

City Council Minutes

Tuesday, June 8, 2021

Regular Meeting
City Hall Council Chambers

Tuesday, June 8, 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, Jenn Morin, Soubanh Phanthay, and Michele Daniels; MEMBERS OF THE BREWER CITY COUNCIL. You are hereby notified that a regular meeting of the City Council of the City of Brewer will be held on Tuesday, June 8, 2021 at 6:00 p.m., 80 North Main Street, 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
Joseph L. Ferris	Woodman	Off.	06/04/21	16:50
Jerry Goss	Woodman	Off.	06/04/21	16:25
Jenn Morin	Woodman	Off.	06/04/21	16:35
Soubanh Phanthay	Woodman	Off.	06/04/21	16:30
Michele Daniels	Woodman	Off.	06/04/21	16:15

CITY COUNCIL REGULAR MEETING
Tuesday, June 8, 2021 6:00 P.M.
Brewer City Hall Council Chambers

- 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 May 6, 2021 Special Meeting, Minutes of May 11, 2021 Regular Meeting, and Minutes of June 1, 2021 Special Meeting** (Councilor Phanthay)
- B. Awards, Petitions and Public Comments**
 - 1. (2021-B004) RESOLVE Recognize David Utterback for receiving the 2021 NIAAA State Award of Merit. (Councilor Goss)
- C. Consent Calendar**
 - 1. (2021-A050) ORDER Grant approval to Delano G. Merritt d/b/a Cap's Tavern to allow patrons to consume alcohol at a special outdoor event on the establishment's property. (Councilor Goss)
 - 2. (2021-A051) ORDER Declare city property surplus and authorize sale or disposal of surplus property. (Councilor Ferris)
 - 3. (2021-A052) ORDER Award Contract for the North Main Street Drainage Improvements project. (Councilor Morin)
 - 4. (2021-A053) ORDER Accept funds from MMA's Edward MacDonald Safety Enhancement Grant Program. (Councilor Phanthay)
 - 5. (2021-B005) RESOLVE Approve School Budget appropriation for Fiscal Year 2022. (Councilor Goss)
 - 6. (2021-B006) RESOLVE Approve School capital fund reserve account. (Councilor Ferris)
 - 7. (2021-B007) RESOLVE Approve School Regional Vocational High School operating budget. (Councilor Morin)
 - 8. (2021-B008) RESOLVE Approve Regional Vocational High School budget on adult education. (Councilor Phanthay)
 - 9. (2021-B009) RESOLVE Approve Regional Vocational High School capital fund reserve account. (Councilor Goss)
 - 10. (2021-A054) ORDER Authorize the Brewer School Department to expend such other funds that may be received from Federal or State grants or programs. (Councilor Ferris)
 - 11. (2021-B010) RESOLVE Approve City and School Budget appropriation for Fiscal Year 2022. (Councilor Morin)
 - 12. (2021-B011) RESOLVE Approve Water Pollution Control Facility Budget for Fiscal Year 2022. (Councilor Phanthay)
 - 13. (2021-B012) RESOLVE Approve Water Department Budget for Fiscal Year 2022. (Councilor Goss)
 - 14. (2021-A055) ORDER Set tax due date and interest rate. (Councilor Ferris)
 - 15. (2021-A056) ORDER Accept advance payments on Fiscal Year 2022 taxes. (Councilor Morin)
 - 16. (2021-A057) ORDER Set Fiscal Year 2022 interest rate for late payment of sewer

City Council Minutes

Tuesday, June 8, 2021

17. (2021-A058) ORDER bills. (Councilor Phanthay)
Set interest rate paid on abatements and overpayment of taxes. (Councilor Goss)
18. (2021-A059) ORDER Authorize set-off against unpaid taxes. (Councilor Ferris)
19. (2021-A060) ORDER Authorize application of interest earnings to reserve fund. (Councilor Morin)
20. (2021-A061) ORDER Authorize Tax Release Deed, Map 8 Lot 11B, 325 Eastern Avenue. (Councilor Phanthay and Councilor Goss)
21. (2021-A062) ORDER Authorize contract for cloud-hosting services with Tyler Technologies. (Councilor Goss and Councilor Ferris)
22. (2021-B013) RESOLVE Ratify the Brewer Police Department Command Officers Collective Bargaining Contract. (Councilor Ferris and Councilor Morin)
23. (2021-B014) RESOLVE Ratify the Brewer Police Department Patrol Officers Collective Bargaining Contract. (Councilor Morin and Councilor Phanthay)
24. (2021-B015) RESOLVE Ratify the Brewer Firefighters Collective Bargaining Contract. (Councilor Phanthay and Councilor Goss)
25. (2021-B016) RESOLVE Ratify the Brewer Fire Department Command Officers Collective Bargaining Contract. (Councilor Goss and Councilor Ferris)

D. Monthly Reports (Councilor Ferris)

E. Nominations, Appointments, Elections

F. Unfinished Business

G. New Business

H. New Items with Leave of Council

I. ADJOURN

A. Minutes of May 6, 2021 Special Meeting, Minutes of May 11, 2021 Regular Meeting, and Minutes of June 1, 2021 Special Meeting

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

B. Awards, Petitions and Public Comments

2021-B004

June 8, 2021

TITLE: RESOLVE, RECOGNIZE DAVID UTTERBACK FOR RECEIVING THE 2021 NIAAA STATE AWARD OF MERIT.

Filed June 2, 2021

By Jerry Goss

City Council Minutes
Tuesday, June 8, 2021

WHEREAS, David Utterback has served as the Brewer High School Athletic Director since 2012; and

WHEREAS, Mr. Utterback provides a multitude of extracurricular opportunities for middle and high school students; and

WHEREAS, Mr. Utterback recently received the 2021 National Interscholastic Athletic Administrators Association State Award of Merit in recognition of his dedication to high school and middle school athletics.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, Maine, herewith recognizes David Utterback for his efforts to advance high school and middle school athletics; and

FURTHER RESOLVED, that this resolution be spread upon the records of the City of Brewer in testimony of the appreciation held for David Utterback by the citizens and officials of the City of Brewer, Maine.

ACTION: Councilor Goss moved that the resolve be adopted. Councilor Ferris seconded. The motion passed with a unanimous vote.

Councilor Goss noted Mr. Utterback will also be receiving an award from Maine Department of Special Education for coaching unified basketball. Mr. Utterback said that, though his name is on the award, he feels it is an award for “Team Brewer”. Councilor Ferris noted the importance of Mr. Utterback’s work with alums, and congratulated him. Councilor Phanthay reflected on the importance of athletics in school and thanked Mr. Utterback. Mayor Daniels noted she looking forward to attending a unified basketball game once they return.

Mayor Daniels read the Juneteenth Celebration Day Proclamation.

PROCLAMATION
Juneteenth Celebration Day

WHEREAS, On June 19, 1865, the Union soldiers finally arrived in Galveston, Texas with the news that the war had ended and that slaves were now free, a declaration that took nearly two and a half years after the Emancipation Proclamation to reach Texas; and

WHEREAS, The Emancipation Proclamation declared “that all persons held as slaves” within the rebellious states “are, and henceforward shall be free”; and

City Council Minutes

Tuesday, June 8, 2021

WHEREAS, Juneteenth is a celebration of the spirit of self-empowerment, and a commemoration of the long, and arduous fight for freedom by African-Americans in the United States; and

WHEREAS, During Juneteenth, people of all cultures from Brewer, Penobscot County and the United States take time to truthfully acknowledge a period in our history that still shapes our country today; honor the diversity of our great country; and learn more about African-American heritage, contributions and customs.

NOW, THEREFORE, I, MICHELE DANIELS, Mayor of the City of Brewer, do hereby proclaim the nineteenth day of June two thousand twenty-one as

JUNETEENTH CELEBRATION DAY

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brewer to be imprinted this eighth day of June Two Thousand and Twenty-One.

Signed this eighth day of June, 2021

Michele Daniels, Mayor

Public Comments

There were none.

C. Consent Calendar

2021-A050

June 8, 2021

TITLE: ORDER, GRANT APPROVAL TO DELANO G. MERRITT D/B/A CAP’S TAVERN TO ALLOW PATRONS TO CONSUME ALCOHOL AT A SPECIAL OUTDOOR EVENT ON THE ESTABLISHMENT’S PROPERTY.

Filed May 27, 2021
By Jerry Goss

WHEREAS, Delano G. Merritt d/b/a Cap’s Tavern, is licensed by the State of Maine, Bureau of Alcoholic Beverages, to sell liquor within the confines of its establishment at 494 South Main Street; and

WHEREAS, Cap’s Tavern has submitted a request to the City Council for approval to allow

City Council Minutes

Tuesday, June 8, 2021

consumption of alcohol in an outdoor area on its premises at 494 South Main Street on Sunday, July 25, 2021 from 12:00 noon to 11:00 p.m. with a live band; and

WHEREAS, it is the understanding of the City Council that the Bureau of Alcoholic Beverages may permit patrons of Cap's Tavern to consume alcohol in an outdoor area if the City Council approves of such activity; and

WHEREAS, it is the sense of the Brewer City Council that permitting patrons of Cap's Tavern to consume alcohol in an outdoor area at 494 South Main Street under conditions established by the Bureau of Alcoholic Beverages will not be detrimental to the peace, health and safety of the citizens of the City of Brewer.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith approves Delano G. Merritt d/b/a Cap's Tavern's request for permission to sell and allow patrons to consume alcohol in an enclosed and designated area at 494 South Main Street from 12:00 noon to 11:00 p.m. Sunday, July 25, 2021 with a live band; and

BE IT FURTHER, ORDERED, that the City Clerk inform the Bureau of Alcoholic Beverages of this approval of the Brewer City Council.

Statement of Fact: Requests from Brewer establishments to conduct an outdoor event require the approval of the City Council.

City Council Minutes
Tuesday, June 8, 2021

CITY OF BREWER
OUTDOOR EVENT APPLICATION
CITY INSPECTOR REPORT

Certification 2021-117

OWNER INFORMATION

DELANO G. MERRITT
26 NOTTINGHAM WAY
BREWER, ME 04412

PROPERTY ADDRESS

CAP'S TAVERN
494 SO. MAIN ST.
BREWER, MAINE 04412

EVENT DATE

7/25/2021

EVENT TIME

NOON TO 11P.M.

I have reviewed this application for an Outdoor Event involving alcohol and have found the following:

- I have no concerns with issuing this Outdoor Event Permit
- I recommend that this Outdoor Event Permit Application be denied
(please attach supporting documentation)



Erik Tourtillotte, Deputy Fire Chief

5-24-2021

Date

City Council Minutes
Tuesday, June 8, 2021

**CITY OF BREWER
OUTDOOR EVENT APPLICATION
CITY INSPECTOR REPORT**

Certification 2021-117

OWNER INFORMATION

DELANO G. MERRITT
26 NOTTINGHAM WAY
BREWER, ME 04412

PROPERTY ADDRESS

CAP'S TAVERN
494 SO. MAIN ST.
BREWER, MAINE 04412

EVENT DATE

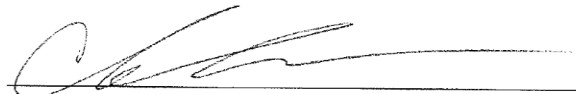
7/25/2021

EVENT TIME

NOON TO 11P.M.

I have reviewed this application for an Outdoor Event involving alcohol and have found the following:

- I have no concerns with issuing this Outdoor Event Permit
- I recommend that this Outdoor Event Permit Application be denied
(please attach supporting documentation)


Chris Martin, Deputy Police Chief

5-25-2021
Date

City Council Minutes
Tuesday, June 8, 2021

**CITY OF BREWER
OUTDOOR EVENT APPLICATION
CITY INSPECTOR REPORT**

Certification 2021-117

OWNER INFORMATION

DELANO G. MERRITT
26 NOTTINGHAM WAY
BREWER, ME 04412

PROPERTY ADDRESS

CAP'S TAVERN
494 SO. MAIN ST.
BREWER, MAINE 04412


EVENT DATE

7/25/2021

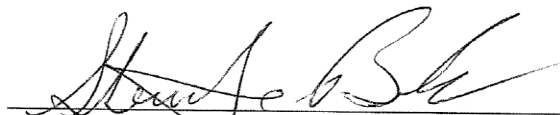
EVENT TIME

NOON TO 11P.M.

I have reviewed this application for an Outdoor Event involving alcohol and have found the following:

 I have no concerns with issuing this Outdoor Event Permit

I recommend that this Outdoor Event Permit Application be denied
(please attach supporting documentation)



Stewart Brooks, Code Enforcement Officer/Health Inspector

05-25-21
Date

City Council Minutes
Tuesday, June 8, 2021

2021-A051

June 8, 2021

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

Filed May 28, 2021
By Joseph L. Ferris

WHEREAS, 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 items as surplus: dock; chain link fence; forced hot air furnace; and miscellaneous materials stored or abandoned at the Hatcase Pond pumping station.

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to sell, recycle or dispose of all 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 of the above-mentioned items be receipted to the Water Departments Wellness account (0670001-300410) and be authorized for expenditure from Water Wellness Expense account (0670001-500844).

Statement of Fact: This order allows the sale or disposal of items which are no longer used or needed and allocates the proceeds to the wellness account.

2021-A052

June 8, 2021

TITLE: ORDER, AWARD CONTRACT FOR THE NORTH MAIN STREET
DRAINAGE IMPROVEMENTS PROJECT.

Filed June 2, 2021
By Jenn M. Morin

WHEREAS, on May 12, 2020 the Brewer City Council authorized a Municipal Partnership Initiative (MPI) agreement with the Maine Department of Transportation (Order 2020-A022) in the amount of \$350,000 for the resurfacing and drainage improvements of North Main Street from State Street to Wilson Street on a 50/50 cost sharing basis; and

WHEREAS, during the course of investigating the City's infrastructure for the storm drain improvements, it was determined that replacement of several additional storm drain lines on Parker and Betton Streets was required in conjunction with the project; and

City Council Minutes

Tuesday, June 8, 2021

WHEREAS, the Finance Director has recommended the use of unanticipated motor vehicle excise tax revenue to fund the Parker and Betton Street work that falls outside the MPI; and

WHEREAS; On May 28, 2021 two competitive bids for the stormwater portion of the work were received from reputable local contractors (see attached bid summary sheet).

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to execute a contract with Lou Silver, Inc. of Veazie, Maine, the low bidder, in an amount not to exceed \$310,000 (the bid amount plus approximately 8% for contingencies) for the completion of the 2021 North Main Street Drainage Improvements project; and

BE IT FURTHER ORDERED, that costs associated with the North Main St MPI project be charged to 0510113-551638 (North Main MPI) and that non-MPI related costs be charged to 0510113-551639 (Lower Parker St Storm Drain); and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of up to \$100,000 of unanticipated excise tax revenue from 0105500-300010 to CIP account 0510113-551639 (Lower Parker St Storm Drain) to fund the non MPI portion of the project.

Statement of Fact: This order awards the contract for the 2021 North Main Street Drainage Improvements project to Lou Silver, Inc. and authorizes use of up to \$100,000 of unanticipated motor vehicle excise tax revenue to fund the Parker Street portion of the work. Funding for the North Main portion of work was previously approved by Council in May 2020. The paving portion of this project will be bid next spring and is anticipated to be completed next summer.

City Council Minutes
Tuesday, June 8, 2021

North Main Street Drainage Improvements Project		Bid Tabulation		Bids Opened on 5/28/2021		City of Brewer	
Bid Items:	Quantity	Unit	Bidder: Bid Price	Eastwood Contractors Inc Total	Bidder: Bid Price	Lou Silver Inc Total	
1. Bit. Pavement (9.5mm)	3	Tons	\$500.00	\$1,500.00	\$300.00	\$900.00	
2. Bit. Pavement (19.0mm trenches)	50	Tons	\$300.00	\$15,000.00	\$300.00	\$15,000.00	
5. Bit Pavement (12.5 mm FINE)	10	Tons	\$500.00	\$5,000.00	\$300.00	\$3,000.00	
4. Trench Gravel	150	CY	\$55.00	\$8,250.00	\$30.00	\$4,500.00	
5. Granite Curbing	12	LF	\$50.00	\$600.00	\$100.00	\$1,200.00	
6. Bituminous Curbing	10	LF	\$100.00	\$1,000.00	\$50.00	\$500.00	
7. Remove and Reset Granite curb	24	LF	\$65.00	\$1,560.00	\$100.00	\$2,400.00	
8. 8" HDPE storm drain/underdrain	64	LF	\$150.00	\$9,600.00	\$200.00	\$12,800.00	
9. 12" HDPE storm drain/underdrain	20	LF	\$200.00	\$4,000.00	\$200.00	\$4,000.00	
10. 30" HDPE Storm Drain	340	LF	\$350.00	\$119,000.00	\$350.00	\$119,000.00	
11. 8" PVC pipe	10	LF	\$160.00	\$1,600.00	\$200.00	\$2,000.00	
12. 4' Diameter Catch basin	1	EA	\$5,800.00	\$5,800.00	\$10,000.00	\$10,000.00	
13. 5' Diameter Catch basin	2	EA	\$12,700.00	\$25,400.00	\$20,000.00	\$40,000.00	
14. 5' Diameter Drain Manhole	1	EA	\$14,000.00	\$14,000.00	\$15,000.00	\$15,000.00	
15. 5' Diameter Doghouse Manhole	1	EA	\$15,000.00	\$15,000.00	\$20,000.00	\$20,000.00	
16. Mobilization for grouting	1	LS	\$4,500.00	\$4,500.00	\$2,000.00	\$2,000.00	
17. Grouting Material	30	CY	\$170.00	\$5,100.00	\$150.00	\$4,500.00	
18. Repair Concrete Center Island	1	LS	\$7,000.00	\$7,000.00	\$7,000.00	\$7,000.00	
19. Install City Post Reflective Barrier	1	EA	\$250.00	\$250.00	\$500.00	\$500.00	
20. Mobilization	1	LS	\$24,000.00	\$24,000.00	\$5,000.00	\$5,000.00	
21. Traffic Control	1	LS	\$23,000.00	\$23,000.00	\$16,000.00	\$16,000.00	
22. Erosion Control	1	LS	\$6,500.00	\$6,500.00	\$3,000.00	\$3,000.00	
23. Common Borrow	0	CY	\$38.00		\$20.00		
24. Rock Excavation	0	CY	\$400.00		\$150.00		
25. Ledge Excavation	0	CY	\$400.00		\$350.00		
				\$297,660.00		\$288,300.00	

City Council Minutes
Tuesday, June 8, 2021

2021-A053

June 8, 2021

TITLE: ORDER, ACCEPT FUNDS FROM MMA'S EDWARD MACDONALD
SAFETY ENHANCEMENT GRANT PROGRAM.

Filed June 2, 2021
By Soubanh Phanthay

WHEREAS, the Brewer Assessing Department has been awarded up to \$2,000 through the Maine Municipal Association's Edward MacDonal Safety Enhancement Grant Program to defray the cost of purchasing two sit and stand desks and accessories; and

WHEREAS, this grant will cover two thirds of the City's cost up to \$2,000; and

WHEREAS, matching funds will be taken from an existing Assessing Department operating account.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts these grant funds and directs the funds be deposited in account 0600502-360000-52001 (FY21 MMA Grant – Standing Desk Revenue).

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of these grant funds from account 0600502-560000-52001 (FY21 MMA Grant – Standing Desk Expense) along with the City match from the Assessing Department expenditure account 0115201-503000.

Statement of Fact: The Brewer Assessing Department has been awarded up to \$2,000 in grant funds to offset the cost of purchasing two standing desks for Assessing staff. This order accepts the funds and authorizes their expenditure.

2021-B005

June 8, 2021

TITLE: RESOLVE, APPROVE SCHOOL BUDGET APPROPRIATION FOR
FISCAL YEAR 2022.

Filed June 2, 2021
By Jerry Goss

BE IT RESOLVED, that the following school budget articles be adopted and approved for fiscal year 2022:

1. That **\$9,879,552** be authorized to be expended for Regular Instruction.

City Council Minutes
Tuesday, June 8, 2021

2. That **\$4,675,333** be authorized to be expended for Special Education.
3. That **\$0** be authorized to be expended for Career and Technical Education.
4. That **\$1,213,701** be authorized to be expended for Other Instruction.
5. That **\$1,545,738** be authorized to be expended for Student and Staff Support.
6. That **\$590,821** be authorized to be expended for System Administration.
7. That **\$1,108,037** be authorized to be expended for School Administration.
8. That **\$638,250** be authorized to be expended for Transportation and Buses.
9. That **\$2,193,895** be authorized to be expended for Facilities Maintenance.
10. That **\$2,675,000** be authorized to be expended for Debt Service and Other Commitments.
11. That **\$8,120** be authorized to be expended for All Other Expenditures.; and

BE IT FURTHER RESOLVED, that **\$18,053,839** be appropriated for the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that **\$5,835,598** be raised as the municipality's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, M.R.S.A. Section §15688; and

Explanation: The school administrative unit's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

BE IT FURTHER RESOLVED, that **\$193,460** be raised and appropriated for the annual payments on debt service previously approved by the municipality's legislative body for non-state-funded school construction projects, or non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the municipality's contribution to the total cost of funding public education from pre-kindergarten to grade 12; and

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the municipality's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.

BE IT FURTHER RESOLVED, that **\$1,849,656** be raised and appropriated in additional local

City Council Minutes

Tuesday, June 8, 2021

funds for school purposes under Maine Revised Statutes, Title 20-A §15671-A. The school committee recommends **\$1,849,656** for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by **\$1,932,303**: The Essential Programs and Services funding model does not fully fund a number of educational costs in the school administrative unit such as special education needs, extra and co-curricular costs and local voter approved debt service; and

Explanation: The additional local funds are those locally raised funds over and above the school administrative unit's local contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the (municipality/district) budget for educational programs.

BE IT FURTHER RESOLVED, that the school committee be authorized to expend **\$24,528,447** for the fiscal year beginning July 1, 2021 and ending June 30, 2022 from the municipality's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section §15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools; and

BE IT FURTHER RESOLVED, that the school committee be authorized to accept and expend any and all categories of funds as provided by the Maine State Legislature or the United States Congress (Examples of some of these funds and estimated amounts based on funds received last year are listed below); and

<u>Category</u>	<u>Estimated Amounts</u>
Title IA	415,000
Title IIA	62,000
Title IV	39,000
Local Entitlement	390,000
School Lunch Subsidy	300,000
ESSERF	4,200,000

BE IT FURTHER RESOLVED, that the Regional Vocational Budget as approved by the Cooperative Board for the year July 1, 2021 to June 30, 2022 be approved in the amount of **\$3,904,312**; and

BE IT FURTHER RESOLVED, that in the event the Brewer School Department receives more state education subsidy than the amount included in its budget, that the Brewer School Department shall be authorized to use all or part of the additional state subsidy to increase expenditures for school

City Council Minutes

Tuesday, June 8, 2021

purposes in cost center categories approved by the Brewer School Committee, subject to final review and approval by the Brewer City Council.

Statement of Fact: As required, this order appropriates funding by spending category for the School Department for FY2022 as approved by the Brewer School Committee on May 3, 2021, and augmented by \$100,000 by the Brewer City Council.

2021-B006

June 8, 2021

TITLE: RESOLVE, APPROVE SCHOOL CAPITAL FUND RESERVE ACCOUNT.

Filed June 2, 2021
By Joseph L. Ferris

BE IT RESOLVED, that the Brewer City Council herewith approves the Brewer School Department to establish and fund a capital reserve account for major maintenance and improvements to the Brewer School Department facilities as year-end available fund balances allow. Expenditures from the capital reserve fund shall be approved by the Brewer School Committee, subject to final review and approval by the Brewer City Council.

Statement of Fact: This order establishes a dedicated reserve account for School Department capital projects to be funded after the close of each fiscal year by a transfer of an amount, proposed by the School Department to extent funds are available, from its current unassigned fund balance. The intent is to limit the need to bond finance for more minor (yet costly) repairs and maintenance. Approval by both the School Committee and the City Council will be needed to access the reserve funds for repairs and maintenance.

2021-B007

June 8, 2021

TITLE: RESOLVE, APPROVE REGIONAL VOCATIONAL HIGH SCHOOL OPERATING BUDGET.

Filed June 2, 2021
By Jenn M. Morin

BE IT RESOLVED, that the Brewer City Council herewith approves the regional vocational high school budget, as approved by the cooperative board, for the year July 1, 2021 – June 30, 2022 in the amount of **\$3,588,937**.

Statement of Fact: The budget for 2020-2021 was \$3,105,184.

City Council Minutes
Tuesday, June 8, 2021

2021-B008

June 8, 2021

TITLE: RESOLVE, APPROVE REGIONAL VOCATIONAL HIGH SCHOOL
BUDGET ON ADULT EDUCATION.

Filed June 2, 2021
By Soubanh Phanthay

BE IT RESOLVED, that the Brewer City Council herewith approves the regional vocational high school budget for adult education, as approved by the cooperative board, in the amount of **\$315,375** for the year July 1, 2021 – June 30, 2022.

Statement of Fact: The budget for 2020-2021 was \$316,946.

2021-B009

June 8, 2021

TITLE: RESOLVE, APPROVE REGIONAL VOCATIONAL HIGH SCHOOL
CAPITAL FUND RESERVE ACCOUNT.

Filed June 2, 2021
By Jerry Goss

BE IT RESOLVED, that the Brewer City Council herewith approves the Cooperative Board to establish and fund a capital reserve account for major maintenance and improvements to the Region 4 facilities as year-end available fund balances allow.

Statement of Fact: The Region 4 United Technologies Center has requested this one-time approval from all the districts in the region to create a capital fund reserve account.

2021-A054

June 8, 2021

TITLE: ORDER, AUTHORIZE THE BREWER SCHOOL DEPARTMENT TO
EXPEND SUCH OTHER FUNDS THAT MAY BE RECEIVED
FROM FEDERAL OR STATE GRANTS OR PROGRAMS.

Filed June 2, 2021
By Joseph L. Ferris

BE IT ORDERED, that the City Council authorizes the Brewer School Department to expend such other sums as may be received from federal or state grants or programs or other sources during the 2022 fiscal year for school purposes provided such grants, programs or other sources do not require the expenditure of other funds not previously appropriated.

City Council Minutes

Tuesday, June 8, 2021

Statement of Fact: This order anticipates the possibility of additional education subsidy being approved later this year and authorizes its acceptance and expenditure. However, the School Department does not intend to add anything to its expenditures. Rather, the plan is to let any additional funding accumulate to School fund balance to support future budget years.

2021-B010

June 8, 2021

TITLE: RESOLVE, APPROVE CITY AND SCHOOL BUDGETS APPROPRIATION FOR FISCAL YEAR 2022.

Filed June 2, 2021

By Jenn M. Morin

BE IT RESOLVED, that the sum of **\$18,188,983** which sum constitutes the estimated requirements of the City of Brewer for the fiscal year 2022 (commencing July 1, 2021 and terminating June 30, 2022) based upon the budget submitted by the City Manager as provided by the City Charter, be raised by assessments upon the estates of the inhabitants of the City of Brewer and upon the estates of the non-resident proprietors within the City for the present municipal year and the sum is hereby appropriated, in addition sums otherwise provided, the amount for each purpose being specified in the schedule hereto attached:

Statement of Fact: This annual order authorizes the levy of \$18,188,983 in property taxes in support of the FY 2022 City and School budgets and authorizes expenditures for FY 2022 as outlined in the accompanying schedules. It also approves non property tax funding to support those expenditures.

City Council Minutes
Tuesday, June 8, 2021

FY2022 Brewer Property Tax Calculation

Line		FY2021 Approved	FY2022 Proposed	Difference	% Change
MUNICIPAL BUDGET					
1	General Fund Appropriations	14,151,200	14,914,195	762,995	5.39%
2	Less: Non-Property Tax Revenues	<u>6,542,927</u>	<u>7,201,017</u>	<u>658,090</u>	<u>10.06%</u>
3	NET MUNICIPAL BUDGET (from taxation)	7,608,273	7,713,178	104,905	1.38%
EDUCATION BUDGET					
4	General Education Budget	23,967,934	24,528,447	560,513	2.34%
5	Less: School Revenues	<u>16,089,220</u>	<u>16,649,733</u>	<u>560,513</u>	<u>3.48%</u>
6	NET EDUCATION BUDGET (from taxation)	7,878,714	7,878,714	0	0.00%
TAX INCREMENT FINANCING DISTRICTS					
7	Transfer to TIF Special Revenue Fund	1,398,310	1,398,310	1	0.00%
8	Less: TIF BETE Exempt	<u>10,561</u>	<u>10,561</u>	<u>0</u>	<u>0.00%</u>
9	NET TIF BUDGET (from taxation)	1,387,749	1,387,749	1	0.00%
COUNTY ASSESSMENT					
10	COUNTY ASSESSMENT	1,100,233	1,189,342	89,109	8.10%
11	OVERLAY	20,000	20,000	0	0.00%
12	TOTAL PROPERTY TAX LEVY	17,994,968	18,188,983	194,015	1.08%
ASSESSED VALUATION					
13	ASSESSED VALUATION	790,988,373	799,516,065	8,527,692	1.08%
14	Less: Tax Increment Finance Districts	<u>61,000,000</u>	<u>61,000,000</u>	<u>0</u>	<u>0.00%</u>
15	NET ASSESSED VALUATION	729,988,373	738,516,065	8,527,692	1.17%
Municipal					
16	Municipal	10.42	10.44	0.02	0.21%
17	School	10.79	10.67	-0.12	-1.15%
18	County	1.51	1.61	0.10	6.85%
19	Overlay	0.03	0.03	0.00	-1.15%
TAX RATE					
20	TAX RATE	22.75	22.75	0.00	0.00%

Section B
Property Tax Rate Calculation

CITY OF BREWER
Draft FY2022 Budget

Page 1 of 4
5/28/2021

City Council Minutes
Tuesday, June 8, 2021

**City of Brewer
FY2022 Budget Resolve**

	Appropriations (Expenditures) Approved	Non-Tax Revenues Used	State Rev. Sharing GPA Support	State Homestead Reimbursmt	Fund Balance Used	Operating Transfers Used	Property Taxes Needed
Assessments							
1 County Assessment	\$ 1,189,342	-	-	-	-	-	\$ 1,189,342
Municipal Budget							
2 General Fund	\$ 14,914,195	\$ 3,613,836	\$ 1,215,000	\$ 745,063	\$ 588,570	\$ 1,038,549	\$ 7,713,178
3 Gen Fund Xfer to CIP	\$ -						-
4 Capital Improvement	\$ 1,915,800	\$ 1,865,800				\$ 50,000	-
5 Cemetery Trust Fund	\$ -						-
6 TIF Districts	\$ 1,387,749						\$ 1,387,749
7 Total Municipal Budget	\$ 18,217,744	\$ 5,479,636	\$ 1,215,000	\$ 745,063	\$ 588,570	\$ 1,088,549	\$ 9,100,927
Education Budget							
8 Gen'l Education Budget	\$ 24,528,447	\$ 2,871,233	\$ 12,300,888	\$ -	\$ 1,477,612	\$ -	\$ 7,878,714
9 Grand Totals	\$ 43,935,533	\$ 8,350,869	\$ 13,515,888	\$ 745,063	\$ 2,066,182	\$ 1,088,549	\$ 18,168,983
10 Budgeted Tax Overlay							\$ 20,000
11 To Be Raised From Taxes							\$ 18,188,983

TAXABLE VALUATION ESTIMATE
12 2021-2022 Taxable Valuation \$ 799,516,065

TAX RATE CHANGE	
Tax Rate Next Year	\$ 22.75
Tax Rate This Year	\$ 22.75
\$\$\$ Change in Tax Rate	\$ 0.00
% Change	0.00%

City Council Minutes
Tuesday, June 8, 2021

**City of Brewer
General Fund Spending Summary**

	FY2021 Approved	FY2022 Proposed	CHANGE \$\$	CHANGE %
MUNICIPAL				
General Government	2,088,548	2,187,716	99,168	4.7%
Protections	4,928,037	5,490,360	562,323	11.4%
Public Services	315,811	317,374	1,563	0.5%
Public Works	2,705,509	2,700,814	(4,694)	-0.2%
Unclassified	322,402	302,399	(20,003)	-6.2%
Debt Service	2,542,428	2,567,617	25,189	1.0%
Library & Recreational Services	1,248,464	1,347,914	99,450	8.0%
TOTAL MUNICIPAL FUND	14,151,199	14,914,195	762,995	5.4%
EDUCATION				
01 Personnel	16,010,307	16,498,511	488,204	3.0%
02 Supplies and Services	1,144,975	1,109,775	(35,200)	-3.1%
03 Buildings and Grounds	1,965,049	1,993,270	28,221	1.4%
04 Transportation	793,503	790,720	(2,783)	-0.4%
05 Supt / Administration	593,598	611,271	17,673	3.0%
06 Out of District	550,400	581,400	31,000	5.6%
07 Vocational Education	0	0	-	0.0%
08 Adult Education		now a municipal expense		
09 Capital Outlay	217,685	128,000	(89,685)	-41.2%
10 Trustees	2,692,417	2,815,500	123,083	4.6%
TOTAL EDUCATION BUDGET	23,967,934	24,528,447	560,513	2.3%
COUNTY ASSESSMENT OVERLAY	1,100,233	1,189,342	89,109	8.1%
	20,000	20,000	-	0.0%
GRAND TOTALS	39,239,366	40,651,984	1,412,617	3.6%

City Council Minutes
Tuesday, June 8, 2021

2021-B011

June 8, 2021

TITLE: RESOLVE, APPROVE WATER POLLUTION CONTROL FACILITY
BUDGET FOR FISCAL YEAR 2022.

Filed June 2, 2021
By Soubanh Phanthay

BE IT RESOLVED, that the City Council herewith approves the Brewer Water Pollution Control Facility budget for the City Fiscal Year of July 1, 2021 through June 30, 2022, as follows:

Total Cash Operating Expenses	\$ 2,097,237
Total Debt Service	\$ 851,641
Total Depreciation	\$ 675,000
Total Other Non-Operating Expenses	\$ <u>0</u>
SUBTOTAL	\$ 3,623,878

Total Capital Improvements	\$ <u>879,000</u>
GRAND TOTAL EXPENDITURES	\$ 4,502,878

Total Operational Revenues	\$ 2,924,290
Total Use of Retained Earnings	\$ 675,000
Other non-operational Revenue	\$ <u>24,588</u>
SUBTOTAL	\$ 3,623,878

Total Capital Funding	\$ <u>879,000</u>
GRAND TOTAL REVENUES	\$ 4,502,878

Statement of Fact: This annual order authorizes the Water Pollution Control Facility expenditures for FY 2022 and approves funding to support those expenditures. The budget proposes a modest adjustment of \$0.25 per 100 cubic feet, or 2.7%, to the current sewer rate.

2021-B012

June 8, 2021

TITLE: RESOLVE, APPROVE WATER DEPARTMENT BUDGET FOR FISCAL
YEAR 2022.

Filed June 2, 2021
By Jerry Goss

BE IT RESOLVED, that the City Council herewith approves the Water Department budget, as presented, for the City's Water System for the Fiscal Year of July 1, 2021 through June 30, 2022 as follows:

City Council Minutes
Tuesday, June 8, 2021

Total Cash Operating Expenses	\$ 1,669,607
Total Debt Service	\$ 1,084,491
Total Depreciation	\$ 34,138
Total Other Non-Operating Expenses	\$ <u>2,280</u>
SUBTOTAL	\$ 2,790,516
Total Capital Improvements	\$ <u>60,200</u>
GRAND TOTAL EXPENDITURES	\$ 2,850,716
Total Operational Revenues	\$ 2,790,516
Total Use of Retained Earnings	\$ 0
Other non-operational Revenue	\$ <u>0</u>
SUBTOTAL	\$ 2,790,516
Total Capital Funding	\$ <u>60,200</u>
GRAND TOTAL REVENUES	\$ 2,850,716

Statement of Fact: This annual order authorizes the Water Department expenditures for FY2022 and approves funding to support those expenditures. Subject to review and approval of the Maine Public Utilities Commission, the budget anticipates the adjustment of water rates for metered customers by approximately 15%.

2021-A055

June 8, 2021

TITLE: ORDER, SET TAX DUE DATE AND INTEREST RATE.

Filed June 2, 2021
By Joseph L. Ferris

BE IT ORDERED, that taxes for the municipal year commencing July 1, 2021 and which shall expire on June 30, 2022 are due and payable semi-annually on the following dates:

- A. 1/2 of total taxes due
and payable on or before September 14, 2021

and, if the same are not paid on or before September 14, 2021, they shall bear interest at the rate of 6.0% per annum from September 15, 2021 until paid.

- B. 1/2 of the total taxes due
and payable on or before March 8, 2022

and, if the same are not paid on or before March 8, 2022, they shall bear interest at the rate of 6.0% per annum from March 9, 2022 until paid.

City Council Minutes

Tuesday, June 8, 2021

Statement of Fact: This is an annual order. Brewer taxes are always due on the second Tuesday of September and March. The City uses the maximum rate of interest that can be charged per Title 36, M.R.S.A. Section 505.4. This rate is set annually by the Office of the State Treasurer.

2021-A056

June 8, 2021

TITLE: ORDER, ACCEPT ADVANCE PAYMENTS ON FISCAL YEAR 2022 TAXES.

Filed June 2, 2021

By Jenn M. Morin

BE IT ORDERED, that the Brewer Tax Collector and Treasurer be permitted to accept payments in advance when offered at 0% interest, to be applied to Fiscal Year 2023 taxes that have not been committed or billed.

Statement of Fact: In accordance with Title 36 MRSA §506-A, Municipalities should vote annually on the acceptance of advance payments.

2021-A057

June 8, 2021

TITLE: ORDER, SET FISCAL YEAR 2022 INTEREST RATE FOR LATE PAYMENT OF SEWER BILLS.

Filed June 2, 2021

By Soubanh Phanthay

BE IT ORDERED, that in accordance with City of Brewer Charter, Codes and Ordinance, Chapter 31, Section 1208, the interest rate on unpaid sewer bills is set at six percent (6.0%) per annum for Fiscal Year 2022.

Statement of Fact: This is an annual order.

2021-A058

June 8, 2021

TITLE: ORDER, SET INTEREST RATE PAID ON ABATEMENTS AND OVERPAYMENTS OF TAXES.

Filed June 2, 2021

By Jerry Goss

BE IT ORDERED, that pursuant to Title 36 MRSA §506-A, interest on previously paid taxes that are abated, or which have been overpaid, for Fiscal Year 2022 shall be paid at the rate of two

City Council Minutes
Tuesday, June 8, 2021

percent (2.0%) per annum from the date of payment by the taxpayer to the date of abatement or refund by the City.

Statement of Fact: This is an annual order.

2021-A059

June 8, 2021

TITLE: ORDER, AUTHORIZE SET-OFF AGAINST UNPAID TAXES.

Filed June 2, 2021
By Joseph L. Ferris

WHEREAS, Title 36, M.R.S.A., Section §905, requires the governing body to specifically authorize the Treasurer and other disbursing officers to withhold payment of any money due a taxpayer whose taxes are due and wholly or partially unpaid.

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the Finance Director/Treasurer and Deputy Finance Director to withhold monies, excluding the payroll check of any employee, due and payable by the City of Brewer to any taxpayer to an amount not in excess of the unpaid taxes together with interest and costs.

Statement of Fact: This is an annual order.

2021-A060

June 8, 2021

TITLE: ORDER, AUTHORIZE APPLICATION OF INTEREST EARNINGS TO RESERVE FUND.

Filed June 2, 2021
By Jenn M. Morin

WHEREAS, in keeping with PUC regulations, the City maintains a dedicated reserve account for the Water fund called the Standpipe Maintenance and Repair Reserve account; and

WHEREAS, this reserve fund earns interest, but this interest has not been taken into account when determining the level of reserve account funding each year.

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the appropriation and expenditure of these interest earnings to supplement the regular annual funding of this reserve account.

Statement of Fact: This is an annual order.

City Council Minutes
Tuesday, June 8, 2021

2021-A061

June 8, 2021

TITLE: ORDER, AUTHORIZE TAX RELEASE DEED, MAP 8, LOT 11B, 325
EASTERN AVENUE.

Filed June 3, 2021
By Soubanh Phanthay and
Jerry Goss

BE IT ORDERED, that a municipal Release Deed be issued to Clifford R. and Erica R. Morneau of Brewer, County of Penobscot, releasing to them all interest that the City of Brewer may have acquired by virtue of tax liens on their property; and

FURTHER ORDERED that the City Manager be herewith authorized to execute this Release Deed on behalf of the City of Brewer.

Statement of Fact: This order authorizes the release of the interest in 325 Eastern Avenue that the City acquired by virtue of a foreclosed tax lien, which has now been paid in full. A total of \$2,031.14 was collected: \$1,810.83 in taxes along with \$157.85 in interest and \$62.46 in costs.

RELEASE DEED
Morneau, Clifford R. & Erica R.

City of Brewer, a body politic located in the County of Penobscot, State of Maine, for consideration paid, **releases to Clifford R. & Erica R. Morneau against whom taxes were assessed**, of Brewer, County of PENOBSBOT, State of Maine, the land in Brewer, County of Penobscot, State of Maine as follows:

Map 8, Lot 11B of the Assessor's Tax Maps of the
City of Brewer, Maine.

Excepting and reserving all public easements or other public interests in the
above-described parcel for roads, sewers, or other purposes

The purpose of this deed is to release any interest the
City of Brewer has in and to the above described
Property by virtue of the following Liens:

<u>Volume</u>	<u>Page</u>
15192	204
15568	317

City of Brewer has caused this deed to be sealed with its corporate seal and signed in its corporate name by Stephen Bost, its City Manager, duly authorized this 15 day of June AD 2021

WITNESS:

CITY OF BREWER

Stephen Bost
City Manager
Duly authorized

City Council Minutes
Tuesday, June 8, 2021

STATE OF MAINE

PENOBSCOT, ss

DATE June 15, 2021

Personally appeared the above named Stephen Bost, City Manager, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the said City of Brewer.

Before me,

Samantha L. Miller, Notary Public
My Commission expires December 13, 2023

2021-A062

June 8, 2021

TITLE: ORDER, AUTHORIZE CONTRACT FOR CLOUD-HOSTING SERVICES
WITH TYLER TECHNOLOGIES.

Filed June 3, 2021
By Jerry Goss and
Joseph L. Ferris

WHEREAS, Brewer has used Munis, an integrated enterprise resource planning system that manages all of the City and School's core functions, including financials, procurement, human resources, payroll, and revenues, since 2005 and housed that system on our own computer server hardware, which we must keep secure as well as maintain and upgrade on a frequent basis; and

WHEREAS, the cost and staff time required to maintain the necessary hardware and software continues to increase and is likely to double when we must move next year to the latest version of the system, which requires three computer servers to run rather than the one server we now have; and

WHEREAS, the Munis software provider, Tyler Technologies, one of the largest providers of governmental software in North America, has offered cloud hosting of its software for over two decades, and the majority of its new clients choose this method of hosting; and

WHEREAS, allowing Tyler Technologies to host our Munis software will eliminate the time and cost of server acquisition, upgrades, and maintenance and ensure all aspects of system security are well managed, including use of VPN technology and the latest antivirus, continual network monitoring, complete backups of the system and its data, and multiple offsite redundancies to facilitate recovery from disaster, if needed; and

WHEREAS, Tyler's hosting service requires a three-year term, at \$97,135 per year, plus one-time implementation costs of \$10,520, and the cost of the annual fee was included in the FY2022 budget proposal.

City Council Minutes

Tuesday, June 8, 2021

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby approves the move of the City's accounting system to the cloud and authorizes the City Manager or his designee to execute any and all necessary documents to implement this change; and

BE IT FURTHER ORDERED, that the costs associated with this initiative be charged to 0115501-502300 (Finance Department Computer Software); and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of \$10,520 in unanticipated state revenue sharing funds from 0106902-300200 to 0115501-502300 to support the one-time costs associated with implementation of this change.

BE IT 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 these contractor services.

Statement of Fact: This order authorizes the City to outsource the hosting of its Munis accounting system to our software provider, Tyler Technologies. The change will improve the City's network security, ensure timely recovery in the event of a disaster, lower the amount of system downtime and staff time needed to manage the system's complex hardware and software, and reduce cost over the long run. The initial term is for three years at a cost of \$97,135 per year, plus a one-time implementation fee of \$10,520. The annual fee has been included in the FY2022 budget, and this order reallocates unanticipated revenue sharing funds to cover the one-time implementation cost.

2021-B013

June 8, 2021

TITLE: RESOLVE, RATIFY THE BREWER POLICE DEPARTMENT COMMAND OFFICERS COLLECTIVE BARGAINING CONTRACT.

Filed June 3, 2021
By Joseph L. Ferris and
Jenn M. Morin

WHEREAS, a collective bargaining agreement between the City of Brewer and the unit representing the command officers of the Brewer Police Department has recently been negotiated; and

WHEREAS, the negotiators for both sides have recommended that this collective bargaining agreement be ratified by their representative parties.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council herewith ratifies this agreement and authorizes the City Manager, or his designee, to execute the document on behalf of the City of Brewer; and

City Council Minutes
Tuesday, June 8, 2021

BE IT FURTHER RESOLVED, that the City Clerk file the City's copy of the original contracts in the City's record archives.

City Council Minutes
Tuesday, June 8, 2021

Sarah E. Newell
Direct Dial 207 992-4838
snewell@eatonpeabody.com



80 Exchange Street, P.O. Box 1210
Bangor, Maine 04402-1210
Phone 207-947-0111 Fax 207-942-3040
www.eatonpeabody.com

June 2, 2021

Stephen M. Bost, City Manager
City of Brewer
80 North Main Street
Brewer, Maine 04412

Re: Police Command Agreement

Dear Steve:

I am providing you with a summary of the tentative agreement made between the City of Brewer and the Fraternal Order of Police (FOP) which represents the Police command officers. The Police command contract expired on June 30, 2020.

The parties tentatively agreed to a three-year agreement that will take effect when signed by both parties following ratification and will expire on June 30, 2024.

The parties agreed to changes to the wage scale proposed by the City to address Brewer's ability to compete in what has become a more and more competitive and narrow marketplace for police officers. The City's proposal included, pursuant to the budget allocations in the FY22 budget, a ten percent wage increase for patrol officers and corporals in year one of the contract, effective July 1, 2021. The City's proposal and tentative agreement included five percent increases to wages for patrol officers and corporals in years two and three of the contract.

The parties also agreed to increase the detective on-call stipend by \$25 per week for each detective and to allow employees to use up to 40 hours of combined sick leave bonus days, holidays and compensatory time to enable officers to take an additional 40 hours of protected vacation a year without any allocation of additional time. The parties also agreed to allow the Public Safety Director to authorize lateral hires to accrue vacation at a rate commensurate with the officer's experience rather than time in service at the City.

The parties agreed to increase sick leave payout from 25% to 35% when an officer retires and to 100% when an officer dies while employed by the City.

There were other minor changes to the contract language aimed at correcting errors or reflecting current practices within the department. Those changes were not material in nature and had no fiscal impact.

City Council Minutes
Tuesday, June 8, 2021

Stephen M. Bost, City Manager
June 2, 2021
Page 2 of 2

Please do not hesitate to contact me with any questions regarding this Agreement.

Sincerely,

A handwritten signature in cursive script that reads "Sarah E. Newell".

Sarah E. Newell

City Council Minutes
Tuesday, June 8, 2021

2021-B014

June 8, 2021

TITLE: RESOLVE, RATIFY THE BREWER POLICE DEPARTMENT PATROL
OFFICERS COLLECTIVE BARGAINING CONTRACT.

Filed June 3, 2021
By Jenn M. Morin and
Soubanh Phanthay

WHEREAS, a collective bargaining agreement between the City of Brewer and the unit representing the employees of the patrol division of the Brewer Police Department has recently been negotiated; and

WHEREAS, the negotiators for both sides have recommended that this collective bargaining agreement be ratified by their representative parties.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council herewith ratifies this agreement and authorizes the City Manager, or his designee, to execute the document on behalf of the City of Brewer; and

BE IT FURTHER RESOLVED, that the City Clerk file the City's copy of the original contracts in the City's record archives.

City Council Minutes
Tuesday, June 8, 2021



Sarah E. Newell
Direct Dial 207 992-4838
snewell@eatonpeabody.com

80 Exchange Street, P. O. Box 1210
Bangor, Maine 04402 1210
Phone 207 947 0111 Fax 207 942 3040
www.eatonpeabody.com

June 2, 2021

Stephen M. Bost, City Manager
City of Brewer
80 North Main Street
Brewer, Maine 04412

Re: Police Patrol Agreement

Dear Steve:

I am providing you with a summary of the tentative agreement made between the City of Brewer and the Fraternal Order of Police (FOP), which represents the Police patrol officers. The Police patrol contract expired on June 30, 2020.

The parties tentatively agreed to a three-year agreement that will take effect when signed by both parties following ratification and will expire on June 30, 2024.

The parties agreed to changes to the wage scale proposed by the City to address Brewer's ability to compete in what has become a more and more competitive and narrow marketplace for police officers. The City's proposal included, pursuant to the budget allocations in the FY22 budget, a ten percent wage increase for patrol officers and corporals in year one of the contract, effective July 1, 2021. The City's proposal and tentative agreement included four percent increases to wages for patrol officers and corporals in years two and three of the contract.

The parties also agreed to increase the detective on-call stipend by \$25 per week for each detective and to allow employees to use up to 40 hours of combined sick leave bonus days, holidays and compensatory time to enable officers to take an additional 40 hours of protected vacation a year without any allocation of additional time. The parties also agreed to allow the Public Safety Director to authorize lateral hires to accrue vacation at a rate commensurate with the officer's experience rather than time in service at the City.

The parties agreed to increase sick leave payout from 25% to 35% when an officer retires and to 100% when an officer dies while employed by the City.

There were other minor changes to the contract language aimed at correcting errors or reflecting current practices within the department. Those changes were not material in nature and had no fiscal impact.

City Council Minutes
Tuesday, June 8, 2021

Stephen M. Bost, City Manager
June 2, 2021
Page 2 of 2

Please do not hesitate to contact me with any questions regarding this Agreement.

Sincerely,

A handwritten signature in cursive script that reads "Sarah E. Newell".

Sarah E. Newell

City Council Minutes
Tuesday, June 8, 2021

2021-B015

June 8, 2021

TITLE: RESOLVE, RATIFY THE BREWER FIREFIGHTERS COLLECTIVE
BARGAINING CONTRACT.

Filed June 3, 2021
By Soubanh Phanthay and
Jerry Goss

WHEREAS, a collective bargaining agreement between the City of Brewer and IAFF which represents Brewer Firefighters has recently been negotiated; and

WHEREAS, the negotiators for both sides have recommended that this collective bargaining agreement be ratified by their representative parties.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council herewith ratifies this agreement and authorizes the City Manager, or his designee, to execute the document on behalf of the City of Brewer; and

BE IT FURTHER RESOLVED, that the City Clerk file the City's copy of the original contracts in the City's record archives.

City Council Minutes
Tuesday, June 8, 2021



Sarah E. Newell
Direct Dial 207 992-4838
snewell@eatonpeabody.com

80 Exchange Street, P.O. Box 1210
Bangor, Maine 04402-1210
Phone 207-947-0111 Fax 207-942-3040
www.eatonpeabody.com

June 2, 2021

Via Email

Stephen M. Bost, City Manager
City of Brewer
80 North Main Street
Brewer, Maine 04412

Re: Firefighters Agreement

Dear Steve:

I am providing you with a summary of the tentative agreement made between the City of Brewer and IAFF which represents Brewer's firefighters. The firefighters contract expired on June 30, 2020.

The parties agreed to the following:

- The parties will execute a three year agreement that includes a new wage scale proposed by the City which rolls stipends previously available for CDL licensure, EMT basic licensure and Firefighter I and II certification into the base pay of each firefighter and provides a \$3.00 increase in hourly rate of pay for firefighters in year 1 of the Agreement and 2% in each of years 2 and 3. The wage package also includes additional stipends proposed by the City for service on a training committee (\$20 per week) and for certain City identified NFPA certifications (\$5 per week per certification). These changes, along with some language changes aimed at increasing the City's flexibility in running its training program, are aimed at ensuring a continued high level of professionalism in the Fire Department. The agreement will expire June 30, 2024. Each wage increase will be effective on July 1 of the applicable fiscal year.
- The minimum pay for response to calls will increase from 2 hours to 4.
- Firefighters who work actual hours on Christmas or Thanksgiving day will receive pay at the rate of time and one half.
- Firefighters who earn sick leave bonus hours after completing 3 months without taking sick leave will receive 24 instead of 12 hours of sick leave bonus.

City Council Minutes
Tuesday, June 8, 2021

Stephen M. Bost, City Manager
June 2, 2021
Page 2 of 2

- Language in the contract's bereavement leave provision will be amended to allow for one day of bereavement leave in the case of the death of an aunt, uncle, niece or nephew, which is consistent with City policy.

There were other minor changes made to the contract to correct errors or match current practice that were not material and had no fiscal impact.

Please do not hesitate to contact me with any questions regarding this Agreement.

Sincerely,

A handwritten signature in cursive script that reads "Sarah E. Newell".

Sarah E. Newell

City Council Minutes
Tuesday, June 8, 2021

2021-B016

June 8, 2021

TITLE: RESOLVE, RATIFY THE BREWER FIRE DEPARTMENT COMMAND
OFFICERS COLLECTIVE BARGAINING CONTRACT.

Filed June 3, 2021
By Jerry Goss and
Joseph L. Ferris

WHEREAS, a collective bargaining agreement between the City of Brewer and the unit representing the command officers of the Brewer Fire Department has recently been negotiated; and

WHEREAS, the negotiators for both sides have recommended that this collective bargaining agreement be ratified by their representative parties.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council herewith ratifies this agreement and authorizes the City Manager, or his designee, to execute the document on behalf of the City of Brewer; and

BE IT FURTHER RESOLVED, that the City Clerk file the City's copy of the original contracts in the City's record archives.

City Council Minutes
Tuesday, June 8, 2021



Sarah E. Newell
Direct Dial 207 992 4838
newell@eatonpeabody.com

80 Exchange Street, P.O. Box 1210
Bangor, Maine 04402-1210
Phone 207 947-0111 Fax 207-942-3441
www.eatonpeabody.com

June 2, 2021

Via Email

Stephen M. Bost, City Manager
City of Brewer
80 North Main Street
Brewer, Maine 04412

Re: Fire Officers Agreement

Dear Steve:

I am providing you with a summary of the tentative agreement made between the City of Brewer and AFSCME which represents Fire Officers. The Fire Officers signed a one year contract extension last year which is scheduled to expire on June 30, 2021.

The parties agreed to the following:

- The parties will execute a three year agreement that includes a new wage scale proposed by the City which rolls stipends previously available for CDL licensure, EMT basic licensure and Firefighter I and II certification into the base pay of each fire officer and provides a \$3.00 increase in hourly rate of pay for officers in year 1 of the Agreement and 2.5% in each of years 2 and 3. The wage package also includes additional stipends proposed by the City for certain City identified NFPA certifications (\$5 per week per certification). The agreement will expire June 30, 2024. Each wage increase will be effective on July 1 of the applicable fiscal year.
- The minimum pay for response to calls will increase from 2 hours to 4.
- Fire Officers who work actual hours on Christmas or Thanksgiving day will receive pay at the rate of time and one half.
- Fire Officers who earn sick leave bonus hours after completing 3 months without taking sick leave will receive 24 instead of 12 hours of sick leave bonus.

The parties also agreed to a number of non-substantive changes aimed at cleaning up the contract language to make it consistent with the current structure of the Fire Department and current practices.

City Council Minutes
Tuesday, June 8, 2021

Stephen M. Bost, City Manager
June 2, 2021
Page 2 of 2

Please do not hesitate to contact me with any questions regarding this Agreement.

Sincerely,

A handwritten signature in cursive script that reads "Sarah E. Newell".

Sarah E. Newell

City Council Minutes

Tuesday, June 8, 2021

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

D. Monthly Reports

ACTION: Councilor Ferris 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

There was none.

H. New Items with Leave of Council

ACTION: Mayor Daniels introduced resolve 2021-B017 “Commend Ken Locke for 29 years of service to the City of Brewer” under suspension of the rules. Mayor Daniels asked the City Clerk to poll the Council to see if there is unanimous consent to take up this resolve. The Council members voted 5 to 0 unanimous consent to take up resolve 2021-B017 under suspension of the rules.

2021-B017

June 8, 2021

TITLE: RESOLVE, COMMEND KEN LOCKE FOR 29 YEARS OF SERVICE TO THE CITY OF BREWER.

Filed June 8, 2021
By Michele Daniels and
Jenn M. Morin

WHEREAS, Director of Environmental Services Ken Locke has announced his retirement after 29 years of service; and

WHEREAS, Ken has been instrumental in transforming the Water Pollution Control Facility into an award-winning example of excellence; and

WHEREAS, during his tenure Ken has been the recipient of:

- The Richard B Goodnow Award - Maine Wastewater Control Association Excellence in Operations and Management of a Municipal Wastewater Treatment Facility (1995);

City Council Minutes

Tuesday, June 8, 2021

- The George W Burke Jr Facility Safety Award - Water Environment Federation for the Effective Safety Program in Municipal and Industrial Wastewater Facilities (1997);
- The Environmental Merit Award-USEPA - Outstanding Efforts in Preserving New England’s Environment (2006);
- The Steve Ranney Award - Maine DEP - Storm Water Management Excellence (2007, Ken was the first ever recipient of this award);
- The Certificate of Achievement from Maine DEP, and the Operation and Maintenance Program Excellence Award-US-EPA(2015);
- And for his 17 years of leadership, overseeing the Annual Stormwater Cleanup in Brewer.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, Maine, herewith commends Ken Locke for his dedication and excellent service to the City of Brewer.

FURTHER RESOLVED, that this resolution be spread upon the records of the City of Brewer in testimony of the appreciation held for Ken Locke by the citizens and officials of the City of Brewer, Maine.

ACTION: Councilor Morin moved that the resolve be adopted. Councilor Ferris seconded. The motion passed with a unanimous vote.

Ken Locke said he would be forever grateful, honored and humbled to have had the opportunity to serve the City of Brewer. Councilor Ferris said that Ken had served with tremendous class and competence. Councilor Goss said that Environmental Services in Brewer are the best in the state because of Ken and his staff. Councilor Phanthay congratulated Ken. Councilor Morin wished Ken an enjoyable retirement. Mayor Daniels praised Ken’s passion for his work. The City Manager noted that Ken took a program that was once under federal consent decree and turned it into an award-winning program and facility.

I. ADJOURN

ACTION: Councilor Goss moved that the meeting be adjourned. Councilor Phanthay seconded the motion. The motion passed by a unanimous vote. The meeting was adjourned at 6:32pm.

ADJOURNED, ATTEST: _____ Vincent P. Migliore
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine