

City Council Minutes
Tuesday, January 18, 2022

Regular Meeting
City Hall Council Chambers

Tuesday, January 18, 2022
6:00 p.m.

The regular meeting was called to order by Deputy Mayor Soubanh Phanthay. The city clerk called the roll:

Councilor Goss-present
Councilor Morin-present
Mayor Daniels-absent

Councilor Ferris-absent
Councilor Phanthay-present

Deputy Mayor Phanthay declared a quorum present. City Manager Stephen Bost was also present.

Deputy Mayor Phanthay led members of the council and others present in reciting the pledge of allegiance to the flag of the United States of America.

Deputy Mayor Phanthay read the notice for the regular meeting.

TO: Joseph Ferris, Jerry Goss, Jenn Morin, Soubanh Phanthay, and Michele Daniels; MEMBERS OF THE BREWER CITY COUNCIL. You are hereby notified that a regular meeting of the City Council of the City of Brewer will be held on Tuesday, January 18, 2022 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			01/14/22	
Jerry Goss			01/14/22	
Jenn Morin			01/14/22	
Soubanh Phanthay			01/14/22	
Michele Daniels			01/14/22	

CITY COUNCIL REGULAR MEETING
Tuesday, January 18, 2022 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 December 14, 2021 Special Meeting and Minutes of December 14, 2021 Regular Meeting** (Councilor Goss)
- B. Awards, Petitions and Public Comments**
 - 1. (2022-B001) RESOLVE Resolution to support equitable health care plan for all Maine residents. (Councilor Ferris)
 - 2. Public Comments
- IV. Recess for Public Hearing**
 - 1. Brewer City Council Remote Participation Policy.
- C. Consent Calendar**
 - 1. (2022-A001) ORDER Accept donation to the Brewer Parks and Recreation Department for After School Program. (Councilor Morin)
 - 2. (2022-A002) ORDER Authorize purchase of water meters for the Water Department. (Councilor Phanthay)
 - 3. (2022-A003) ORDER Commit Sewer Assessment to Treasurer for collection. (Councilor Goss)
 - 4. (2022-A004) ORDER Commit Water Assessment to Treasurer for collection. (Councilor Ferris)
 - 5. (2022-A005) ORDER Tax Release Deed, Map 17, Lot 57, land and buildings on 823 North Main Street in Brewer, Maine. (Councilor Morin)
 - 6. (2022-A006) ORDER Tax Release Deed, Map 47, Lot 13, land and buildings on 56 Robin Hood Drive in Brewer, Maine. (Councilor Phanthay)
 - 7. (2022-A007) ORDER Accept donations to the Brewer Fire and Police Departments from Judy Street and Tracey Morales. (Councilor Goss)
 - 8. (2022-A008) ORDER Authorize the purchase of a polyblend polymer feed system from Sullivan Associates for the sludge dewatering process at the Brewer Water Pollution Control Facility. (Councilor Ferris)
 - 9. (2022-A009) ORDER Accept donation from Winterport Boot Shop for emergency support of Brewer residents. (Councilor Morin)
 - 10. (2022-A010) ORDER Authorize increase in support for the Water Department and the Planning Department. (Councilor Phanthay)
 - 11. (2022-A011) ORDER Accept wellness funds from Maine Municipal Employees Health Trust. (Councilor Goss)
 - 12. (2022-A012) ORDER Accept Forest firefighting grant funds. (Councilor Ferris)
 - 13. (2022-B002) RESOLVE Adopt Brewer City Council Remote Participation Policy.

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(Councilor Morin)

- D. Monthly Reports** (Councilor Phanthay)
- E. Nominations, Appointments, Elections** (None)
- F. Unfinished Business** (None)
- G. New Business** (None)
- H. New Items with Leave of Council**
- I. ADJOURN**

- A. Minutes of December 14, 2021 Special Meeting and Minutes of December 14, 2021 Regular Meeting**

ACTION: Councilor Goss moved that the minutes be accepted and placed on file. Councilor Morin seconded the motion. The motion passed with a 3-0 vote.

- B. Awards, Petitions and Public Comments**

2022-B001

January 18, 2022

TITLE: RESOLVE, RESOLUTION TO SUPPORT AN EQUITABLE HEALTH CARE PLAN FOR ALL MAINE RESIDENTS.

Filed December 15, 2021
By Joseph L. Ferris

WHEREAS, every individual in Brewer deserves adequate health care; and

WHEREAS, our current system can be confusing, costly, leaves some of our residents uninsured or subject to high medical bills despite being insured; and

WHEREAS, a system which is simple, straightforward and provides citizens with adequate health care is important; and

WHEREAS, lowering administrative costs and improving accessibility would be beneficial to families and businesses; and

WHEREAS, improving the quality of life for the residents of Brewer by providing the health care they need is desirable.

BE IT RESOLVED, that the City Council of the City of Brewer herewith requests that the Maine Legislature create a health care plan that provides all Maine residents with comprehensive medical care.

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ACTION: Councilor Goss moved that the resolve be adopted. Councilor Morin seconded the motion. The motion passed with a 3-0 vote.

Public Comments

There were none

IV. Recess for Public Hearing

1. Brewer City Council Remote Participation Policy.

Deputy Mayor Phanthay said that the City Council would recess for a public hearing. The public hearing was called to order by Deputy Mayor Phanthay.

The city clerk called the roll:

Councilor Goss-present
Councilor Morin-present
Mayor Daniels-absent

Councilor Ferris-absent
Councilor Phanthay-present

Deputy Mayor Phanthay declared a quorum present. Deputy Mayor Phanthay read the notice for the public hearing:

**CITY OF BREWER
PUBLIC NOTICE**

Notice is hereby given that the Brewer City Council will hold a public hearing on **Tuesday January, 18 2022 at 6:00 p.m. in the Council Chambers at Brewer City Hall located at 80 North Main Street** to consider the following resolve:

Adopt Brewer City Council Remote Participation Policy.

Explanatory note: Due to the ongoing COVID-19 pandemic dynamics and potential need for 'remote' meetings in the near future, this policy authorizes remote participation by the entire Brewer City Council under emergency or urgent conditions.

There were no comments from the public present.

Deputy Mayor Phanthay said that the public hearing was closed and that the City Council would return to the regular meeting to take up the remaining items on the agenda.

C. Consent Calendar

2022-A001

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TITLE: ORDER, ACCEPT DONATION TO THE BREWER PARKS AND RECREATION DEPARTMENT FOR AFTER SCHOOL PROGRAM.

Filed December 17, 2021
By Jenn M. Morin

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$165.00 from the Kiwanis Club of Brewer for support of the Brewer Parks & Recreation After School Program; and

WHEREAS, it is the recommendation and request of the Parks & Recreation Director and the donor that this donation be appropriated and expended to supplement the After School Program's service project of making blankets to be donated to the Bangor Humane Society.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith accepts this donation and directs that the donation be receipted to the After School Program revenue account (0107123-300324); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of this money from the After School Program Expense account (0117121-506100).

Statement of Fact: This order accepts a contribution to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the After School Program's project of making blankets to be donated to the Bangor Humane Society to be used for their facility.

2022-A002

January 18, 2022

TITLE: ORDER, AUTHORIZE PURCHASE OF WATER METERS FOR THE WATER DEPARTMENT.

Filed December 20, 2021
By Soubanh Phanthay

WHEREAS, the Water Department is replacing failed and failing meters and remotes with new meters that meet current Environmental Protection Agency (EPA) lead rules; and

WHEREAS, water meters are a planned item for replacement at the minimum rate of 5.4% yearly and water meter replacement is included in the Water Departments Annual Capital Improvement Program (CIP) budget; and

WHEREAS, the Water Department has selected a vendor to provide water meters based on pricing, quality, customer satisfaction, and ease of use; and

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November 2021	\$763.77	
TOTAL	\$670,015.17	

Statement of Fact: This is a quarterly order.

2022-A005

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TITLE: ORDER, TAX RELEASE DEED, MAP 17, LOT 57, LAND AND BUILDINGS
ON 823 NORTH MAIN STREET IN BREWER, MAINE.

Filed December 29, 2021
By Jenn M. Morin

BE IT ORDERED, that a municipal Release Deed be issued to William S. Champlin of Brewer, County of Penobscot, releasing to him all interest that the City of Brewer may have acquired by virtue of tax liens on his property; and

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

Statement of Fact: This order authorizes the release of the interest in 823 North Main Street that the City acquired by virtue of foreclosed tax lien, which has now been paid in full. A total of \$6,058.18 was collected, \$5,567.98 in taxes along with \$358.80 in interest and \$131.40 in costs.

**RELEASE DEED
William S. Champlin**

City of Brewer, a body politic located in the County of Penobscot, State of Maine, for consideration paid, **releases to William S. Champlin, 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:

Map 17, Lot 57 of the Assessor’s Tax Maps of the
City of Brewer, Maine.

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

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

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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 January AD 2022

WITNESS:

CITY OF BREWER

Stephen Bost
City Manager
Duly authorized

STATE OF MAINE

PENOBSCOT, ss

DATE January 18, 2022

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. McIntyre, Notary Public
My Commission expires December 13, 2023

2022-A006

January 18, 2022

TITLE: ORDER, TAX RELEASE DEED, MAP 47, LOT 13, LAND AND BUILDINGS
ON 56 ROBIN HOOD DRIVE IN BREWER, MAINE.

Filed December 29, 2021
By Soubanh Phanthay

BE IT ORDERED, that a municipal Release Deed be issued to Judith L. Brown of Brewer, County of Penobscot, releasing to her all interest that the City of Brewer may have acquired by virtue of tax liens on her property; and

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

Statement of Fact: This order authorizes the release of the interest in 56 Robin Hood Drive that the City acquired by virtue of foreclosed tax lien, which has now been paid in full. A total of \$9,865.77 was collected, \$5,567.98 in taxes along with \$358.80 in interest and \$131.40 in costs.

RELEASE DEED
Judith L. Brown

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NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council, herewith accepts these generous donations, totaling \$1,000, from Judy Street and Tracey Morales, and directs that the donated funds be receipted to account 0105904-300490 (Fire Misc. Revenues) and 0105804-300490 (Police Misc. Revenues), respectively; and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0115911 502900 (Fire Misc. Supplies and Expenses) and 0115811-502900 (Police Misc. Supplies and Expenses).

Statement of Fact: This order accepts two \$500 contributions and authorizes their expenditure to provide food for Fire Department and Police Department crews while working on duty as requested by the donors.

NOTE: The Brewer Police and Fire Departments send a letter of acknowledgement and appreciation on behalf of the City Council for all contributions received.

2022-A008

January 18, 2022

TITLE: ORDER, AUTHORIZE THE PURCHASE OF A POLYBLEND POLYMER FEED SYSTEM FROM SULLIVAN ASSOCIATES FOR THE SLUDGE DEWATERING PROCESS AT THE BREWER WATER POLLUTION CONTROL FACILITY.

Filed January 5, 2022
By Joseph L. Ferris

WHEREAS, the polymer feed system at the Brewer Water Pollution Control Facility (WPCF) over 20 years old; and

WHEREAS, repairing the current polymer feed system is becoming more routine given the age of the unit; and

WHEREAS, finding compatible replacement parts for the current polymer feed system is becoming difficult given the age of the unit; and

WHEREAS, WPCF received a quote from Sullivan Associates of \$24,650 for a POLYBLEND Polymer Feed System, which is compatible with our current sludge dewatering process.

NOW, THEREFORE, BE IT ORDERED, that the City Manager or his designee, is authorized to sign a purchase order with Sullivan Associates in the amount of \$24,650 for the purchase of a POLYBLEND Polymer Feed System; and

BE IT FURTHER ORDERED, that the Brewer City Council herewith exercises its authority

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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 this piece of equipment; and

BE IT FURTHER ORDERED, that the cost of this purchase shall be charged to account number, 0581003-583021 Reserve Machinery and Equipment.

Statement of Fact: The polymer feed system is a crucial part of the sludge dewatering process. A new polymer feed system will optimize the sludge dewatering process. The more efficient the dewatering process the less the facility will have to pay for sludge disposal.

2022-A009

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TITLE: ORDER, ACCEPT DONATION FROM WINTERPORT BOOT SHOP FOR EMERGENCY SUPPORT OF BREWER RESIDENTS.

Filed January 5, 2022
By Jenn M. Morin

WHEREAS, the City of Brewer has received a donation of \$500 from Winterport Boot Shop in Brewer; and

WHEREAS, the donation is intended to fund emergency support to Brewer residents in need who may not otherwise qualify for assistance.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby accepts the donation of \$500 from Winterport Boot Shop and directs that it be deposited into the Citizen's Emergency Fund revenue account (0600064-360000-64001); and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of this \$500 from the Citizen's Emergency Fund expense account (0600064-560000-64001) to support residents in need.

Statement of Fact: This order accepts \$500 from Winterport Boot Shop to be used to fund emergency support to Brewer residents in need who may not otherwise qualify for assistance.

2022-A010

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TITLE: ORDER, AUTHORIZE INCREASE IN SUPPORT STAFF FOR THE WATER DEPARTMENT AND THE PLANNING DEPARTMENT.

Filed January 5, 2022
By Soubanh Phanthay

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WHEREAS, for almost a decade the Water Department and the Planning Departments have shared an administrative employee to assist with clerical and other support tasks; and

WHEREAS, the arrangement has always been a challenge because the departments require different skills sets and both have more work than can be completed by a part-time position, which has resulted in regular turnover of staff and, each time, difficulty in hiring due to the unique job requirements.

NOW THEREFORE BE IT ORDERED, that the Brewer City Council hereby authorizes the increase of the part-time positions in the Water Department and the Planning Departments to full-time; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the reallocation of up to \$12,850 from the Water Department's Depreciation expense account (0719000-509500) to the necessary Water Department salary and benefits expense accounts to cover the estimated increase resulting from this change; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of \$15,625 in unanticipated state revenue sharing funds (0106902-300200) from the Planning Department salary and benefit accounts (Org 0116780) to fund the cost of this change.

Statement of Fact: This order increases the part-time positions in the Water Department and the Planning Departments to full-time. The Water Department will use already budgeted depreciation funding to cover the additional cost for Fiscal Year 2022, estimated at up to \$12,850. The order appropriates \$15,625 of unanticipated state revenue sharing to support the additional Planning Department expense. If approved, the current employee will move into the full time Planning position, and the Water Department would advertise for a full-time clerk.

2022-A011

January 18, 2022

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

Filed January 12, 2022

By Jerry Goss

WHEREAS, the City of Brewer is eligible to receive up to \$3,560 from the Maine Municipal Employees Health Trust to support wellness initiatives and expenses in Calendar Year 2022 (CY2022); and

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

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NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby accepts up to \$3,560 in wellness funds and directs that they be deposited into the City's CY2022 Wellness Grant Revenue account (0600501-360000-53023); and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of the wellness funds from the CY2022 Wellness Expense account (0600501-560000-53023) to promote the health and wellness of City employees.

Statement of Fact: This order accepts up to \$3,560 from the Maine Municipal Employees Health Trust to be used in calendar year 2022 to support health and wellness initiatives and expenses for City employees.

2022-A012

January 18, 2022

TITLE: ORDER, ACCEPT FOREST FIREFIGHTING GRANT FUNDS.

Filed January 12, 2022
By Joseph L. Ferris

WHEREAS, the City of Brewer Fire Department has been awarded \$1,647.50 in 2022 Volunteer Fire Assistance grant funding from the USDA Forest Service administered by the Maine Forest Service Fire Chief's Forestry Committee; and

WHEREAS, the Fire Department will use the funding to purchase forest firefighting equipment including two portable radios, two 10' lengths of hard suction 4.5 NH, one floating barrel strainer, and 25 gallons of Class A foam; and

WHEREAS, in addition to the grant funds, the Brewer Fire Department will use \$2,259.50 of its own funding to purchase the equipment, for a total cost of \$3,907; and

WHEREAS, the Fire Department's share of costs will come from its Minor Equipment account (0115911-503000).

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council, herewith accepts these grant funds and directs that the funds be deposited in the Fiscal Year 2022 ME Forest Service Grant special revenue account (0600059-360000-59038), and the local cash match will be deposited to Fiscal Year 2022 MFS – Cash Match (0600059-360010-59038); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of the grant funds, along with the City's required share, from the Fiscal Year 2022 ME Forest Service Grant Expense special revenue account (0600059-560000-59038) to purchase the equipment specified above.

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ACTION: Councilor Morin asked to have Resolve 2022-B002 “Adopt Brewer City Council Remote Participation Policy” removed from the Consent Calendar. Councilor Morin moved that the remaining orders on the consent calendar have passage. Councilor Goss seconded the motion. The motion passed with a 3-0 vote.

2022-B002

January 18, 2022

TITLE: RESOLVE, ADOPT BREWER CITY COUNCIL REMOTE PARTICIPATION POLICY.

Filed January 5, 2022
By Jenn M. Morin

WHEREAS, the ongoing COVID pandemic has the potential to create urgent circumstances where “all remote” meetings or hybrid meetings that combine both in-person and remote participation may be a safe alternative to meeting in-person.

BE IT RESOLVED, that the Brewer City Council herewith adopts the Brewer City Council Remote Participation Policy as follows:

BREWER CITY COUNCIL
REMOTE PARTICIPATION POLICY

Explanatory Note: Due to the ongoing COVID pandemic dynamics and potential need for “all remote” meetings or hybrid meetings that combine both in-person and remote participation in the near future, this policy authorizes remote participation by the entire Brewer City Council under emergency or urgent conditions. ~~It does not authorize “hybrid” meetings, those that combine both in person and remote participation. The City of Brewer will continue reviewing practical and policy considerations on authorizing hybrid meetings for future consideration.~~

Pursuant to 1 M.R.S. § 403-B, and after public notice and hearing, the Brewer City Council hereby adopts the following policy to govern remote participation for meetings that are public proceedings as defined in the Maine Freedom of Access Act.

Consistent with 1 M.R.S. § 403-B, Brewer City Council Members are expected to be physically present for meetings except when not practicable.

For the purpose of this policy, it is not “practicable” to meet in-person due to the existence of an emergency or urgent issue that requires the entire Brewer City Council to meet by remote methods. In such a circumstance, the Chair or Vice Chair may poll the Council at

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least three (3) days prior to each Council meeting to determine the meeting format. The sentiment of the majority will prevail.

Remote methods of participation may include telephonic or video technology allowing simultaneous reception of information and may include other means necessary to accommodate disabled persons. Remote participation will not be by text-only means such as e-mail, text messages, or chat functions.

The public will be provided a meaningful opportunity to attend via remote methods when the Brewer City Council participates via remote methods in a meeting. If public input is allowed or required at the meeting, an effective means of communication between the Brewer City Council and the public will also be provided.

Notice of all meetings will be provided in accordance with 1 M.R.S. § 406 and any applicable bylaw. When a meeting is held via remote methods, notice will include the means by which the public may access the meeting remotely and will provide a method for disabled persons to request necessary accommodation to access the meeting. The Brewer City Council will not restrict public attendance to remote methods except in the case of an emergency or urgent issue that requires the Brewer City Council to meet using remote methods of attendance.

The Brewer City Council will make all documents and materials to be considered available, electronically or otherwise, to the public who attend remotely to the same extent customarily available to the public who attend in person, provided no additional costs are incurred by the City.

All votes taken during a meeting using remote methods will be by roll call vote that can be seen and heard if using video technology, or heard if using audio technology only, by other members of the Brewer City Council. All Board Members present during remote meetings will be considered present for purposes of a quorum and voting for meetings.

This policy will remain in force unless amended or rescinded.

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ACTION: Councilor Morin moved that the resolve be adopted. Councilor Goss seconded the motion. Councilor Morin moved that the resolve be amended as proposed. Councilor Goss seconded the motion. The motion to amend the resolve passed with a vote of 3-0. The motion to adopt the resolve as amended passed with a 3-0 vote.

D. Monthly Reports

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ACTION: Councilor Morin moved that the monthly reports from department heads be accepted and placed on file. Councilor Goss seconded the motion. The motion passed by a 3-0 vote.

E. Nominations, Appointments, Elections

There were none.

F. Unfinished Business

There was none.

G. New Business

There was none

H. New Items with Leave of Council

There were none.

I. ADJOURN

ACTION: Councilor Goss moved that the meeting be adjourned. Councilor Morin seconded the motion. The motion passed with a 3-0 vote. The meeting was adjourned at 6:08pm.

ADJOURNED, ATTEST: _____ Vincent P. Migliore
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine