11, 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-absent
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, May 11, 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	C. Woodman	Off.	05/07/21	16:35
Soubanh Phanthay	C. Woodman	Off.	05/07/21	18:00
Jerry Goss	C. Woodman	Off.	05/07/21	16:55
Joseph L. Ferris	C. Woodman	Off.	05/07/21	17:40
Jenn Morin	V. Migliore	CC.	05/07/21	14:56

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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, May 11, 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_ti2EqQtzRt-Pu532WLxr7w

- 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 April 13, 2021 Regular Meeting** (Councilor Ferris)
- B. Awards, Petitions and Public Comments**
- C. Consent Calendar**
 - 1. (2021-A042) ORDER Authorize a Municipal Partnership Initiative Agreement with the MDOT for the Resurfacing of a Portion of State Street in 2022. (Councilor Morin)
 - 2. (2021-A043) ORDER Award Contract for Phase II of Storm Drain System Evaluation. (Councilor Phanthay)
 - 3. (2021-A044) ORDER Supplement City Paving Budget. (Councilor Goss)
 - 4. (2021-A045) ORDER Accept insurance dividends from Maine Municipal Association. (Councilor Ferris)
 - 5. (2021-A046) ORDER Reallocate portion of sewer debt service budget to support FY21 capital projects and sewer asset reserve. (Councilor Morin)
 - 6. (2021-A047) ORDER Authorize write-off of uncollectible personal property taxes. (Councilor Phanthay)
 - 7. (2021-A048) ORDER Authorize funding of abatement expense. (Councilor Goss)
 - 8. (2021-A049) ORDER Accept asset forfeiture funds. (Councilor Ferris)
- D. Monthly Reports** (Councilor Morin)
- E. Nominations, Appointments, Elections**
- F. Unfinished 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)
- G. New Business**
- H. New Items with Leave of Council**

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I. ADJOURN

A. Minutes of April 13, 2021 Regular Meeting

ACTION: Councilor Ferris moved that the minutes be accepted and placed on file. Councilor Goss seconded. The motion passed with a vote of 4-0.

B. Awards, Petitions and Public Comments

Public Comments

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

Councilor Goss asked it to be noted that the Council wishes Councilor Morin a happy birthday. Mayor Daniels agreed.

C. Consent Calendar

2021-A042

May 11, 2021

TITLE: ORDER, AUTHORIZE A MUNICIPAL PARTNERSHIP INITIATIVE AGREEMENT WITH THE MDOT FOR THE RESURFACING OF A PORTION OF STATE STREET IN 2022.

Filed May 4, 2021
By Jenn M. Morin

WHEREAS, the portion of State Street between Eastern Avenue and Mullen Way will require resurfacing in the next 1-2 years; and

WHEREAS, the sidewalk in this area is due to be resurfaced as well; and

WHEREAS, this State arterial road is eligible for State and Federal funding participation through BACTS; and

WHEREAS, the Engineering Department, on behalf of the City of Brewer, applied for and was awarded \$200,000 in funding on a 50/50 basis for the construction year 2022 through the MDOT's Municipal Partnership Initiative for the purpose of resurfacing this portion of State Street and resurfacing the existing sidewalk in this area.

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to execute a Municipal Partnership Initiative Agreement with the MDOT in the amount of \$200,000 (to

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be shared on a 50/50 basis) for the resurfacing of State Street from Eastern Avenue to Mullen Way during the summer of 2022; and

BE IT FURTHER ORDERED, that the Finance Director shall include \$200,000 in the FY 2022 or 2023 CIP for the Resurfacing of State Street with \$100,000 coming from the City and \$100,000 from the State of Maine under the terms of the MDOT's Municipal Partnership Initiative agreement.

BE IT FURTHER ORDERED, that costs associated with this project be charged to CIP account 0510113-551640-66500 (State Street MPI).

Statement of Fact: This order authorizes a Municipal Partnership Agreement with the MDOT for Resurfacing a portion of State Street and resurfacing the adjacent sidewalks in 2022 on a 50/50 cost sharing basis (\$100,000 each).

2021-A043

May 11, 2021

TITLE: ORDER, AWARD CONTRACT FOR PHASE II OF STORM DRAIN SYSTEM EVALUATION.

Filed May 4, 2021
By Soubanh Phanthay

EMERGENCY PREAMBLE

WHEREAS, orders passed by Brewer City Council do not become effective until five days after approval unless such orders contain emergency preambles, and

WHEREAS, it is imperative that this order become effective immediately upon its passage to allow the contract to commence without delay, and

WHEREAS, these facts create an emergency within the meaning of the Chapter, Code and Ordinances of the City of Brewer, and require that the following order become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer, and

WHEREAS, last year the City of Brewer began a process of evaluating the aging storm drain system to proactively create a plan for future maintenance of the storm drain system prior to repaving of streets; and

WHEREAS, the City would like to pave roadways in the Sherwood Forest area in the coming years and it is most cost effective to address storm drain issues before repaving; and

WHEREAS, the most efficient way to evaluate the storm drain system is to evaluate a large area at one time; and

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WHEREAS, Olver Associates of Winterport, Maine, has an intricate knowledge of the City's storm drain system from years of successfully completing projects with the City, including the Phase I storm drain evaluation.

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to execute a contract with Olver Associates in the amount not to exceed \$28,000 to complete the phase II storm drain evaluation project in the Sherwood Forest Area, Sunset Strip, and Greenwood Avenue areas; and

BE IT FURTHER ORDERED, that the City Council of Brewer herewith exercises its authority under Chapter 36, Section 404 of the City's Purchasing Ordinance for the provision of these specialty services; and

BE IT FURTHER ORDERED, that the Council hereby authorizes the appropriation and expenditure of up to \$28,000 in unanticipated motor vehicle excise tax revenues to pay for this work; and

BE IT FURTHER ORDERED, that the cost of this project shall be charged to 0510113-551346-66501 (Storm Drain Evaluation – Phase II)

Statement of Fact: This order authorizes a contract with Olver Associates to complete phase II of the City-wide storm drain evaluation project. This phase will focus on the Sherwood Forest/Sunset Strip/Greenwood Avenue areas to be proactive for future planned paving projects.

2021-A044

May 11, 2021

TITLE: ORDER, SUPPLEMENT CITY PAVING BUDGET.

Filed May 4, 2021
By Jerry Goss

WHEREAS, to date, the City of Brewer has received \$130,000 more in motor vehicle excise tax revenue than it had conservatively budgeted to receive in FY2021, and we expect to take in at least \$200,000 more before the fiscal year ends on June 30; and

WHEREAS, the Director of Public Works has requested the use of some of these vehicle revenues to support the City's annual paving budget to expand the number of streets that can be repaved this year.

NOW, THEREFORE, BE IT ORDERED, that the City Council of Brewer hereby authorizes the appropriation and expenditure of \$170,000 in unanticipated motor vehicle excise tax revenue from the City's road paving budget (0510113-551311).

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Statement of fact: This order authorizes the use of \$170,000 in unanticipated motor vehicle excise tax revenues to supplement the City's paving budget.

2021-A045

May 11, 2021

TITLE: ORDER, ACCEPT INSURANCE DIVIDENDS FROM MAINE
MUNICIPAL ASSOCIATION.

Filed May 4, 2021
By Joseph L. Ferris

WHEREAS, the City of Brewer has received \$23,668 in dividends from the Maine Municipal Association - \$14,738 from its Property and Casualty insurance pool and \$8,930 from its Workers Compensation Fund - in recognition of both the programs' and the City's positive performance in 2019; and

WHEREAS, historically, the City has used insurance dividends to help fund the City's Safety Committee activity and augment the City's Insurance Deductible Reserve; and

WHEREAS, given the level of this year's dividends, the City would like to use a portion to re-capitalize the Flags in Brewer account used to replace and repair flags on the City's main thoroughfares.

NOW, THEREFORE BE IT ORDERED, that the City Council of Brewer hereby accepts the \$23,668 in dividends for 2019 and authorizes their appropriation and expenditure from the following accounts:

\$15,000	0200000-520000-62001	Insurance Deductible Reserve
\$5,000	0200000-520000-50001	Flags in Brewer
\$3,668	0200700-520000	Safety Committee Reserve
\$23,668	TOTAL	

Statement of fact: This order accepts \$23,668 in workers compensation and property & casualty insurance dividends and authorizes their use to augment funding in several reserve accounts.

2021-A046

May 11, 2021

TITLE: ORDER, REALLOCATE PORTION OF SEWER DEBT SERVICE TO
SUPPORT FY21 CAPITAL PROJECTS AND SEWER ASSET
RESERVE.

Filed May 4, 2021
By Jenn M. Morin

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WHEREAS, the FY2021 Capital Improvement Program for the Water Pollution Control Facility approved by the Brewer City Council called for an allocation from the Sewer general fund to support sewer capital projects; and

WHEREAS, these funds were included in the FY21 WPCF budget approved by the Council in the Debt Service Principal and Interest expense accounts and represent debt service cost associated with the 2015 USDA \$1.5 million loan and \$500,000 bond for which full payments will not begin until FY22; and

WHEREAS, the WPCF Director recommends any additional available debt service budget not needed to support the FY21 CIP be reallocated to the WPCF asset reserve account.

NOW, THEREFORE, BE IT ORDERED, that the City Council of Brewer hereby authorizes the reallocation of \$116,950 not needed to support debt service payments in FY21 to support FY21 capital projects and sewer asset reserve as follows:

FROM		TO	
0818702-509000 Debt Prin	\$101,950	0817502-509130 CIP Funding	\$70,000
0818702-509000 Debt Int	\$15,000	0817702-503200 Asset Resrv	\$46,950
	\$116,950		\$116,950

Statement of Fact: This order authorizes the reallocation of \$116,950 in sewer debt service funds not needed in FY2021 to support two sewer capital projects approved as part of the FY21 WPCF CIP and to provide supplemental funding for the sewer asset maintenance reserve account.

2021-A047

May 11, 2021

TITLE: ORDER, AUTHORIZE WRITE-OFF OF UNCOLLECTIBLE PERSONAL PROPERTY TAXES.

Filed
By Soubanh Phanthay

WHEREAS, the Tax Collector has made extensive effort to collect upon past due personal property taxes, including in house efforts to locate individuals and secure payment and the use of a collection agency for unresponsive and non-locatable accounts; and

WHEREAS, the accounts listed below reflect those which have been deemed uncollectible.

NOW, THEREFORE, BE IT ORDERED, that the City Council of Brewer hereby authorizes the balances in the accounts listed below be written off as uncollectible.

<u>Name</u>	<u>Account</u>	<u>Tax Year(s)</u>	<u>Amount</u>
TEAMIRISH MMA INC	92039	2012-2016	\$1,399.51

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SCOOTER STORE LLC	92001	2014	297.06
CORMIER, URI	92233	2015-2016	1,818.64
SPIN A YARN LLC	92156	2015-2016	201.74
HANSCOME LEE KRAEMER	92174	2016	65.65
HOPKINS, HEATHER	92320	2016	107.60
HEALTH CLINIC LLC	92363	2018	285.75
APPLEBY INC	92316	2018	1,338.75
M3INTEGRAT	92293	2018	67.50
VALLADARES IVAN	92455	2018	108.00

TOTAL \$5,690.20

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of \$5,690.20 in unanticipated state revenue sharing funds from 0106902-300200 to the Adjustments/Write-offs account (0116900-509890) to fund this expense.

Statement of Fact: This order authorizes the write-off of old personal property taxes that have been deemed uncollectable by the City and its contracted collection agency. It pays for the write-off with unanticipated state revenue sharing funds.

2021-A048

May 11, 2021

TITLE: ORDER, AUTHORIZE FUNDING OF ABATEMENT EXPENSE.

Filed May 4, 2021

By Jerry Goss

WHEREAS, state law requires the governing body to specifically authorize the use of overlay funds, even in the case of tax abatements; and

WHEREAS, tax abatements to date total approximately \$16,295.

NOW, THEREFORE, BE IT ORDERED, that the City Council of Brewer hereby authorizes the appropriation and expenditure of \$16,295 from the tax abatement account (0100100-300004) to be funded from budgeted FY21 overlay funds (0119901-509810).

Statement of Fact: This an annual order appropriates overlay to fund expense associated with FY21 tax abatements, as required by state law.

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TITLE: ORDER, ACCEPT ASSET FORFITURE FUNDS.

Filed May 5, 2021

By Joseph L. Ferris

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WHEREAS, the Brewer Police Department has conducted an investigation where a sum of money was seized and forfeited by a defendant involved in the investigation; and

WHEREAS, this sum of money was offered to the City of Brewer in recognition of the Brewer Police Department's valuable assistance in the successful completion of the investigation; and

WHEREAS, under Maine Law, title 15 MRSA., SS 5824 (3) the City Council of Brewer must take a public vote before any forfeited assets or money can be transferred to the City of Brewer.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, Maine, by vote of its Council, does herewith approve the transfer of the following sum of money and assets forfeited as a result of the recent criminal investigation cited:

<u>Penobscot Unified Court Docket Number</u>	<u>Assets</u>
CR-2011-0084	\$1,390.00

BE IT FURTHER ORDERED, that these funds be deposited into the State Asset Forfeiture Receipt Account 0200101-320000 and that expenditures be hereby authorized from the appropriate State Asset Forfeiture Expense Account within this Org (0200101).

Statement of Fact: The Brewer Police Department was awarded \$1390 in asset forfeiture funds as a result of a successful criminal drug prosecution. These assets have been ordered by the court to be turned over to the Brewer Police Department.

ACTION: Councilor Goss moved that the orders on the consent calendar have passage. Councilor Ferris seconded the motion. The motion passed with a vote of 4-0.

D. Monthly Reports

ACTION: Councilor Goss moved that the monthly reports from department heads be accepted and placed on file. Councilor Phanthay seconded the motion. The motion passed with a vote of 4-0.

E. Nominations, Appointments, Elections

There were none.

F. Unfinished Business

2021-C002

April 13, 2021

TITLE: ORDER, AMEND CHAPTER 49, ENTITLED "VACANT PROPERTY

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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 enacted. Councilor Phanthay seconded the motion. The motion passed with a vote of 4-0.

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 Ferris seconded the motion. The motion passed with a vote of 4-0. The meeting was adjourned at 6:12 pm.

ADJOURNED, ATTEST: _____ Vincent P. Migliore
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine