

City Council Minutes
Tuesday, November 16, 2021

Regular Meeting & Annual Meeting
City Hall, Arthur C. Verow Council Chambers

Tuesday, November 16, 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 Ferris-present
Councilor Morin-present	Councilor Phanthay-present
Mayor Daniels-present	

Mayor Daniels declared a quorum present. City Manager Stephen Bost and City Solicitor Johnathan 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 and the 2021 Annual Meeting of the City Council of the City of Brewer will be held on Tuesday, November 16, 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	Caron	Sgt.	11/12/21	16:57
Jerry Goss	Caron	Sgt.	11/12/21	15:51
Jenn Morin	Caron	Sgt.	11/12/21	17:15
Soubanh Phanthay	Caron	Sgt.	11/12/21	15:53
Michele Daniels	Caron	Sgt.	11/12/21	15:43

**CITY COUNCIL REGULAR MEETING AND
2021 ANNUAL MEETING
Tuesday, November 16, 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 October 12, 2021 Regular Meeting** (Councilor Ferris)
- B. Awards, Petitions and Public Comments**
 - 1. Public Comments
- C. Consent Calendar**
 - 1. (2021-A112) ORDER Waive foreclosure of certain mobile home properties located in Brewer, Maine. (Councilor Morin)
 - 2. (2021-A113) ORDER Accept donation from Pat's Bike Shop to purchase bike rack for Veterans' Park Fitness Center. (Councilor Phanthay)
 - 3. (2021-A114) ORDER Accept grant from Firehouse Subs. (Councilor Goss)
 - 4. (2021-A115) ORDER Accept funds from MMA's Risk Reduction Grant Program. (Councilor Ferris)
 - 5. (2021-A116) ORDER Waive foreclosure of lien on Map 22, Lot 165, property located in Brewer, Maine. (Councilor Morin)
 - 6. (2021-A117) ORDER Authorize purchase of a new breathing air compressor for the Fire Department. (Councilor Phanthay)
 - 7. (2021-A118) ORDER Accept determination of just compensation for Phase III Riverwalk. (Councilor Goss)
 - 8. (2021-A119) ORDER Award sludge hauling and disposal contract to Malcolm McGraw d/b/a Malcolm McGraw WFT. (Councilor Ferris)
 - 9. (2021-A120) ORDER Award construction contract for Riverview Terrace Pump Station Replacement Project. (Councilor Morin)
 - 10. (2021-A121) ORDER Authorize Water Department's purchase of land in Eddington for the purpose of watershed protection. (Councilor Phanthay)
 - 11. (2021-A122) ORDER Authorize upgrade of SCADA System at the Water Department's Hayes Treatment Plant. (Councilor Goss)
 - 12. (2021-A123) ORDER Authorize funding to separate a stormwater catch basin from the sanitary sewer system. (Councilor Ferris)
- D. Monthly Reports** (Councilor Morin)

City Council Minutes
Tuesday, November 16, 2021

E. Nominations, Appointments, Elections

1. (2021-B031) RESOLVE Declare the results of the November 2, 2021 City of Brewer Annual Municipal Election and State of Maine Referendum Election. (Councilor Phanthay)
2. (2021-B032) RESOLVE Confirm City Clerk's appointment of Ward Clerk. (Councilor Goss)
3. (2021-B033) RESOLVE Accept resignation of Albert Gibson as a member of the City of Brewer Planning Board. (Councilor Ferris)

F. Unfinished Business (None)

G. New Business

1. (2021-C014) ORDER Amend Chapter 19, Entitled "Traffic Code" of the Charter, Codes and Ordinances of the City of Brewer, Article 5, Section 506, Schedule 3. (Councilor Morin)
2. (2021-C015) ORDER Amend Chapter 24, entitled "Land Use Code" of the Charter, Codes and Ordinances of the City of Brewer, Article 4 "Performance Standards", Section 438-B. (Councilor Phanthay)
3. (2021-C016) ORDER Amend Chapter 24, entitled "Land Use Code" of the Charter, Codes and Ordinances of the City of Brewer, to change a portion of Convenience Business (CB) Zoning District to Industrial (IND) Zoning District on South Main Street (Tax Map 51, Lots 1 and 1C). (Councilor Goss)

H. New Items with Leave of Council

I. ADJOURN

IV. Call to Order 2021 Annual Meeting. (City Clerk)

V. Roll Call. (City Clerk)

A. Swearing in of Elected Officials (City Clerk)

1. City Council Members
2. Superintending School Committee
3. Student Representative Member of the School Committee
4. Trustee of the High School District Trustees

B. Election of Mayor (City Clerk)

C. Election of Deputy Mayor (Mayor)

D. Mayor's Remarks

E. Establishment of Committees (Mayor)

1. Committee on Finance
2. Sub-committee for Standing Boards & Committees
3. Council's Liaison to the School Committee
4. Council's Liaison to the Brewer Planning Board
5. Council's Liaison to the Brewer Historical Society
6. Council's Liaison to the Penobscot County Budget Committee
7. Council's Liaison to the Parks & Recreation Committee
8. Council's Liaison and Representative to the Bangor Area Recovery Network

City Council Minutes
Tuesday, November 16, 2021

9. Council's Liaison to the Housing Authority

F. Establishment of Chair and Vice-Chair of the Brewer School Committee (Mayor)

G. New Business

1. (2021-B034) RESOLVE Establish Location for Regular Meetings.
(Councilor Ferris)
2. (2021-B035) RESOLVE Establish Time and Dates of Regular Meetings.
(Councilor Morin)
3. (2021-B036) RESOLVE Adopt Ethical Principles for Excellence in
Government. (Councilor Phanthay)
4. (2021-B037) RESOLVE Adopt 10 Habits of Highly Effective City Councils.
(Councilor Goss)
5. (2021-A124) ORDER Convene in Executive Session Pursuant to Title 1,
M.R.S.A. §405(6)(C) on a development
matter. (Councilor Ferris)

VI. Adjourn 2021 Annual Meeting

A. Minutes of October 12, 2021 Regular Meeting (Councilor Ferris)

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

B. Awards, Petitions and Public Comments

Mayor Daniels called for a moment of silence to observe the passings of former long-time Brewer City Staff Member Ken Locke and Bangor City Councilor Sarah Dubay.

Councilor Goss said that Ken Locke was exceptional. Mayor Daniels said that Ken extraordinarily helpful to her when she was a new councilor, and that he will be missed.

Councilor Goss said Sarah Dubay was like a daughter to him. Councilor Phanthay said that Sarah was a ray of sunshine, a delight to be around, and an asset to our community. Mayor Daniels said that Sarah was a strong leader, and she will be missed.

Public Comments

Marisa Worster of 178 Chamberlain Street expressed concerns about the intersection of Eastern Avenue and Chamberlain Street, stating there have been a number of accidents at the intersection, including an accident last week that could have been deadly. The City Manager advised that he was aware of the accident ratio at the intersection as well as the recent accident, and had heard from a several concerned residents. The City Manager said he had worked with the City Engineer, and had ordered two new stop signs that flash, to be installed at the intersection as soon as they arrive. The City Manager also said that patrols would be stepped up to have a greater presence in the area.

City Council Minutes
Tuesday, November 16, 2021

C. Consent Calendar

2021-A112

November 16, 2021

TITLE: ORDER, WAIVE FORECLOSURE OF CERTAIN MOBILE HOME
PROPERTIES LOCATED IN BREWER, MAINE.

Filed October 13, 2021

By Jenn M. Morin

WHEREAS, on June 17, 2020, after notices were provided in accordance with state law the City of Brewer filed at the Penobscot Registry of Deeds liens against the mobile homes listed below for failure to pay Fiscal Year 2020 (FY20) taxes in full; and

WHEREAS, FY20 taxes on these properties remain unpaid and the statutory foreclosure will take place on December 17, 2021; and

WHEREAS, it is not in the best interest of the City of Brewer to allow the foreclosure of said properties to take place because they all rest on rented land and foreclosure could possibly result in the City being liable for rents and/or other expenses due.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith agrees to waive foreclosure on the properties listed below located in Brewer, Maine for the 2020 tax year and authorizes the Brewer City Treasurer or her designee to sign statutory waivers of foreclosure and record them in Penobscot County Registry of Deeds; and

BE IT FURTHER ORDERED, that the City Treasurer or her designee is authorized to take any and all other actions that may be necessary to carry out the terms and conditions of this order.

MAP	NAME	LOCATION
01000-02539	MATTHEWS PATRICIA E	23 BLACK BEAR ROAD
01000-02540	NADEAU SHARON E	25 BLACK BEAR ROAD
01000-02543	LECLAIR KATRINA	33 BLACK BEAR ROAD
01000-02545	COMER ANN MARIE	4 BLACK BEAR ROAD
01000-02557	SANBORN SCOTT	34 BLACK BEAR ROAD

Statement of Fact: This order waives the automatic foreclosure on five mobile homes that still owe 2020 taxes, because they are located on leased land. This action prevents the City from becoming liable for past due rent and utilities related to these mobile homes' land leases. Waiving foreclosure does not preclude the City from seeking foreclosure on a property at some point in the future.

City Council Minutes
Tuesday, November 16, 2021

2021-A113

November 16, 2021

TITLE: ORDER, ACCEPT DONATION FROM PAT'S BIKE SHOP TO PURCHASE
BIKE RACK FOR VETERANS' PARK FITNESS CENTER.

Filed October 19, 2021
By Soubanh Phanthay

WHEREAS, the City of Brewer has received a donation of \$850 from Pat's Bike Shop for the purchase of a bike rack to be installed at Veterans' Park Fitness Center; and

WHEREAS, the full cost of the bike rack including shipping is \$1,485; and

WHEREAS, the City's Public Works Department estimates that material and supply costs for installation will not exceed \$2,500; and

WHEREAS, costs associated with the bike rack would be Tax Increment Financing (TIF) eligible expenses.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby accepts the donation of \$850 from Pat's Bike Shop and directs that the donation be deposited into the Fitness Park Bike Rack Donation account (0500500-360015-57025); and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of this donation together with up to \$3,135 in TIF Special Revenue funds from the Fitness Park Bike Rack expense account (0510121-551102-57025) to purchase and install this bike rack at Veterans' Park.

Statement of Fact: This order accepts \$850 from Pat's Bike Shop to be used to purchase a bike rack for the Veterans' Park Fitness Center as well as up to \$3,135 in TIF monies to cover shipping costs, site preparation, and installation costs.

2021-A114

November 16, 2021

TITLE: ORDER, ACCEPT GRANT FROM FIREHOUSE SUBS.

Filed October 20, 2021
By Jerry Goss

WHEREAS, the City of Brewer Fire Department has been awarded \$36,508.00 from the Firehouse Subs Public Safety Foundation; and

WHEREAS, the funds are for the purpose of purchasing a Rescue One Connector Boat, Jet

City Council Minutes
Tuesday, November 16, 2021

Motor, Lights and Accessories; and

WHEREAS, no matching funds are required from the City; and

WHEREAS, the rescue boat and equipment will significantly increase water rescue capabilities at the Brewer Fire Department.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, Maine, by vote of its City Council, direct that these funds be deposited into account 0600059 360000 59037 FIREHOUSE SUBS BOAT REVENUE and, further, that expenses be drawn from account 0600059 560000 59037 FIREHOUSE SUBS BOAT EXPENSE.

Statement of Fact: The City of Brewer Fire Department received a \$36,508.00 grant from the Firehouse Subs Public Safety Foundation for the purchase of a Rescue One Connector Boat. No matching funds are required from the City.

2021-A115

November 16, 2021

TITLE: ORDER, ACCEPT FUNDS FROM MMA'S RISK REDUCTION GRANT PROGRAM.

Filed November 1, 2021
By Joseph L. Ferris

WHEREAS, the Brewer Public Works Department has been awarded up to \$3,000 through the Maine Municipal Association's MMA Property & Casualty Pool Risk Reduction Grant Program to defray the cost of purchasing three Wingline Laser Plow Guides; and

WHEREAS, this grant will cover 100% of the City's cost up to \$3,000; and

WHEREAS, any additional funds required will be taken from an existing Public Works 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 0600504-360000-66007 (MMA Grant – Plow Guide Revenue); and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of these grant funds from account 0600504-560000-66007 (MMA Grant – Plow Guide Expense) along with City funds, if needed, which shall come from the Public Works Department expenditure account 0116671-504200.

Statement of Fact: The Brewer Public Works Department has been awarded up to \$3,000 in grant

City Council Minutes
Tuesday, November 16, 2021

funds to offset the cost of purchasing three plow guides for Public Works plow trucks. This order accepts the funds and authorizes their expenditure.

2021-A116

November 16, 2021

TITLE: ORDER, WAIVE FORECLOSURE OF LIEN ON MAP 22 LOT 165 PROPERTY
LOCATED IN BREWER, MAINE.

Filed November 3, 2021
By Jenn M. Morin

WHEREAS, on June 17, 2020, after notices were provided in accordance with state law, the City of Brewer filed at the Penobscot County Registry of Deeds a lien against a one-acre, landlocked property with an assessed value of \$3,000 located between Sedgeunkedunk Stream and the railroad tracks in Brewer, Maine (Tax Map 22, Lot 165) for failure to pay Fiscal Year 2020 (FY20) taxes; and

WHEREAS, FY20 taxes on this property remain unpaid, and the statutory foreclosure will take place on December 17, 2021; and

WHEREAS, the owner of record of this property, Lincoln Paper and Tissue, LLC, is in bankruptcy, and, therefore, it is not in the best interest of the City of Brewer to allow the automatic foreclosure of said property.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith agrees to waive foreclosure on the property listed below located in Brewer, Maine for the 2020 tax year and authorizes the City Treasurer or designee to sign statutory waivers of foreclosure and record them in Penobscot County Registry of Deeds; and

BE IT FURTHER ORDERED, that the Treasurer or designee is authorized to take any and all actions necessary to carry out the terms and conditions of this order.

<u>MAP</u>	<u>NAME</u>	<u>LOCATION</u>
02200-165	LINCOLN PAPER AND TISSUE LLC	SOUTH MAIN STREET

Statement of Fact: This order waives the automatic foreclosure of the lien on a one-acre, landlocked parcel along Sedgeunkedunk Stream valued at \$3,000. The parcel is owned by Lincoln Paper and Tissue, LLC, which has declared bankruptcy. Waiving foreclosure does not preclude the City from seeking foreclosure on the property at some point in the future.

City Council Minutes
Tuesday, November 16, 2021

2021-A117

November 16, 2021

TITLE: ORDER, AUTHORIZE PURCHASE OF A NEW BREATHING AIR
COMPRESSOR FOR THE FIRE DEPARTMENT.

Filed November 3, 2021
By Soubanh Phanthay

WHEREAS, the Brewer City Council previously accepted a \$69,142.86 award from the U.S. Department of Homeland Security Federal Emergency Management Agency Assistance to Firefighters Grant (AFG) program for the purchase of an air compressor to fill Fire Department SCBA (self-contained breathing apparatus) tanks; and

WHEREAS, bids were solicited, received and evaluated for a new breathing air compressor; and

WHEREAS, a bid award committee comprised of the Deputy Chief, Fire Captain, and a Firefighter reviewed each bid and scored them on their technical qualities, understanding of the Fire Department, ability to meet the service requirements, cost, timeliness of delivery, and trade allowance; and

WHEREAS, the committee determined that Industrial Protection Services of South Portland, Maine, provided the City with the best overall bid in the amount of \$43,359; and

WHEREAS, Industrial Protection Services was also the only bidder to provide a supplemental bid that allowed for the purchase of a security cabinet to house and protect this asset; and

WHEREAS, the additional cost of the security cabinet does not exceed the total grant award amount; and

WHEREAS, FEMA has provided authorization for the add-on purchase for the Security Cabinet.

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order for the new breathing air compressor from Industrial Protection Services in an amount of \$43,359 as well as the additional security cabinet in the amount of \$24,696, for a total purchase price of \$68,055.00; and

BE IT FURTHER ORDERED, that this purchase be charged to grant account 0600059-560000-59035 FY20 AFG AIR COMPRSR GRANT EXPENSE.

Statement of Fact: This order authorizes the City to purchase a breathing air compressor from Industrial Protection Services as well as the add-on security cabinet to house this new equipment.

City Council Minutes
Tuesday, November 16, 2021

Evaluations of the bids for Breathing Air Compressor for Brewer Fire

October 2021

Scoring system 1 through 5

5 being the highest score

Evaluator: Captain Mullen

Evaluator: Lt. Randall

Evaluator: D/C Tourtillotte

	Northeast Emergency Apparatus			AVERAGE	
	<i>Capt</i>	<i>LT</i>	<i>D/C</i>		
Technical qualities of the proposed equipment	2	2	3	2.67	
Eval of the bidder's understanding of the Brewer Fire Department	1	1	3		
Ability to meet the service requirements	2	2	2		
Cost	4	4	4		
Timeliness of equipment delivery	4	4	3		
Trade In Allowance	3	2	2		
Total	16	15	17		

	Industrial Protection Services			AVERAGE	
	<i>Capt</i>	<i>LT</i>	<i>D/C</i>		
Technical qualities of the proposed equipment	4	4	4	3.56	
Eval of the bidder's understanding of the Brewer Fire Department	5	5	5		
Ability to meet the service requirements	5	4	5		
Cost	4	4	4		
Timeliness of equipment delivery	3	3	2		
Trade In Allowance	1	1	1		
Total	22	21	21		

	Bergeron Protective Clothing			AVERAGE	
	<i>Capt</i>	<i>LT</i>	<i>D/C</i>		
Technical qualities of the proposed equipment	2	2	3	2.72	
Eval of the bidder's understanding of the Brewer Fire Department	1	2	3		
Ability to meet the service requirements	2	2	2		
Cost	3	4	4		
Timeliness of equipment delivery	4	4	3		
Trade In Allowance	2	2	4		
Total	14	16	19		

City Council Minutes
Tuesday, November 16, 2021

BID FIRE BREATHING AIR COMPRESSOR BID CANVAS				Alternative Bid Options	
Vendor:	Industrial Protection Services	Northeast Emergency Apparatus	Bergeron Protective Clothing	Industrial Protection Services	Industrial Protection Services
(Bid):	(Bid 3)			(Bid 1)	(Bid 2)
Make:	Bauerlegacy 10HP13 CFM	Artic 10 hp 14 CFM	Artic 10 hp 14 CFM	Bauer 10 hp 13 CFM	Bauer 10 hp 13 CFM
Model:	Z/13-E3 CFS 5.5/25 2 cyl fill	c-e4-10-A6-E3C 2 fill	c-e4-10-A6-E3C 2 fill	UN4/13H Unicus 4S	UN4/13H Unicus 4S
Purchase Price:	\$34,459	\$25,935	\$31,075	\$58,581	\$65,802
(4) DOT bottles:	\$1200 ea / \$4800 DOT	\$1364 each \$5456	\$5295 with rack	\$1200 ea / \$4800	(2) ASME \$8024
Trade-In Allowance		\$2000 bottles only	\$4000 all		
Service	AQ:125 Cal:75 An:900	AQ: \$150 \$825 annual	AQ:\$139 Annual: \$395	AQ:125 Cal:75 An:900	AQ:125 Cal:75 An:900
Add-ons:	Included	fill hose: \$8765	Included	FH connector \$1474	FH connector \$1474
		3 cyl fill: \$1266		3 cyl fill included	3 cyl fill included
	Two part system	15HP \$6900 20HP \$8097		Enclosed cabinet	Enclosed cabinet
Warranty:	2- 5 year	2 year	2 year	2 - 5 year	2 - 5 year
Shipping:	\$3,200	\$5,646	\$2,580	\$3,200	\$4,500
Delivery Time:	14 weeks	6 week	4 to 6 weeks	14 weeks	14 weeks
Training:	4 sessions	4 sessions	4 sessions	4 sessions	4 sessions
Final Cost:	\$42,459	\$45,802	\$38,950	\$68,055	\$79,800

City Council Minutes
Tuesday, November 16, 2021

2021-A118

November 16, 2021

TITLE: ORDER, ACCEPT DETERMINATION OF JUST COMPENSATION FOR
PHASE III RIVERWALK.

Filed November 8, 2021
By Jerry Goss

WHEREAS, The City of Brewer will need to acquire permanent and/or temporary rights from the affected property owner in order to construct the Riverwalk Trail Phase 3 Project; and

WHEREAS, the necessary rights were itemized and detailed on Maine Department of Transportation plans entitled WIN 24773.00 Brewer Riverwalk Trail Phase III Right of Way Map, Sheet 19; and

WHEREAS, the City of Brewer hired 2 independent professional appraisers to determine and confirm the fair market value of the various rights to be acquired; and

WHEREAS, the appraisers came up with a value of \$55,000 as just compensation as a minimum offer for the property rights; and

WHEREAS, the next step in the process is to approve this amount as the minimum offer for property rights negotiations.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the City Manager to accept and sign the Just Compensation Worksheet from Quimby Appraisal and Right of Way Services, LLC and any other documents required to complete the property rights acquisitions for Phase III of the Riverwalk:

A. Mona Memorial, LLC – Permanent Drainage Easement, Permanent Construction and Maintenance Easement and Temporary Construction rights.

Statement of Fact: This order authorizes the City Manager to sign the Just Compensation Worksheet provided by Quimby Appraisal Services, hired by the City to appraise the needed property rights for Phase III of the Riverwalk. This is the first step towards completing the negotiations for the needed property rights. Signing this worksheet acknowledges that the minimum offer allowed by Federal regulations will be \$55,000 to the property owner. Negotiations will occur when environmental permitting is completed by MDOT (expected early November 2021). This Order also authorizes the signing of any documents that may become necessary during the process to complete the property rights' acquisitions for Phase III of the Riverwalk.

City Council Minutes
Tuesday, November 16, 2021

2021-A119

November 16, 2021

TITLE: ORDER, AWARD SLUDGE HAULING AND DISPOSAL CONTRACT TO MALCOLM MCGRAW D/B/A MALCOLM MCGRAW WFT.

Filed November 10, 2021
By Joseph L. Ferris

WHEREAS, the current five-year contract with Malcolm McGraw D/B/A Malcolm McGraw WFT for transportation and disposal of dewatered sludge from the City of Brewer Water Pollution Control Facility (BWPCF) expires on December 13, 2021; and

WHEREAS, the City requested proposals to provide a set price for the transportation and disposal of dewatered sludge from BWPCF and received and opened bids on October 29, 2021 from two qualified contractors; and

WHEREAS, Malcom McGraw d/b/a Malcolm McGraw WFT of Levant, Maine, hereinafter referred to as “McGraw”, submitted the lowest bid to haul and dispose the City’s dewatered sludge for the five-year Contract:

	Estimated Cost Per Year
Year 1	\$255,200
Year 2	\$265,408
Year 3	\$275,968
Year 4	\$287,056
Year 5	\$298,496

WHEREAS, McGraw shall be solely responsible for paying, when due at his sole expense, any and all fees charged by the disposal facility for accepting and processing the dewatered sludge from BWPCF.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby accepts the bid of McGraw to transport and dispose of the dewatered sludge from the BWPCF for a period of five (5) years from December 1, 2021 through December 1, 2026 for the Cost Per Load specified above; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is hereby authorized to take any and all actions and to sign any and all documents to carry out this order; and

BE IT FURTHERED ORDERED, that costs associated with the sludge transportation and disposal be charged to the Sludge Disposal account (0817702-501805) in the sewer budget.

City Council Minutes
Tuesday, November 16, 2021

Statement of Fact: This order awards a five-year contract to haul and dispose of the Brewer Water Pollution Control Facility’s sludge to low bidder Malcom McGraw WFT, who has performed this service for the City since 2016.

Other Bid Received:

Casella	
	Estimated Cost Per Year
Year 1	\$321,428
Year 2	*

*Year 1 cost is more than 7% higher than the Year 5 cost bid by McGraw, so future year costs are moot.

2021-A120

November 16, 2021

TITLE: ORDER, AWARD CONSTRUCTION CONTRACT FOR RIVERVIEW
TERRACE PUMP STATION REPLACEMENT PROJECT.

Filed November 10, 2021
By Jenn M. Morin

WHEREAS, request for bids were solicited from contractors for completion of the Riverview Terrace Pump Station Replacement Project, and

WHEREAS, bids were submitted, opened on October 22, 2021 and reviewed by the City’s Environmental Services Department Director and the City’s project engineer Ms. Mandy Olver P.E., Vice President of Olver Associates, and

WHEREAS, the Director of Environmental Services and project engineer recommend the contract for the Riverview Terrace Pump Station Replacement Project be awarded to Penta Corporation, of Moultonboro, NH, based on the lowest acceptable bid of \$688,800.00, subject to approval by U.S.D.A Rural Development; and

WHEREAS, the project will be paid for with Rural Development loan and grant funds, approved by Council in November 2017.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the City Manager to issue a purchase order and sign a contract with Penta Corporation for \$688,800.00 for the Riverview Terrace Pump Station Replacement Project; and

BE IT FURTHER ORDERED, that the cost for this work be charged to account number 0680805-560030 (Riverview Terrace Pump Station Replacement).

Statement of Fact: This order awards to Penta Corporation a \$688,800 construction contract for the Riverview Terrace pump station replacement project. This is the last remaining original pump station

City Council Minutes
Tuesday, November 16, 2021

that was constructed 44 years ago and went on-line with the Brewer Water Pollution Control Facility in February 1975. The pump station is well past its useful life and needs to be replaced.

Bids Accepted:	Penta Corporation	\$688,800.00
	Gordon Contracting	\$1,130,700.00

2021-A121

November 16, 2021

TITLE: ORDER, AUTHORIZE WATER DEPARTMENT'S PURCHASE OF LAND IN
EDDINGTON FOR THE PURPOSE OF WATERSHED PROTECTION.

Filed November 10, 2021
By Soubanh Phanthay

WHEREAS, protection of the watershed is a priority to maintain a healthy viable water source as well as maintain the Brewer Water Department's filtration waiver; and

WHEREAS, the Brewer Water Department wishes to have control over as much property in the watershed as possible at a cost-effective purchase price; and

WHEREAS, the parcel in the name of Gloria T. Andrle Living Trust, Eddington Tax Map 3, Lot 2, has several acres in the watershed in close proximity to the Brewer Water Department's raw water intake.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith grants the City Manager or his designee to complete the sale with the Andrle family for said land at the price of \$10,000 plus legal fees; and

BE IT FURTHER ORDERED, that the costs associated with this purchase be charged to Water CIP account 0571005-575001 (Andrle Land Purchase) and that the funds to purchase the land be taken from the Water Department Watershed Protection reserve account 0700000-110804, which holds fund for watershed easements and land.

Statement of Fact: This order will allow the Water Department to purchase a certain parcel of land which has acreage in the watershed and keep it under the City's control. The total acreage according to the town of Eddington's tax maps is 43.16 acres and the town has it valued at \$38,030 dollars.

2021-A122

November 16, 2021

TITLE: ORDER, AUTHORIZE UPGRADE OF SCADA SYSTEM AT THE WATER
DEPARTMENT'S HAYES TREATMENT PLANT.

Filed November 10, 2021

City Council Minutes
Tuesday, November 16, 2021

By Jerry Goss

WHEREAS, recently completed reviews of Brewer Water's system safety and security have identified the need to upgrade the SCADA (supervisory control and data acquisition) system at the Hayes Treatment Plant; and

WHEREAS, the department's current SCADA contractor, Wright-Pierce, has provided a quote of \$30,000 to purchase, install and configure the necessary equipment which has been reviewed and found reasonable by the City's Technology Director; and

WHEREAS, the City has unanticipated state revenue sharing funds that it could apply toward this project to avoid impact to the water rates.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the appropriation and expenditure of up to \$30,000 from Water CIP account 0571003-573000 for the purpose of contracting with Wright-Pierce to upgrade the SCADA system at the Hayes Treatment Plant; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the transfer of \$30,000 in unanticipated state revenue sharing from City general fund account 0106902-300200 to the Water CIP to support this important improvement; and

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

Statement of Fact: This order authorizes \$30,000 for Wright-Pierce to upgrade the outdated SCADA system at the Water treatment plant to improve security. The order proposes to transfer \$30,000 in unanticipated state revenue sharing from the general fund to the water fund to cover the cost of this purchase.

2021-A123

November 16, 2021

TITLE: ORDER, AUTHORIZE FUNDING TO SEPARATE A STORMWATER CATCH BASIN FROM THE SANITARY SEWER SYSTEM.

Filed November 10, 2021
By Joseph L. Ferris

WHEREAS, the stormwater catch basin in the parking lot of the Brewer Federal Credit Union off of Union Street is still tied to the City's sanitary sewer system and, as such, contributes to excess

City Council Minutes
Tuesday, November 16, 2021

flows in the system during rain events and is suspected of exacerbating overflow issues on the Riverwalk Trail; and

WHEREAS, the City's engineering firm has recommended separating this catch basin from the sewer system and estimated the cost at \$100,000; and

WHEREAS, contractor Lou Silver, who is now performing the sewer improvement work at North Main and Parker Street, provided the City with a quote of \$43,000 to undertake the catch basin separation, a very favorable price since his crew and equipment are already mobilized to the area; and

WHEREAS, between \$24,000 available in sewer capital funds and unanticipated state revenue sharing funds, the City has funding available to cover the \$43,000 quoted plus \$7,000 (15%) in contingency.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the appropriation and expenditure of up to \$50,000 from Sewer CIP account 0581001-581008 for the purpose of contracting with Lou Silver of Veazie, Maine, to complete the separation project described above; and

BE IF FURTHER ORDERED, that \$24,000 of the funding for this project shall come from available sewer capital funds; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the transfer of up to \$26,000 in unanticipated state revenue sharing from City general fund account 0106902-300200 to the Sewer CIP to fund the remainder of the costs; and

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

Statement of Fact: This order authorizes up to \$50,000 for Lou Silver to complete the separation of a stormwater catch basin off of Union Street from the sanitary sewer system. The sewer fund will cover \$24,000 of the cost with the remainder of funding coming from a transfer of up to \$26,000 in unanticipated state revenue sharing from the general fund to the sewer fund.

ACTION: Councilor Morin moved that the orders on the consent calendar have passage. Councilor Goss seconded the motion. The motion passed with a unanimous vote.

D. Monthly Reports

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

City Council Minutes
Tuesday, November 16, 2021

E. Nominations, Appointments, Elections

2021-B031

November 16, 2021

TITLE: RESOLVE, DECLARE THE RESULTS OF THE NOVEMBER 2, 2021 CITY OF BREWER ANNUAL MUNICIPAL ELECTION AND STATE OF MAINE REFERENDUM ELECTION.

Filed November 4, 2021

By Soubanh Phanthay

WHEREAS, the City of Brewer Annual Municipal Election and the State of Maine Referendum Election were held on November 2, 2021; and

WHEREAS, Brewer election officials tabulated the results for the vote in the City of Brewer and the City Clerk has verified these results.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council declares the results for the City of Brewer Annual Municipal Election and the State of Maine Referendum Election as follows:

City Council Minutes
Tuesday, November 16, 2021

STATE OF MAINE RETURN OF VOTES CAST

MUNICIPALITY: BREWER - 1 (1-1)

QUESTION 1: CITIZEN INITIATIVE

1,209 YES

1,125 NO

25 BLANK

QUESTION 2: BOND ISSUE

1,632 YES

705 NO

22 BLANK

QUESTION 3: CONSTITUTIONAL AMENDMENT

1,366 YES

955 NO

38 BLANK

Certified by the Municipal Clerk:
Vincent P. Migliore

Signature of Clerk

11-02-2021

Date

City Council Minutes
Tuesday, November 16, 2021

**CITY OF BREWER, MAINE
RETURN OF VOTES CAST**

At a legal meeting of the inhabitants of consolidated ward one in the City of Brewer, qualified by the Constitution and Laws of the State of Maine to vote for Representatives held on November 2, 2021 the said inhabitants gave in their vote for two members of the City Council for 3-year terms, two members of the School Committee for 3-year terms, and one member of the High School Trustees for a 5-year term and the same were received, sorted, counted, declared and registered in open ward meeting, by the Warden who presided, and in the presence of the Ward Clerk and City Clerk, who formed a list of the whole number of ballots given in, and of the persons voted for, and made a record thereof as follows:

FOR TWO MEMBERS OF THE CITY COUNCIL (3-YEAR TERMS)

Jennifer M. Morin	had	1,575
Jerry Goss	had	1,528

FOR TWO MEMBERS OF THE SCHOOL COMMITTEE (3-YEAR TERMS)

Kevin Forrest	had	1,505
Matthew Damon	had	1,475

FOR HIGH SCHOOL DISTRICT TRUSTEE (5-YEAR TERM)

Janet McIntosh	had	1,246
Timothy Daniels	had	726

Total Ballots Cast: 2,348

A true copy, attest: _____

Vincent P. Migliore
City Clerk, City of Brewer, Maine
November 2, 2021

City Council Minutes
Tuesday, November 16, 2021

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

2021-B032

November 16, 2021

TITLE: RESOLVE, CONFIRM CITY CLERK'S APPOINTMENT OF WARD CLERK.

Filed October 25, 2021

By Jerry Goss

WHEREAS, under Chapter 3 of the City of Brewer Charter, Codes and Ordinances, entitled "City Clerk", Section 103 "Appointments", the City Clerk is authorized to appoint wardens and ward clerks to preside over the City's voting district; and

WHEREAS, such appointments are subject to confirmation by the City Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk appoints Alecia Walker of 138 Chamberlain Street as ward clerk for a two-year term, effective November 17, 2020 and expiring November 14, 2022.

WHEREAS, the City Council concurs with this appointment of the City Clerk.

BE IT FURTHER RESOLVED, that the City Clerk's appointment of ward clerk is herewith confirmed by the City Council.

Statement of Fact: State election laws require that wardens and ward clerks be appointed or reappointed every two years.

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

2021-B033

November 16, 2021

TITLE: RESOLVE, ACCEPT RESIGNATION OF ALBERT GIBSON AS A MEMBER OF THE CITY OF BREWER PLANNING BOARD.

Filed October 28, 2021

By Joseph L. Ferris

WHEREAS, Albert Gibson has submitted a letter of resignation effective October 25, 2021, as a member of the City of Brewer Planning Board; and

City Council Minutes
Tuesday, November 16, 2021

WHEREAS, the Brewer City Council must vote to accept this resignation and declare a vacancy for a member before proceeding to fill the vacancy for the unexpired term of Albert Gibson.

NOW, THEREFORE, BE IT RESOLVED, that the City Council herewith accepts the resignation of Albert Gibson as a member of the City of Brewer Planning Board and declares that a vacancy will exist on the aforementioned board for a member.

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

F. Unfinished Business

There was none

G. New Business

2021-C014

November 16, 2021

TITLE: ORDER, AMEND CHAPTER 19, ENTITLED “TRAFFIC CODE” OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ARTICLE 5, SECTION 506, SCHEDULE 3.

Filed October 18, 2021
By Jenn M. Morin

BE IT ORDAINED, by the Brewer City Council that Chapter 19 of the Charter, Codes, and Ordinances of the City of Brewer entitled “Traffic Code” shall be amended by adding Item (60) to Article 5, Section 506, Schedule 3 as follows:

[\(60\) The intersection of Alan-a-Dale Road and Little John Lane, with vehicular traffic stopping on Alan-a-Dale Road.](#)

Statement of Fact: This item will add a stop sign at the intersection of Alan-a-Dale Road and Little John Lane. Safety concerns in the area were brought to the City’s attention by a resident. The addition of this stop sign should help to address these issues and improve safety.

ACTION: Councilor Morin moved that the amendment be certified and filed with the City Clerk for posting. Councilor Phanthay seconded the motion. The motion passed with a unanimous vote.

2021-C015

November 16, 2021

TITLE: ORDER, AMEND CHAPTER 24, ENTITLED “LAND USE CODE” OF THE

City Council Minutes
Tuesday, November 16, 2021

CHARTER, CODES AND ORDINANCES OF THE CITY OF
BREWER, ARTICLE 4 “PERFORMANCE STANDARDS, SECTION
438-B.

Filed November 8, 2021
By Soubanh Phanthay

BE IT ORDAINED, by the Brewer City Council that Chapter 24, of the Charter, Codes and Ordinances of the City of Brewer, entitled “Land Use Code” shall be amended by revising the following subsections to Article 4:

ARTICLE 4 PERFORMANCE STANDARDS

438 MARIJUANA (#16)(#52)(#55)

No person may establish, operate, or maintain a Medical Marijuana Registered Dispensary, Medical Marijuana Dispensary Cultivation Facility, and/or an Adult-Use Marijuana Establishment without first obtaining a license from the City.

438-B ADULT-USE MARIJUANA (#55)

1. An adult-use marijuana establishment shall be any adult-use marijuana testing facility or adult-use marijuana store. Each of the adult-use marijuana categories stated herein shall only be permitted for their specific use (ie. A store cannot test and a testing facility cannot sell). Adult-use marijuana may not be considered an accessory or ancillary use and shall not be allowed as a home occupation. Adult-use marijuana may not be sold, used, stored, or distributed in any location except as expressly allowed in this Ordinance.
2. Adult-use marijuana establishments shall adhere to the laws of the State of Maine and the State of Maine Rules Governing the Maine Adult-Use Marijuana Program (Title 28-B), as the same may be amended from time to time and to Chapter 20 Licenses and Permits, Article 8-B, of the City of Brewer Charter, Codes and Ordinances, as the same may be amended from time to time.
3. The property for an adult-use marijuana establishment shall be adequate to accommodate sufficient interior space so as not to have customers queuing on sidewalks, parking area, and other areas outside of the building (s).

~~4.—An adult use marijuana establishment shall be the sole use on a single piece of property.~~

4. ~~5.~~ No adult-use marijuana establishment shall be located within the distance listed below of the property line upon which the Establishment is located and the property line of the uses listed below, which is or are in existence when an application for an Adult-Use Marijuana Establishment is made. For the purposes of this section, a preexisting facility, residence, clinic, or establishment shall also include any pending application (ie: that has received at least one substantive review by the City of Brewer reviewing authority):

City Council Minutes
Tuesday, November 16, 2021

- a. Five hundred (500) feet of a pre-existing public or private school,
 - b. Five hundred (500) feet of a pre-existing licensed daycare facility,
 - c. Five hundred (500) feet of a pre-existing methadone clinic,
 - d. One hundred (100) feet of a pre-existing private residence,
 - e. Five hundred (500) feet of a pre-existing Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility.
 - f. Five hundred (500) feet of a pre-existing Medical Marijuana Cultivation and Processing Facility,
 - g. Five hundred (500) feet of a pre-existing Adult-Use Marijuana Establishment.
5. ~~6.~~ Adult-use marijuana establishments shall be located only inside a permanent structure and not within any mobile facility. Adult-use marijuana stores are prohibited from providing home delivery services.
6. ~~7.~~ Adult-use marijuana stores shall only be open for business between the hours of 8:00a.m. and 8:00p.m. daily.
7. ~~8.~~ An adult-use marijuana establishment shall conform to the City of Brewer’s Sign Ordinance. In addition, signage may use an image or images of the marijuana plant as long as they do not exceed 20 % of the sign face, but there shall be no pictorial representations of other marijuana products or paraphernalia associated with the use or distribution of marijuana. There shall be no signage in any window and or door, except for the hours of operation.
8. ~~9.~~ Security measures at an adult-use marijuana establishment shall include the following at a very minimum:
- a. Security surveillance cameras installed and operating twenty-four (24) hours a day, (7) seven days a week to monitor all entrances, along with the interior and exterior of the Establishment, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring on the property;
 - b. Door and window intrusion, robbery and burglary alarm systems with an audible on-site system and Police Department notification components that are professionally monitored and maintained in good working condition, using hard line traditional telephone communications and cellular communications;
 - c. A safe affixed to the building in which it is located that is suitable for the storage of all prepared and/or processed marijuana and cash stored overnight in the Establishment;
 - d. Exterior lighting that illuminates all exterior walls of the licensed Establishment and
 - e. Deadbolt locks on all exterior doors and locks or bars on any other access point.
- All security recordings shall be preserved for thirty (30) days by the management of the licensed Establishment.
9. ~~10.~~ The use of marijuana or any marijuana product is not permitted within the building or outside of the building on the parcel of land.
10. ~~11.~~ There shall be posted in a conspicuous location inside each adult-use marijuana establishment, at least one legible sign containing the following information:

City Council Minutes
Tuesday, November 16, 2021

“Adult use of or on-site consumption of marijuana is illegal; Open and public consumption of marijuana in the State of Maine is illegal; The use of marijuana or marijuana products may impair a person’s ability to drive a car or operate machinery; No one under the age of twenty-one (21) allowed; Loitering prohibited.”

11. ~~12.~~ The outdoor storage of any merchandise, plants, or other marijuana-related materials is not allowed.
12. ~~13.~~ Visibility of activities; control of emissions; disposal plan for an adult-use marijuana establishment shall be as follows:
 - a. All activities of adult-use marijuana establishments, including, without limitation, cultivating, growing, processing, displaying, selling and storage shall be conducted indoors.
 - b. No marijuana or paraphernalia shall be displayed so as to be visible from outside the building (s).
 - c. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting an Establishment must be provided at all times. Sufficient measures shall be provided for the proper disposal of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable state and local laws and regulations.
 - d. All adult-use marijuana establishments shall have in place an operation plan for proper disposal of marijuana related byproducts.
 - e. An odor control plan shall be submitted as part of the site plan review application describing the odor(s) anticipated to originate at the premises and the methods to be used to prevent such odor(s) from leaving the premises. City enforcement actions will be taken if marijuana odors are detected outside of the building.

If the CEO detects marijuana odors outside of the building and/or the operator indicates that the odor management provisions required for the facility are not being followed, the CEO shall provide a written warning to the operator and/or landowner with instructions to comply with the standards within 10 business days, and to inform the CEO of efforts or completion within that time. The CEO may use electronic meters or devices to measure and quantify the issue for comparative and/or enforcement purposes.

If odors persist and/or the issues are not resolved after the ten-day period described above, the CEO shall provide a written notice of violation with the requirement that the odors and/or issues be brought into compliance within 10 business days.

If the operator and/or landowner fail to bring the facility into compliance within 30 calendar days of the written notice of violation, the CEO will refer the matter to the City Solicitor for prosecution. In addition to penalties and costs recoverable under this Ordinance for violations, the City may suspend or revoke other approvals including, without limitation, any licenses or Certificate of Occupancies, and pursue any other remedies available to the City.

13. ~~14.~~ Right of Access, Safety, and Inspections:

City Council Minutes
Tuesday, November 16, 2021

Every adult-use marijuana establishment shall allow Brewer Code Enforcement Officers and Brewer Police Officers to enter the premises at reasonable times for the purpose of checking compliance with all applicable State laws and local ordinances.

14. ~~15.~~ No food products shall be sold, prepared, produced or assembled by an adult-use marijuana establishment except in compliance with all operation and other requirements of state and local law and regulation, including without limitation, food establishment licensing requirements. Any goods containing marijuana for human consumption shall be stored in a secure area.
15. ~~16.~~ An adult-use marijuana establishment shall meet all operating and other requirements of state and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation.

Statement of Fact: This ordinance amendment was requested by the City Council to eliminate the requirement of adult-use marijuana establishments being the sole use on a piece of property. The Planning Board held a public hearing on November 1, 2021 and unanimously made the recommendation to adopt this amendment to Chapter 24 Land Use Code as written.

ACTION: Councilor Phanthay moved that the amendment be certified and filed with the City Clerk for posting. Councilor Goss seconded the motion. The motion passed with a unanimous vote.

2021-C016

November 16, 2021

TITLE: ORDER, AMEND CHAPTER 24, ENTITLED “LAND USE CODE” OF THE CHARTER, CODES AND ORDINANCES, TO CHANGE A PORTION OF CONVENIENCE BUSINESS (CB) ZONING DISTRICT TO INDUSTRIAL (IND) ZONING DISTRICT ON SOUTH MAIN STREET (TAX MAP 51, LOTS 1 AND 1C).

Filed November 8, 2021
By Jerry Goss

BE IT ORDAINED, by the Brewer City Council that Chapter 24, of the Charter, Codes and Ordinances of the City of Brewer, entitled “Land Use Code” shall be amended to change a portion of Convenience Business (CB) zoning district to Industrial (IND) zoning district for the entire properties located on South Main Street currently identified as tax map 51, lots 1 and 1C by moving the zone line with said zone line to follow the centerline of the road right-of-way as appropriate.

Statement of Fact: These two parcels were previously part of the IND zone and were changed to CB in order to assist with funding during the redevelopment of the site. The IND zoning district better reflects the current use by Cianbro. The Planning Board held a public hearing on November 1, 2021 and unanimously made the recommendation to move the zone line so that the land described above is within the Industrial (IND) zoning district.

City Council Minutes
Tuesday, November 16, 2021

ACTION: Councilor Goss moved that the amendment be certified and filed with the City Clerk for posting. Councilor Phanthay seconded the motion. The motion passed with a unanimous vote.

H. New Items with Leave of Council

ACTION: Mayor Daniels introduced Order 2021-A125 “Authorize the Police Department to offer hiring bonuses to attract academy trained officers and fund reserve account to assist with recruitment.” 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 the order. The Council members voted 5 to 0 unanimous consent to take up Order 2021-A125 under suspension of the rules.

2021-A125

November 16, 2021

TITLE: ORDER, AUTHORIZE THE POLICE DEPARTMENT TO OFFER HIRING BONUSES TO ATTRACT ACADEMY TRAINED OFFICERS AND FUND RESERVE ACCOUNT TO ASSIST WITH RECRUITMENT.

Filed November 16, 2021

By Jerry Goss and
Michele Daniels

WHEREAS, the Police Department is facing a critical shortage of Maine Criminal Justice Academy (MCJA) certified officers, with three of the department’s nine patrol positions filled or soon to be filled with staff who have not completed the Academy, which sharply limits the duties they can perform; and

WHEREAS, it will take at least 18 months for the three new employees to complete training and be eligible to perform patrol duties independently without close supervision, it is imperative that the vacancy anticipated in December be filled with a MCJA certified officer to ensure minimum patrol staffing; and

WHEREAS, given national and state trends and the fact that MCJA is not keeping up with demand for training academies, the need for and difficulty in attracting MCJA certified officers is expected to continue for the foreseeable future; and

WHEREAS, to improve the City’s chance of attracting experienced, MCJA certified officers, the Police Department is recommending the City offer a hiring bonus of up to \$20,000 for officers with five or more years of full-time service post MCJA, to be paid in installments over the course of two years; and

WHEREAS, the amount of bonus would decrease proportionally for officers with fewer years of

City Council Minutes
Tuesday, November 16, 2021

post-MCJA experience, in part because the City is mandated by the state to reimburse the community that trained the officer for the expense it incurred up to \$40,600, depending on how recently the officer completed Academy training; and

WHEREAS, the City has a Police Academy Buyout Reserve it established in 2016 to set aside funds to pay any state-mandated training reimbursement expense resulting from a hiring process, and the Police Department is requesting the reserve be expanded in purpose to help pay hiring bonuses as well as costs associated with sending new hires to the Academy for training; and

WHEREAS, the recommendation is to rename the reserve the Police Officer Academy Cost and Recruitment Reserve and to supplement its current \$11,950 balance by \$100,000; and

WHEREAS, the City has \$100,000 in unanticipated state revenue sharing funds that could be used to fund the reserve account.

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the transfer of \$100,000 in unanticipated state revenue sharing from account 0106902-300200 to the renamed Police Officer Academy Cost and Recruitment Reserve 0200000-300893-58035; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of these funds, as needed, from the Police Department's salary accounts and/or the Academy Reimbursement Cost account 0115811-500861 to promote recruitment through the paying of hiring bonuses to MCJA certified officers as long as they meet defined experience and retention criteria and to pay costs associated with Academy training.

Statement of Fact: Hiring an Academy trained officer for the Police Patrol vacancy anticipated in early December is imperative since a significant percentage (33%) of current patrol positions are filled (or anticipated to be filled) with untrained officers. Furthermore, the need for and challenge in attracting Academy certified officers is expected to continue for the foreseeable future. This order authorizes the funding and payment of hiring bonuses up to \$20,000 for Academy trained officers with five or more years of experience, to be paid over two years. It also authorizes, as needed, the funding and payment of up to \$40,600 in state-mandated training reimbursement to the community that trained the officer. The existing Police Academy Buyout Reserve would be renamed the Police Officer Academy Cost and Recruitment Reserve and its funding supplemented with \$100,000 in unanticipated state revenue sharing.

City Council Minutes
Tuesday, November 16, 2021

Yrs of Exp Post MCJA	Hiring Bonus*	Academy Reimbursement**	Total City Cost
5 +	\$20,000	\$0	\$20,000
4	\$15,000	\$8,120	\$23,120
3	\$10,000	\$16,240	\$26,240
2	\$5,000	\$24,360	\$29,360
1	\$2,500	\$32,480	\$34,980
0	\$0	\$40,600	\$40,600

* To be paid in installments over two years.

**Fixed reimbursement rate schedule set by State.

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

I. ADJOURN

ACTION: Councilor Ferris moved that the meeting be adjourned. Councilor Goss seconded the motion. The motion passed with a unanimous vote. The meeting was adjourned at 6:13pm.

ADJOURNED, ATTEST: _____ Vincent P. Migliore
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine

The 2021 annual meeting was called to order by the City Clerk at 6:13pm. The City Clerk called the roll:

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

Councilor Ferris-present
Councilor Phanthay-present

The City Clerk declared a quorum present. City Manager Stephen Bost and City Solicitor Jonathan Pottle were also present.

A. Swearing in of Elected Officials

The City Clerk swore in Jenn Morin and Jerry Goss as members of the City Council of the City of Brewer for three-year terms.

The City Clerk swore in Kevin Forrest and Matthew Damon as members of the Brewer Superintending School Committee, for three-year terms.

City Council Minutes
Tuesday, November 16, 2021

The City Clerk swore in Lindsey Baker as Student Representative Member of the School Committee.

Shane Boyes, Chairman of the Superintending School Committee presented outgoing School Committee Member Mark Farley with a plaque honoring his sixteen years of service.

The City Clerk noted that in advance of the meeting, he had met with Janet McIntosh and swore her in as a Trustee of the Brewer High School District Trustees.

B. Election of Mayor

The City Clerk heard nominations for a City Council Member to serve as City Mayor for the upcoming year. Councilor Ferris nominated Michele Daniels for Mayor. Nominations ceased. Michele Daniels was elected Mayor by unanimous vote. The City Clerk swore in Michele Daniels as City Mayor. The City Clerk turned the proceedings over to Mayor Daniels.

C. Election of Deputy Mayor

Mayor Daniels heard nominations for a City Council Member to serve as Deputy Mayor for the upcoming year. Councilor Morin nominated Soubanh Phanthay for Deputy Mayor. Nominations ceased. Soubanh Phanthay was elected Deputy Mayor by unanimous vote. The City Clerk swore in Soubanh Phanthay as Deputy Mayor.

D. Mayor's Remarks

In her remarks, Mayor Daniels noted the difference in circumstances from her election last year. Mayor Daniels expressed thankfulness for the Council, noting that where she lacks something often another council member is strong in that area. Mayor Daniels thanked the City Staff for their tireless efforts, noting the work of the City Manager, the Finance Director, and the City Clerk. Mayor Daniels thanked her family for their continuous support. Mayor Daniels expressed the Council's concern for overcrowding at the Penobscot County Jail. Mayor Daniels noted issues around the matter, but said that law enforcement must have the capacity to put people in jail that need to be in jail. Mayor Daniels said that Councilor Goss led the charge when similar circumstances arose with the jail almost a decade ago, and reaffirmed that the Council is committed to not letting the issue drop. In summary, Mayor Daniels said that the Council will keep the City moving forward at the same pace in the upcoming year.

E. Establishment of Committees

Mayor Daniels made the following committee appointments for the upcoming year:

- All City Councilors appointed to the Committee on Finance.
- Mayor Daniels and Councilor Morin appointed to serve as sub-committee to interview candidates for standing boards and committees.
- Councilor Ferris and Councilor Morin appointed as liaisons to the School Committee.

City Council Minutes
Tuesday, November 16, 2021

- Councilor Phanthay and Mayor Daniels appointed as Council liaisons to the Brewer Planning Board.
- Mayor Daniels and Councilor Goss appointed as the Council's liaisons to the Brewer Historical Society.
- Mayor Daniels appointed as the Council's liaison to the Penobscot County Budget Committee.
- Councilor Morin appointed as the Council's liaison to the Parks and Recreation Committee.
- Councilor Goss appointed as the Council's liaison and representative to the Bangor Area Recovery Network.
- Councilor Goss appointed as the Council's liaison and representative to the Housing Authority.

F. Establishment of Chair and Vice-Chair of the Brewer School Committee

Mayor Daniels announced that Shane Boyes had been elected Chairman of the Brewer School Committee, and that Kevin Forrest had been elected Vice-Chairman.

G. New Business

2021-B034

November 16, 2021

TITLE: RESOLVE, ESTABLISH LOCATION FOR REGULAR MEETINGS.

Filed November 9, 2021
By Joseph L. Ferris

WHEREAS, the Charter of the City of Brewer requires that the City Council establish a place for holding its regular meetings.

NOW, THEREFORE, BE IT RESOLVED, that for and during the year from November 16, 2021 and including November 15, 2022, the place for holding regular meetings of the City Council will be established as the Arthur C. Verow Council Chambers in Brewer City Hall, 80 North Main Street, Brewer, Maine.

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

2021-B035

November 16, 2021

TITLE: RESOLVE, ESTABLISH TIME AND DATES OF REGULAR MEETINGS.

Filed November 9, 2021
By Jenn M. Morin

City Council Minutes
Tuesday, November 16, 2021

WHEREAS, the Charter of the City of Brewer provides that a regular meeting of the City Council shall be held at least once per month.

NOW, THEREFORE, BE IT RESOLVED, that for and during the year from November 16, 2021 to and including November 15, 2022 regular meetings of the City Council shall be held at 6:00p.m. on the following dates:

Tuesday	December	14, 2021	6:00 P.M.
Tuesday	January	11, 2022	6:00 P.M.
Tuesday	February	8, 2022	6:00 P.M.
Tuesday	March	8, 2022	6:00 P.M.
Tuesday	April	12, 2022	6:00 P.M.
Tuesday	May	10, 2022	6:00 P.M.
Tuesday	June	14, 2022	6:00 P.M.
Tuesday	July	12, 2022	6:00 P.M.
Tuesday	August	9, 2022	6:00 P.M.
Tuesday	September	13, 2022	6:00 P.M.
Tuesday	October	11, 2022	6:00 P.M.
Tuesday	November	15, 2022	6:00 P.M.

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

2021-B036

November 16, 2021

TITLE: RESOLVE, ADOPT ETHICAL PRINCIPLES FOR EXCELLENCE IN GOVERNMENT.

Filed November 9, 2021
By Soubanh Phanthay

WHEREAS, public service is a public trust and public servants have the obligation to serve the public's interest and to perform and serve with integrity; and

WHEREAS, the many difficult decisions facing public servants involve tough choices between competing claims which involve loyalty to the City, respect for authority, recognition of the policy role of City Council positions, responsiveness to the public's right-to-know and sensitivity to the need for confidentiality when appropriate; and

WHEREAS, an individual's character is measured through the management of one's ego, envy, timidity, ambition and/or craving for personal publicity.

NOW, THEREFORE, BE IT RESOLVED, that the true Brewer public servant:

City Council Minutes
Tuesday, November 16, 2021

- *will not act out of spite, bias, or favoritism;*
- *contributes to a climate of mutual trust and respect;*
- *does not succumb to peer or political pressure;*
- *refuses to let official action be influenced by personal relationships, including those arising from past or prospective employment;*
- *has the courage of his or her convictions;*
- *does not try to shift blame to others;*
- *never forgets that he or she is working for the people – all the people;*

NOW, THEREFORE BE IT RESOLVED, That the members of the Brewer City Council formally adopt and actively pursue the Ethical Principles for Public Servants provided by the “Council for Excellence in Government,” 1992; and

BE IT FURTHER RESOLVED, that copies of this proclamation of ethics be provided to all appointed personnel of the City and the City Manager for dissemination to all employees of the City of Brewer.

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

2021-B037

November 16, 2021

TITLE: RESOLVE, ADOPT 10 HABITS OF HIGHLY EFFECTIVE CITY COUNCILS.

Filed November 9, 2021
By Jerry Goss

WHEREAS, Thomas Cronin, a recognized authority on public policy, has observed hundreds of governing bodies over many years and has identified 10 “habits” of highly effective municipal councils; and

WHEREAS, it is the sense of the Brewer City Council that adopting and observing these 10 “habits” can make the Brewer City Council highly effective and competent in leading the community.

NOW, THEREFORE, BE IT RESOLVED, that the 10 “habits” of Highly Effective Councils, set forth below, are herewith adopted by the Brewer City Council for the 2022 calendar year:

1. Think and Act Strategically
2. Understand and Demonstrate the Elements of Teams and Teamwork
3. Master Small-Group Decision Making
4. Clearly Define Roles and Relationships
5. Establish and Abide by a Council-Staff Partnership
6. Make a Systematic Evaluation of Policy Implementation
7. Allocate Council Time and Energy Appropriately
8. Set Clear Rules and Procedures for Council Meetings

City Council Minutes
Tuesday, November 16, 2021

- 9. Get a Valid Assessment of the Public’s Concerns and An Evaluation of the Council’s Performance
- 10. Practice Continuous Personal Learning and Development as a Leader

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

2021-A124

November 16, 2021

TITLE: ORDER, CONVENE IN EXECUTIVE SESSION PURSUANT TO TITLE 1, M.R.S.A. §405(6)(C) ON A DEVELOPMENT MATTER.

Filed November 8, 2021
By Joseph L. Ferris

BE IT ORDERED, that the Brewer City Council convene in executive session pursuant to Title 1, Maine Revised Statues Annotated, §405(6)(C) on a development matter.

ACTION: Councilor Ferris moved that the order have passage. Councilor Goss seconded the motion. The motion passed with a unanimous vote. Mayor Daniels announced that the Council would recess to go into executive session, and then reconvene to adjourn the annual meeting.

The annual meeting was called back to order by Mayor 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.

VI. Adjourn 2021 Annual Meeting

ACTION: Councilor Goss moved that the meeting be adjourned. Councilor Ferris seconded the motion. The motion passed with a unanimous vote. The meeting was adjourned at 7:37pm.

ADJOURNED, ATTEST: _____ Vincent P. Migliore
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine