

City Council Minutes
February 11, 2020

Regular Meeting
City Hall Council Chambers

Tuesday, February 11, 2020
6:00 p.m.

The regular meeting was called to order by Chairman Jerry Goss. The City Clerk called the roll:

Councilor Morelli-present
Councilor Phanthay-present
Councilor Daniels-present
Councilor Ferris-present
Chairman Goss-present

Chairman Goss declared a quorum present. City Manager Stephen Bost and City Solicitor Jonathan Pottle were also present.

Chairman Goss led members of the Council and others present in reciting the pledge of allegiance to the flag of the United States of America.

Chairman Goss read the notice for the regular meeting.

TO: Joseph Ferris, Jerry Goss, Thomas Morelli, Michele Daniels and Soubanh Phanthay MEMBERS OF THE BREWER CITY COUNCIL you are hereby notified a regular meeting of the City Council will be held on Tuesday, February 11, 2020 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider and act on the items on the attached agenda.

s/Jerry Goss

Mayor and Chairman of the City Council
Or _____
Majority of the City Council

a true copy, attest: s/Ronda J. Hogan

City Clerk

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
Jerry Goss	Stewart	Off.	02/08/20	10:10
Thomas Morelli	Stewart	Off.	02/08/20	11:15
Joseph L. Ferris	Stewart	Off.	02/08/20	10:49
Michele Daniels	Stewart	Off.	02/08/20	11:05
Soubanh Phanthay	Stewart	Off.	02/08/20	11:10

City Council Minutes
February 11, 2020

CITY COUNCIL REGULAR MEETING
Tuesday, February 11, 2020 6:00 P.M.
Brewer City Hall Council Chambers

- I. Call to Order** (Mayor Goss)
- II. Roll Call** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America** (Mayor Goss)
- A. Minutes of January 21, 2020 Regular Meeting** (Councilor Ferris)
- B. Awards, Petitions and Public Comments**
 - 1. (2020-B004) RESOLVE Resolution of Respect for Thomas Greenquist (Councilor Ferris)
 - 2. (2020-B005) RESOLVE Resolution of Respect for Jordan “Jordy” Parkhurst (Councilor Phanthay)
 - 3. (2020-B006) RESOLVE Recognize Dorian Pillsbury for his efforts to help his community (Councilor Daniels)
 - 4. Swearing in of Brewer Police Officer
 - 5. Presentation: FY19 Audit
- C. Consent Calendar**
 - 1. (2020-A012) ORDER Authorize agreements with the MDOT, and funding, for traffic signal improvements at the intersection of Wilson Street and Dirigo Drive (Councilor Morelli)
 - 2. (2002-A013) ORDER Declare City property surplus and authorize sale of surplus materials (Councilor Daniels)
 - 3. (2020-A014) ORDER Tax Release Deed, Map 21, Lot 85, 74 South Brewer Drive (Councilor Phanthay)
 - 4. (2020-A015) ORDER Tax Release Deed, Map 40, Lot 150, 64 Parkway South (Councilor Ferris)
 - 5. (2020-A016) ORDER Authorize the City Manager to execute a Municipal/State Agreement with the MDOT for the Riverwalk Trail-Phase 3 Project (Councilor Morelli)
 - 6. (2020-A017) ORDER Accept Wellness Funds from Maine Municipal Employees Health Trust (Councilor Daniels)
 - 7. (2020-A018) ORDER Authorize amendments to the BACTS/Municipal/State Agreements for the resurfacing of a portion of South Main Street (MDOT WIN 22410) (Councilor Phanthay)
- D. Monthly Reports** (Councilor Phanthay)
- E. Nominations, Appointments, Elections**
 - 1. (2020-A019) ORDER Set polling hours for March 3, 2020 State of Maine Presidential Primary, Special Referendum and Special Election (Councilor Daniels)
 - 2. (2020-B007) RESOLVE Prescribe Registrar of Voters hourly schedule for the March 3, 2020 State of Maine Presidential Primary, Special Referendum and Special Election (Councilor Phanthay)
- F. Unfinished Business**
- G. New Business**

City Council Minutes
February 11, 2020

H. New Items with Leave of Council

I. ADJOURN

A. Minutes of the January 21, 2020 Regular Meeting

ACTION: Councilor Ferris moved that the minutes be accepted and placed on file. The motion was seconded and passed unanimously.

B. Awards, Petitions and Public Comments

2020-B004

February 11, 2020

TITLE: RESOLVE, RESOLUTION OF RESPECT FOR THOMAS GREENQUIST

Filed January 22, 2020

By Joseph L. Ferris

WHEREAS, on the 9th day of January 2020, death brought to a close the full and active life of Tom Greenquist a thirty-year resident of Brewer; and

WHEREAS, Tom was a graduate of Hyde Park High School in Boston, Massachusetts, then went on to serve his country in the U.S. Army stationed at Fort Meade, Maryland, and continuing his education, graduating from Boston University in 1957; and

WHEREAS, Tom served as Chairman and CEO of Bangor Hydro Electric Company for 28 years until he retired in 1991; and

WHEREAS, Tom served on numerous boards and business groups including Maine Yankee Atomic Power Company, The Electric Council of New England, New England Power Pool, and Jasper Wyman Company; and

WHEREAS, Tom also served as president of the Bangor Rotary Club, director of the Bangor/Brewer Chamber of Commerce, a director of the Brewer Economic Development Corporation, the Bangor Target Development Committee, the Action Committee of 50, the Maine Chamber of Commerce, and the first chairman of the merged Maine Chamber of Commerce and Associated Industries of Maine.

NOW THEREFORE BE IT RESOLVED, that the Brewer City Council does by this resolution and public pronouncement, recognize the positive influence of Tom Greenquist to the well-being and development of the community in which he lived and earned the respect of all who knew him; and

City Council Minutes
February 11, 2020

FURTHER, RESOLVED, that this resolution be spread upon the permanent records of the City of Brewer and that copies thereof be distributed to members of his family in testimony to the high esteem held for Tom Greenquist by the citizens and officials of the City of Brewer, Maine.

(This resolve was held until a later date when family for Thomas Greenquist can be present.)

2020-B005

February 11, 2020

TITLE: RESOLVE, RESOLUTION OF RESPECT FOR JORDAN PARKHURST

Filed January 30, 2020
By Soubanh Phanthay

WHEREAS, on the 16th day of November 2019, death brought to a close the young and active life of Jordan “Jordy” Parkhurst of Brewer; and

WHEREAS, Jordan attended Brewer High School and would have been a part of the graduating class of 2020; and

WHEREAS, Jordan was active in sports, participating in football, baseball and golf but his biggest passion was hockey; and

WHEREAS, Jordan was a compassionate and fun-loving individual who had a strong vibrant personality and a strong love for his family, cousins and friends.

NOW THEREFORE BE IT RESOLVED, that the Brewer City Council does by this resolution and public pronouncement, recognize the positive influence of Jordan “Jordy” Parkhurst to the well-being of the community in which he lived and earned the respect of all who knew him; and

FURTHER, RESOLVED, that this resolution be spread upon the permanent records of the City of Brewer and that copies thereof be distributed to members of his family in testimony to the high esteem held for Jordan “Jordy” Parkhurst by the citizens and officials of the City of Brewer, Maine.

(This resolve was held until a later date when family for Jordan Parkhurst can be present.)

2020-B006

February 11, 2020

TITLE: RESOLVE, RECOGNIZE DORIAN PILLSBURY FOR HIS EFFORTS TO HELP HIS COMMUNITY

Filed January 30, 2020
By Michele Daniels

City Council Minutes
February 11, 2020

WHEREAS, Dorian Pillsbury, a student at the Brewer Community School, saw a need among his fellow classmates and decided he wanted to help; and

WHEREAS, with approximately 47,000 kids confronting food insecurity in Maine, Dorian wanted to be a part of the solution to this problem. He raised money to provide snacks to classrooms locally as well as schools in surrounding communities; and

WHEREAS, to raise the funds needed to purchase the snacks, Dorian has teamed up with a local vendor to create “D-Max Power Juice” specially scented candles to sell.

NOW THEREFORE BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of Brewer, herewith commends Dorian Pillsbury for his efforts in providing snacks for needy students in his community; and

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

ACTION: Councilor Daniels moved that the resolve be adopted. The motion was seconded.

Councilor Daniels moved that the resolve be amended by complete substitution. The motion was seconded and passed unanimously.

Councilor Daniels read the resolve into the record and presented the resolution to Dorian.

Councilor Ferris welcomed Dr. Liberatore and his family and commended Dorian on his efforts. Councilor Morelli stated that children are often a reflection of their families and Councilor Morelli believes if he lives long enough, he will be working for Dorian Pillsbury. Councilor Phanthay congratulated the family and stated that the community involvement is definitely a family trait and commends the family for their involvement and raising their children in that way. Mayor Goss agrees and congratulated the family for raising such a thoughtful child but believes that Dorian has a mind of his own and Mayor Goss is excited to see Dorian grow up and what he accomplishes.

The motion passed unanimously.

Swearing in Ceremony: Brewer Police Patrol Officer Quinci Stewart.

The City Clerk swore in Patrol Officer Quinci Stewart as a new member of the Brewer Police Department. Public Safety Director Jason Moffitt gave a little background information on the new officer and welcomed her to Brewer.

Presentation of the FY2019 Audit Report

City Council Minutes
February 11, 2020

City of Brewer
Finance Department



Karen M. Fussell
Director

M E M O R A N D U M

TO: Steve Bost
FROM: Karen Fussell
DATE: February 7, 2020
SUBJECT: FY2019 Audit Report

Runyon Kersteen Ouellette (RKO) has completed its audit of Brewer's financial statements for the fiscal year ending June 30, 2019. This memo provides select highlights from that review.

GENERAL FINANCIAL HEALTH OF THE CITY

The City remains in sound financial condition. At June 30, 2019, Brewer's total fund balance, which is the difference between its assets and liabilities, stood at \$6.33 million. Although the City and School together budgeted to use almost \$1.8 million in fund balance in FY19, Brewer actually added just over \$266,500 to its fund balance as a result of lower expenditures and higher revenues than budgeted (see Audit Exhibit A-2).

FUND BALANCE SUMMARY	FY2015	FY2016	FY2017	FY2018	FY2019	FY19 v. FY18
						Incr/(Decr)
Nonspendable (prepaid exp.)	225,560	228,124	230,010	233,330	231,764	(1,566)
Restricted (School Dept.)	609,076	354,969	323,253	203,981	127,277	(76,704)
Assigned	1,101,579	1,090,406	1,359,555	1,255,364	1,241,224	(14,140)
Unassigned (Municipal)	3,727,599	4,256,816	4,361,561	4,455,661	4,734,577	278,916
TOTAL FUND BALANCE	5,663,814	5,930,315	6,274,379	6,148,336	6,334,842	186,506

Source: Audit Exhibit A-1

Governmental accounting standards classify fund balance into four categories as shown above. The Unassigned (municipal) component of fund balance, in particular, is seen as a key indicator of an organization's overall fiscal health. I am pleased to say that Brewer ended FY2019 with a municipal unassigned fund balance of \$4,734,577, which represents an increase of just over \$275,000 from last year, or 6.3%.

UNDESIGNATED FUND BALANCE GOAL

The desired minimum goal of a total unassigned fund balance for Brewer's type of economic community is between 1 and 2 months (8.3% - 16.7%) of operating expenses. Many financial experts—including credit rating agencies like Standard and Poor's—like to see communities at the higher end of that range, particularly in light of the changing economic landscape and financial challenges of the last decade.

City Council Minutes

February 11, 2020

That said, one of the primary functions of fund balance is to provide stability in times of economic fluctuation. The City, for example, increased its use of fund balance for a number of years during the recession to help stabilize the mill rate. It is expected that fund balance levels and the metrics associated with them will fall in difficult economic times. The important indicator is the City's commitment to rebuilding its fund balance as economic conditions allow.

For the last six years, the City has slowly, but consistently, added to its municipal Unassigned fund balance. At June 30, 2019, the Unassigned portion of Brewer's fund balance was \$4,734,577, or 12.8% of the \$37,082,306 in total budgeted operating expenditures (Audit p. 72). This is equivalent to approximately 1 month and 17 days of operating expenses, an increase of three days from last year. While this level is above the baseline one-month standard, it would serve Brewer's long-term financial health to continue to work toward the goal of two months' worth of operating expenses.

The School has included relatively high levels of fund balance in its recent budgets, including FY2019 and FY2020. In FY2019, as seen in the table above, it did have to use just over \$76,000 of this fund balance to support its budget, bringing its balance to \$127,277. Decreasing levels of fund balance limit future budget flexibility. As such, the School should make reducing its reliance on fund balance a goal in its coming budgets.

MANAGEMENT LETTER

The management letter is an opportunity for the audit firm to discuss issues identified during fieldwork that do not rise to the level of a formal audit comment or finding, but that, if responded to, could further improve the City's overall fiscal health. The three recommendations RKO provided are summarized below in italics followed by the City's and/or the School's response.

1. Use of Gift Cards

During our testing of City payroll controls, we noted the disbursement of \$25 gift cards as wellness incentives to employees. Purchasing gift cards creates additional risks for abuse, as it is difficult to track funds once cards have been purchased. We suggest creating a form and having the ultimate recipient verify the receipt of the gift card to minimize the risk of abuse.

The City's Wellness Committee maintains a log of all gift cards it purchases and has developed a form that it requires recipients to sign acknowledging receipt of the card and its taxability. A copy of the form is provided to the Finance Department for payroll tax purposes.

2. Brewer High School Student Activity Funds

During our testing of internal controls over cash receipts at the High School, we found three instances out of a sample selection of forty items, in which cash was not deposited within two weeks. In total, these three deposits represented \$1,596. We suggest that all cash and checks be deposited within two weeks to minimize the risk of fraud, misuse, or error.

The School Department agrees that all cash receipts should be deposited in a timely fashion. It will facilitate this process by providing clear, written communication regarding the timing of deposits to all activity fund advisors and administrators that oversee these funds. It will also address proper procedures for vacation periods when staff are not in the building full time.

3. Upcoming Governmental Accounting Standards Board Pronouncements

The Governmental Accounting Standards Board (GASB) has recently released several new pronouncements that reshape certain accounting practices within the governmental field. Two pronouncements that are of particular significance are GASB Statement No. 84, Fiduciary Activities and

City Council Minutes

February 11, 2020

GASB Statement No. 87 Leases GASB Statement No. 84, Fiduciary Activities, redefines the criteria for identifying fiduciary activities for state and local governments. The new criteria focuses on control of assets for fiduciary activities and who are the beneficiaries of the assets. Under the new criteria, there will be some changes in how these fiduciary relationships are reported. As such, the City and School should evaluate current fiduciary relationships under the new criteria in order to determine the proper method of accounting and reporting under the new pronouncements. GASB Statement No. 84, Fiduciary Activities will be effective for the fiscal year ending June 30, 2020. GASB Statement No. 87, Leases, establishes a single model for lease accounting for state and local governments. Under the new model, all leases will be required to be recognized in the Statement of Net Position; there is no longer a distinction between operating and capital leases. Instead, all leases will be represented on the Statement of Net Position by a right to use asset and a lease liability. GASB Statement No. 87, Leases, also sets new standards for note disclosure in order to provide more meaningful information to the users of the financial statements. To assist in implementing the requirements of GASB No. 87, Leases, the City and School should assess all current leasing arrangements and begin accumulating the necessary data to facilitate the calculations required. GASB Statement No. 87, Leases, will be effective for the fiscal year ending June 30, 2021.

School Department -- Fiduciary Activities - The School will review each activity fund, establishing its purpose and determining the appropriateness of its current classification. Funds that are found to be true student led activities will remain in the activity fund. Funds that do not meet the criteria will be moved to the Munis system for proper reporting.

School Department -- Leases - The School Department currently only has capital leases. Vehicles, copiers, and floor cleaning equipment leases are all lease to buy options at this time. We will continue to maintain the necessary data required to complete the required calculations.

City – Fiduciary Activities and Leases – Over the coming year, the City will review its leases and financial relationships to determine whether any of its current arrangements is subject to the new GASB 84 and 87 pronouncements and, if so, take the necessary steps to properly account for and record them in future financial statements.

Respectfully submitted,

Karen M. Fussell

City Council Minutes
February 11, 2020

C. Consent Calendar

2020-A012

February 11, 2020

TITLE: ORDER; AUTHORIZE AGREEMENTS WITH THE MDOT, AND FUNDING, FOR TRAFFIC SIGNAL IMPROVEMENTS AT THE INTERSECTION OF WILSON STREET AND DIRIGO DRIVE

Filed January 22, 2020
By Thomas Morelli

WHEREAS, a BACTS funded project has been approved for traffic signal equipment improvements to be installed at the intersection of Wilson Street and Dirigo Drive at an estimated total cost of \$190,000; and

WHEREAS, the City of Brewer has a 10% cost share for all federally funded BACTS projects; and

WHEREAS, the work is scheduled to be bid by the MDOT this spring and completed this summer.

NOW THEREFORE BE IT ORDERED, that the Brewer City Council herewith authorizes the City Manager, or his designee, to execute all necessary agreements with BACTS and the Maine Department of Transportation (MDOT) for the completion of MDOT project WIN # 23575.00 for the installation of Traffic Signal Improvements at the intersection of Wilson Street and Dirigo Drive; and

BE IT FURTHER ORDERED, that the Finance Director shall include a line item in the FY 2021 CIP in the amount of \$25,000 to cover the City's anticipated 10% cost share for this project (including contingency).

Statement of Fact

This order authorizes funding and formal agreements for a BACTS sponsored project for traffic signal improvements at the intersection of Wilson Street and Dirigo Drive. The project is scheduled to be completed this summer.

2020-A013

February 11, 2020

TITLE: ORDER, DECLARE CITY PROPERTY SURPLUS AND AUTHORIZE SALE OF SURPLUS MATERIALS

Filed January 28, 2020
By Michele Daniels

WHEREAS, unit #444, the 1980 aluminum tanker trailer has been identified as no longer useful to the City; and

City Council Minutes
February 11, 2020

WHEREAS, it is now in need of major repairs before it would be safe for use again.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council declares Public Works unit #444 surplus equipment; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to sell and finalize all sales, or dispose of said surplus property by means that would be in the best interest of the City of Brewer; and

BE IT FURTHER ORDERED, that the funds received from the sale of the above-mentioned items be receipted to the City's Sale of Asset account (0106904-300410).

Statement of Fact

The tanker trailer was purchased to haul leachate from the Brewer landfill to the Waste Water Treatment facility. The leachate is now being pumped directly into the City's sewer system and no longer needs to be hauled by tank. It is in disrepair, and needs to be properly disposed of.

2020-A014

February 11, 2020

TITLE: ORDER, TAX RELEASE DEED, MAP 21, LOT 85, 74 SOUTH BREWER DRIVE

Filed January 28, 2020
By Soubanh Phanthay

BE IT ORDERED THAT a municipal Release Deed be issued to **Second Chance Holdings LLC, successor Sallie M. Morancie** of Brewer, County of Penobscot, releasing to him all interest that the City of Brewer may have acquired by virtue of tax and sewer liens on their property; and

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

Statement of Fact

A total of \$15,772.66 was collected, \$13,791.38 in real estate taxes and UB, along with \$1,469.48 in interest and \$511.80 in costs.

RELEASE DEED
Second Chance Holdings LLC

City of Brewer, a body politic located in the County of Penobscot, State of Maine, for consideration paid, **releases to Second Chance Holdings LLC, successor of Sallie M. Morancie against whom taxes were assessed**, of Brewer, County of PENOBSCOT, State of Maine, the land in Brewer, County of Penobscot, State of Maine as follows:

City Council Minutes

February 11, 2020

Map 21, Lot 85 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 Mortgage:

Volume	Page
	14532 149
	14857 308
	14457 337
	14631 246
	14779 137

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 18 day of February AD 2020

WITNESS:

CITY OF BREWER

Stephen Bost
City Manager
Duly authorized

STATE OF MAINE

PENOBSCOT, ss

DATE, February 18, 2020

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

2020-A015

February 11, 2020

TITLE: ORDER, TAX RELEASE DEED, MAP 40, LOT 150, 64 PARKWAY
NORTH

Filed February 3, 2020
By Joseph L. Ferris

City Council Minutes

February 11, 2020

BE IT ORDERED, that a municipal Release Deed be issued to **Jonathan C. Coutts Personal Representative Estate of Laureen M. Churchill-Coutts** of Brewer, County of Penobscot, releasing to him all interest that the City of Brewer may have acquired by virtue of tax and sewer liens on their property; and

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

Statement of Fact

A total of \$24,297.71 was collected, \$22,234.31 in real estate taxes and UB, along with \$1638.86 in interest and \$424.54 in costs.

RELEASE DEED

Jonathan C. Coutts Personal Representative Estate of Laureen M. Churchill-Coutts

City of Brewer, a body politic located in the County of Penobscot, State of Maine, for consideration paid, **releases to Jonathan C. Coutts Personal Representative of the Estate of Laureen M. Churchill-Coutts,** **against whom taxes were assessed,** of Brewer, County of PENOBSOT, State of Maine, the land in Brewer, County of Penobscot, State of Maine as follows:

Map 40, Lot 150 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 Mortgages:

Volume	Page		
		13887	168
		14191	106
		14532	217
		14858	29

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 18 day of February AD 2020

WITNESS:

CITY OF BREWER

Stephen Bost
City Manager
Duly authorized

City Council Minutes
February 11, 2020

STATE OF MAINE

PENOBSCOT, ss

DATE, February 18, 2020

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

2020-A016

February 11, 2020

TITLE: ORDER, AUTHORIZE THE CITY MANAGER TO EXECUTE A
MUNICIPAL/STATE AGREEMENT WITH THE MDOT FOR
THE RIVERWALK TRAIL - PHASE 3 PROJECT

Filed February 3, 2020
By Thomas Morelli

WHEREAS; the MDOT's current work plan includes WIN 24773 (Brewer Riverwalk – Phase 3) with an estimated total cost of \$493,000; and

WHEREAS; the City of Brewer will have a 20% cost share requirement for this project, consistent with prior Phases 1 and 2 of the Riverwalk Trail.

NOW THEREFORE BE IT ORDERED, that the Brewer City Council herewith authorizes the City Manager, or his designee, to execute a Municipal/State agreement, and any other necessary agreements, with the Maine Department of Transportation for the completion of the Riverwalk Trail Phase 3 Project (MDOT WIN 24773); and

BE IT FURTHER ORDERED, that the Brewer City Council herewith authorizes an expenditure not to exceed \$100,000 for the City's 20% cost share for this project, said expenditure to be itemized in the FY 2021 CIP under account number 0510121-551102-57021.

Statement of Fact

This order authorizes funding up to \$100,000 for the Riverwalk - Phase 3 project and authorizes the City Manager to sign the necessary agreements with the MDOT.

2020-A017

February 11, 2020

TITLE: ORDER, ACCEPT WELLNESS FUNDS FROM MAINE MUNICIPAL

City Council Minutes
February 11, 2020

EMPLOYEES HEALTH TRUST

Filed February 5, 2020
By Michele Daniels

WHEREAS, the City is eligible to receive up to \$5,100.00 from the Maine Municipal Employees Health Trust to support wellness initiatives and expenses in CY2020; and

WHEREAS, the City's Wellness Committee is in the process of planning wellness programs for this coming year.

NOW THEREFORE BE IT ORDERED, that the Brewer City Council hereby accepts the up to \$5,100.00 in wellness funds and directs that they be deposited into the City's CY2020 Wellness Grant Revenue account (0600501-360000-53021); and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of the wellness funds from the CY2020 Wellness Expense account (0600501-560000-53021) to promote the health and wellness of City employees.

Statement of Fact

This order accepts up to \$5,100 from the Maine Municipal Employees Health Trust to be used in calendar year 2020 to support City health and wellness initiatives and expenses.

2020-A018

February 11, 2020

TITLE: ORDER, AUTHORIZE AMENDMENTS TO THE
BACTS/MUNICIPAL/STATE AGREEMENTS FOR THE
RESURFACING OF A PORTION OF SOUTH MAIN STREET
(MDOT WIN 22410)

Filed February 5, 2020
By Soubanh Phanthay

WHEREAS, on February 12, 2019 the City Council approved order 2019-A009 authorizing the City Manager to execute an agreement with the MDOT for the resurfacing of a portion of South Main Street (MDOT WIN 22410); and

WHEREAS, after bids came in significantly higher than anticipated, on May 14, 2019 the City Council approved order 2019-A056 authorizing amendments to the agreement that included re-bidding the project and the approval up to \$100,000 to meet the City's required 10% local share toward the project; and

WHEREAS, the second round of bids again exceeded expectations, but BACTS has appropriated the additional funds to cover its share; and

City Council Minutes

February 11, 2020

WHEREAS, the City has funds available in its CIP Unallocated account to cover its estimated \$20,000 share of these additional costs;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign amended BACT/Municipal/State Agreements for MDOT WIN 22410 as necessary authorizing a City share of up to a maximum of \$120,000 with all other conditions of the original Council Order and Municipal/State Agreement to remain as originally authorized and agreed; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of up to \$20,000 from CIP Unallocated Reserve (0510140-551090) to South Main paving-- City 10% Share (0510113-551392) to cover the increased local share cost for this project.

Statement of Fact

This order is required to authorize additional funding for the City's 10% cost share for the MDOT's South Main Street Resurfacing project due to the fact that the project is now estimated to cost approximately \$400,000 more than originally estimated.

ACTION: Councilor Daniels moved that the orders on the consent calendar have passage. The motion was seconded and passed unanimously.

D. Monthly Reports

ACTION: Councilor Phanthay moved that the monthly reports from the city departments be accepted and placed on file. The motion was seconded and passed unanimously.

E. Nominations, Appointments, Elections

2020-A019

February 11, 2020

TITLE: ORDER, SET POLLING HOURS FOR MARCH 3, 2020 STATE OF MAINE PRESIDENTIAL PRIMARY, SPECIAL REFERENDUM AND SPECIAL ELECTION

Filed February 5, 2020

By Michele Daniels

WHEREAS, the State of Maine Presidential Primary, the Special Referendum Election and the Special Election for District 128 will be held on Tuesday, March 3, 2020; and

WHEREAS, Title 21-A, M.R.S.A., Section 626(1) provides that the polls must be opened no earlier than 6:00 a.m. and no later than 8:00 a.m. on election day; and

WHEREAS, Title 21-A, M.R.S.A., Section 626(1) further provides that the municipal officers shall determine the time of opening the polls within the time limits of 6:00 a.m. to 8:00 a.m.; and

City Council Minutes
February 11, 2020

WHEREAS, a poll opening time of 7:00 a.m. will, in the judgment of the municipal officers, meet the needs of the municipality for the March 3, 2020 election.

NOW, THEREFORE, BE IT ORDERED, that the municipal officers herewith set the time of 7:00 a.m. for opening the polls and a time of 8:00 p.m. for closing the polls for the March 3, 2020 State of Maine Presidential Primary, the Special Referendum Election and the Special Election for District 128.

ACTION: Councilor Daniels moved that the order have passage. The motion was seconded and passed unanimously.

2020-B007

February 11, 2020

TITLE: RESOLVE, PRESCRIBE REGISTRAR OF VOTERS HOURLY SCHEDULE
FOR THE MARCH 3, 2020 STATE OF MAINE
PRESIDENTIAL PRIMARY, SPECIAL REFERENDUM AND
SPECIAL ELECTION

Filed February 5, 2020
By Soubanh Phanthay

WHEREAS, the State of Maine Presidential Primary, the Special Referendum Election and the Special Election for District 128 will be held on Tuesday, March 3, 2020; and

WHEREAS, Title 21-A M.R.S.A., Section 122 (6)(A)(2) provides in part, that in a municipality with a population of more than 2,500, the Registrar of Voters shall accept registrations on the last 5 business days before election day, during the hours that the city clerk's office is open (8:00 a.m. – 4:00 p.m.) and for 2 hours in the evening between 5:00 p.m. and 9:00 p.m. on at least 3 of these days; and

WHEREAS, the City of Brewer has a population greater than 2,500 according to the 2010 federal census; and

WHEREAS, Title 21-A M.R.S.A., Section 122 (8) provides that the hourly schedule may be changed by the municipal officers according to the needs of the municipality; and

WHEREAS, the Registrar of Voters suggests that the needs of the municipality are sufficiently met with the 8:00 a.m. to 4:00 p.m. daily schedule and with election day voter registration so that it is not necessary for the Registrar of Voters to hold office hours and accept registrations during evening hours between 5:00 p.m. and 9:00 p.m. on at least 3 of the days during the last 5 business day period prior to the election; and

WHEREAS, the municipal officers concur with this assessment by the Registrar of Voters.

NOW, THEREFORE, BE IT RESOLVED, that the municipal officers herewith prescribe the hours of registration as 8:00 a.m. to 4:00 p.m. on the five business days next prior to the State Elections to be held on March 3, 2020.

City Council Minutes
February 11, 2020

ACTION: Councilor Phanthay moved that the order have passage. The motion was seconded and passed unanimously.

F. Unfinished Business

There was none.

G. New Business

There was none.

H. New Items with Leave of Council

There was none.

I. ADJOURN

ACTION: Chairman Goss said he would accept a motion for adjournment. Councilor Ferris moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting was adjourned at 6:32pm.

ADJOURNED, ATTEST: _____ Ronda J. Hogan
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine