

City Council Minutes
Tuesday, February 8, 2022

Regular Meeting
City Hall Council Chambers

Tuesday, February 8, 2022
6:00 p.m.

The regular meeting was called to order by Mayor Michele Daniels, who noted the 133rd Anniversary of the incorporation of the City of Brewer. The city clerk called the roll:

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

Councilor Ferris-present
Councilor Phanthay-present

Mayor Daniels declared a quorum present. City Manager Stephen Bost and City Solicitor 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 of the City Council of the City of Brewer will be held on Tuesday, February 8, 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	Lutz	Off.	02/03/22	17:45
Jerry Goss	Lutz	Off.	02/03/22	18:05
Jenn Morin	Lutz	Off.	02/03/22	18:28
Soubanh Phanthay	Lutz	Off.	02/03/22	18:08
Michele Daniels	Lutz	Off.	02/03/22	18:40

CITY COUNCIL REGULAR MEETING
Tuesday, February 8, 2022, 6:00 P.M.
Brewer City Hall Council Chambers

To protect yourself and others from COVID-19, the Maine CDC recommends wearing a mask in public settings. All attendees are encouraged to wear a mask.

- 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 the January 18, 2022 Regular Meeting** (Councilor Ferris)
- B. Awards, Petitions and Public Comments**
 - 1. Swearing-In Ceremony Brewer Police Patrol Officer, Savannah Lutz
 Brewer Police Patrol Officer, Brandon Curtis
 Brewer Police Patrol Officer, Seth Godfrey
 - 2. Presentation of the Fiscal Year 2021 Audit Report, Finance Director Karen Fussell
 - 3. Public Comments
- C. Consent Calendar**
 - 1. (2022-A013) ORDER Accept donations to the City of Brewer Business Personal Protective Equipment Program. (Councilor Morin)
 - 2. (2022-A014) ORDER Accept asset forfeiture funds.
 (Councilor Phanthay)
 - 3. (2022-A015) ORDER Authorize agreement between MDOT and the City of Brewer for funding the Parkway South Pedestrian Safety Project. (Councilor Goss)
 - 4. (2022-A016) ORDER Authorize amendment to the City's Personnel Policy to add Juneteenth as a recognized holiday. (Councilor Ferris)
 - 5. (2022-A017) ORDER Authorize purchase of GPS equipment for field data collection. (Councilor Morin)
 - 6. (2022-A018) ORDER Authorizing Issuance of General Obligation Refunding Bonds to Refinance and Refund the City's 2012 General Obligation Bonds and Two Rural Development Bonds and a Tax Levy Therefor. (Councilor Phanthay)
 - 7. (2022-A019) ORDER Accept easements negotiated for the Riverwalk Trail Phase III Project. (Councilor Goss)
 - 8. (2022-A020) ORDER Authorize purchase of one replacement vehicle for the Brewer Police Department. (Councilor Ferris)
 - 9. (2022-A021) ORDER Authorize purchase of replacement passenger van for Parks & Recreation. (Councilor Morin)
 - 10. (2022-A022) ORDER Accept grant from Enbridge Energy.
 (Councilor Phanthay)
 - 11. (2022-A023) ORDER Authorize acceptance of Maine Drinking Water Program grant funds. (Councilor Goss)
- D. Monthly Reports** (Councilor Ferris)
- E. Nominations, Appointments, Elections**

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1. (2022-A024) ORDER Appoint Deputy Health Officer of the City of Brewer.
(Councilor Morin)
2. (2022-B003) RESOLVE Confirm the City Manager’s appointment of Assistant Code Enforcement Officer for the City of Brewer.
(Councilor Phanthay)
3. (2022-B004) RESOLVE Confirm the City Manager’s appointment of Assistant Code Enforcement Officer for the City of Brewer.
(Councilor Goss)

F. Unfinished Business (None)

G. New Business

1. (2022-C001) ORDER Amend Chapter 19 of the Charter, Codes and Ordinances of the City of Brewer, entitled “Traffic Code”, Article 5, Section 506, Schedule 3. (Councilor Ferris)

H. New Items with Leave of Council

I. ADJOURN

A. Minutes of the January 18, 2022 Regular Meeting

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

B. Awards, Petitions and Public Comments

1. Swearing-In Ceremony Brewer Police Patrol Officer, Savannah Lutz
Brewer Police Patrol Officer, Brandon Curtis
Brewer Police Patrol Officer, Seth Godfrey

The City Clerk swore in Patrol Officers Brandon Curtis, Savannah Lutz and Seth Godfrey as new members of the Brewer Police Department. Mayor Daniels presented Brewer Challenge Coins to the new officers.

2. Presentation of the Fiscal Year 2021 Audit Report, Finance Director Karen Fussell

City of Brewer Finance Director Karen Fussell made a presentation regarding the Fiscal Year 2021 Financial Audit for the City of Brewer. Ms. Fussell said that auditors Runyon, Kersteen & Ouellette had given the City of Brewer and unmodified (or “clean”) opinion, finding no material weaknesses and no significant deficiencies with only minor recommendations for improvement.

Public Comments

There were none.

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C. Consent Calendar

2022-A013

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TITLE: ORDER, ACCEPT DONATIONS TO THE CITY OF BREWER BUSINESS
PERSONAL PROTECTIVE EQUIPMENT PROGRAM.

Filed January 24, 2022

By Jenn M. Morin

WHEREAS, the City of Brewer Economic Development Department has created a program to grant personal protective equipment (PPE) supplies to Brewer businesses who are otherwise unable to fund or source the supplies necessary to remain open; and

WHEREAS, certain businesses receiving supplies from this grant program wish to donate back to the program in order to assist the City in the purchase of additional PPE supplies to help more Brewer businesses with PPE.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its Council herewith accepts the donations and directs that the funds be deposited in the Economic Development Miscellaneous Revenue account (0105704-300490) Economic Development Miscellaneous Professional Services account; and

BE IT FURTHER ORDERED, that the Brewer City Council herewith authorizes the appropriation and expenditure of these funds from the Economic Development Miscellaneous Professional Services account (0115701-501070) for the purchase of Personal Protective Equipment for donation to Brewer businesses that have been affected by COVID-19 and are in need of assistance.

Statement of Fact: The City of Brewer Economic Development Office received donations from Brewer businesses to purchase Personal Protective Equipment for Brewer Businesses in need of supplies to maintain or reopen their business.

2022-A014

February 8, 2022

TITLE: ORDER, ACCEPT ASSET FORFEITURE FUNDS.

Filed January 25, 2022

By Soubanh Phanthay

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

WHEREAS, this sum of money was offered to the City of Brewer in recognition of the Brewer

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Police Department's valuable assistance in the successful completion of the investigation; and

WHEREAS, under Maine Law, Title 15 M.R.S.A., § 5824 (3) the City Council must take a public vote before any forfeited assets or money can be transferred to the City.

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

Penobscot Unified Court Docket Number	Assets	
21-302	\$331	; and

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

Statement of Fact: The Brewer Police Department was awarded \$331 in asset forfeiture funds as a result of a successful criminal drug prosecution. These assets have been ordered by the court to be turned over to the Brewer Police Department.

2022-A015

February 8, 2022

TITLE: ORDER, AUTHORIZE AGREEMENT BETWEEN MDOT AND THE CITY OF BREWER FOR FUNDING THE PARKWAY SOUTH PEDESTRIAN SAFETY PROJECT.

Filed January 27, 2022
By Jerry Goss

WHEREAS, during Pedestrian Safety Audits, the Maine Department of Transportation (MDOT) found the section of Parkway South from Wilson Street to the interstate to be an area of concern; and

WHEREAS, in the report MDOT identified several improvements that they felt could make the area safer for pedestrians; and

WHEREAS, City of Brewer staff expanded on these proposed improvements further by having discussions with user groups in the area to determine what would be the most efficient improvements, including moving the crosswalk near the Post Office and adding a flashing beacon; and

WHEREAS, In the summer of 2021, The Brewer City Engineer submitted a grant application to the MDOT Heads-Up Pedestrian Safety Project for funding; and

WHEREAS, the City of Brewer was recently notified that the application was approved and that MDOT has programmed up to \$100,000 for this project with a 20% match of \$25,000 by the City for a

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total of \$125,000 to construct this project; and

WHEREAS, the Bangor Area Comprehensive Transportation System (BACTS) approved a resurfacing project for this section of Parkway South to be constructed in 2024 and combining this work with that project will likely be the most cost-efficient use of the funds.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the City Manager, or his designee, to sign a Heads-Up Pedestrian Safety Project agreement with the MDOT for the completion of the Parkway South Pedestrian Safety Project at an estimated cost of \$125,000 which will be shared on a 80/20 basis between the State and the City, respectively; and

BE IT FURTHER ORDERED, that the Finance Director shall include an appropriate line item and appropriation request in the Fiscal Year 2023 or Fiscal Year 2024 Capital Improvement Program for the City's anticipated \$25,000 obligation under the terms of this agreement.

Statement of Fact: This order authorizes the City Manager to sign an agreement with MDOT for funding the Parkway South Pedestrian Safety Project which is planned to be constructed in conjunction with the resurfacing project in 2024. Both projects will be administered by MDOT and bid as one project. The City will be responsible for 20% of what is expended on this project.

2022-A016

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TITLE: ORDER, AUTHORIZE AMENDMENT TO THE CITY'S PERSONNEL POLICY TO ADD JUNETEENTH AS A RECOGNIZED HOLIDAY.

Filed January 27, 2022

By Joseph L. Ferris

WHEREAS, Juneteenth, celebrated annually on June 19, commemorates the emancipation of the last enslaved people in the United States at the end of the Civil War in 1865; and

WHEREAS, Juneteenth was recognized as a Federal holiday as well as a State of Maine holiday in June 2021.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the amendment of the City's Personnel Policy to add Juneteenth to Article IV, Section 3. a. "Recognized Holidays".

Statement of Fact: This order authorizes the amendment of the City's Personnel Policy to add June 19th, otherwise known as Juneteenth, as a recognized holiday.

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2022-A017

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TITLE: ORDER, AUTHORIZE PURCHASE OF GPS EQUIPMENT FOR FIELD DATA COLLECTION.

Filed January 27, 2022

By Jenn M. Morin

WHEREAS, the Brewer Engineering Department has a Global Positioning System (GPS) unit for field data collection as part of their equipment for use by multiple departments; and

WHEREAS, the current unit is over ten years old and is no longer supported by the manufacturer and cannot communicate with current Geographic Information System (GIS) software; and

WHEREAS, Environmental Services requires that a new GPS unit communicates with their existing Fulcrum program; and

WHEREAS, City staff identified a unit that meets the needs of all departments that commonly use the equipment; and

WHEREAS, a quote was obtained from Keystone Precision Solutions for \$11,132 which includes a day of training on the equipment for City staff; and

WHEREAS, the City has unanticipated Local Road Assistance Program funds it could apply to this purchase.

NOW, THEREFORE, BE IT ORDERED, that that Brewer City Council herewith authorizes the purchase of replacement GPS equipment from Keystone Precision Solutions for use by several City Departments; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of \$11,132 in unanticipated Local Road Assistance Program (0106602-300201) from CIP account GPS Hardware (0510133-551388) for this purpose; and

BE IT FURTHER ORDERED, that the Brewer City Council herewith exercises its authority under Chapter 36, Section 404 of the City's Purchasing Ordinance for the provision of this purchase.

Statement of Fact: This order authorizes the purchase of replacement GPS equipment to be maintained by the Engineering Department and used by several City Departments.

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2022-A018

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TITLE: ORDER, AUTHORIZE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS TO REFINANCE AND REFUND THE CITY'S 2012 OBLIGATION BONDS AND TWO RURAL DEVELOPMENT BONDS AND A TAX LEVY THEREFOR.

Filed January 27, 2022
By Soubanh Phanthay

WHEREAS, the City of Brewer (the "City") previously issued its \$21,610,000 2012 General Obligation Refunding Bonds dated June 20, 2012 (the "2012 Bonds") (i) to advance refund the City's 2002 General Obligation Refunding Bonds dated December 1, 2002, (ii) to refinance and refund the City's existing loans from the United States Department of Agriculture, through its Rural Utilities Service ("USDA"), and (iii) to finance the City's 2012 Capital Improvement Program, \$14,830,000 of which is currently outstanding; and

WHEREAS, the City also previously issued its \$485,000 2012 General Obligation Wastewater Bond and its \$800,000 2012 General Obligation Wastewater Bond, both dated August 30, 2012, to USDA (the "2012 USDA Bonds" and collectively with the 2012 Bonds, the "Prior Bonds") to finance certain wastewater improvements, of which \$372,868.14 and \$615,046.04, respectively, is currently outstanding; and

WHEREAS, due to the availability of a reduced interest rate, the City desires to refund and refinance the Prior Bonds through issuance of its general obligation refunding bonds.

NOW, THEREFORE, BY THE CITY COUNCIL OF THE CITY OF BREWER, BE IT HEREBY ORDERED:

THAT pursuant to 30-A M.R.S.A. §5772, the City Charter and all other authority thereto enabling, the City Treasurer/Finance Director be and hereby is authorized, in the name of and on behalf of the City, to borrow up to Fifteen Million Five Hundred Forty Thousand Dollars (\$15,540,000) to refund and refinance the Prior Bonds, and that to evidence such borrowing, there is hereby authorized the issue and sale of the City's general obligation bonds in the aggregate principal amount not to exceed \$15,540,000.

THAT said bonds shall be signed by the City Treasurer/Finance Director, countersigned by the Chair of the City Council, either or both of whose signatures may be by facsimile to the extent permitted by law, and sealed with the seal of the City, attested by its Clerk.

THAT in each of the years during which any of the bonds authorized hereby are outstanding,

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there shall be levied a tax in an amount that, with other revenues or funds, if any, available for that purpose, shall be sufficient to pay the annual principal and interest on said bonds.

THAT the City Treasurer/Finance Director be and hereby is authorized, in the name of and on behalf of the City, to establish, determine and approve the date(s), maturity(ies) (not to exceed the maximum term permitted by law), denomination(s), interest rate(s), place(s) of payment, and other details of the bonds authorized hereby, including the timing and provision for their sale and award, and to provide that any of such bonds may be made subject to call for redemption, with or without a premium, before the maturity date(s) of such bonds, as provided in 30-A M.R.S.A. §5772(6), as amended.

THAT the City Treasurer/Finance Director be and hereby is authorized, in the name of and on behalf of the City, to sell the bonds authorized hereby at either a public or negotiated sale, all in such manner as the City Treasurer/Finance Director deems appropriate and in the best interest of the City.

THAT the City Treasurer/Finance Director be and hereby is authorized, in the name of and on behalf of the City, to execute and deliver all such contracts, agreements, bond purchase agreements, investment agreements, tax compliance agreements or arbitrage certificates, closing certificates, instruments and other documents as may be necessary or advisable, in connection with the refunding and refinancing of the Prior Bonds, and the sale, execution, issuance, and delivery by the City of the bonds authorized hereby, and the investment of the proceeds thereof (the "Bond Documents"), which Bond Documents shall be in such form and contain such terms and provisions including, without limitation, the waiving of the City's sovereign or governmental immunity with respect to the enforceability of any of the forgoing, which waiver is hereby authorized, confirmed and approved, and such other details as she shall approve, her approval to be conclusively evidenced by her execution thereof.

THAT the City Treasurer/Finance Director be and hereby is authorized, in the name of and on behalf of the City, to select the underwriter, registrar, paying agent and transfer agent, municipal or financial advisor, and bond counsel for the bonds authorized hereby and to execute and deliver any contracts or agreements as may be necessary or appropriate in connection therewith.

THAT the City Treasurer/Finance Director be and hereby is authorized, in the name of and on behalf of the City, to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement for use in the offering and sale of the bonds authorized hereby, such Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the City Treasurer/Finance Director, and that the use and distribution of the Preliminary Official Statement and the Official Statement in the name of and on behalf of the City in connection with any offering of the bonds for sale be and hereby is approved.

THAT the bonds authorized hereby shall be transferable only on the registration books of the City kept by the transfer agent, and said principal amount of the bonds of the same maturity (but not of other maturity), upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his or

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her attorney duly authorized in writing.

THAT the City Treasurer/Finance Director and Chair of the City Council from time to time, in the name and on behalf of the City, shall execute such bonds as may be required to provide for exchanges or transfers of bonds as heretofore authorized, and in case any officer of the City whose signature appears on any bond shall cease to be such officer before the delivery of said bond, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof.

THAT upon each exchange or transfer of the bonds authorized hereby, the City and transfer agent may make a charge sufficient to cover any tax, fee, or other governmental charge required to be paid with respect to such transfer or exchange, and subsequent to the first exchange or transfer, the cost of which shall be borne by the City, the cost of preparing new bonds upon exchanges or transfers thereof shall be paid by the person requesting the same.

THAT in lieu of physical certificates of the bonds authorized hereby, the City Treasurer/Finance Director be and hereby is authorized, in the name of and on behalf of the City, to undertake all acts necessary to provide for the issuance and transfer of such bonds in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing paragraphs regarding physical transfer of bonds, and to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in her opinion, appropriate in order to qualify the bonds for and participate in the Depository Trust Company Book-Entry Only System.

THAT the bonds authorized hereby may be issued on either a taxable or a tax-exempt basis, or a combination thereof, as determined by the City Treasurer/Finance Director.

THAT, if the bonds authorized hereby, or any part of them, are issued on a tax exempt basis, the City Treasurer/Finance Director be and hereby is authorized, in the name of and on behalf of the City, to covenant and certify that no part of the proceeds of the issue and sale of the bonds authorized to be issued hereunder and no part of the improvements financed and refinanced with such bonds shall be used directly or indirectly in any manner that would cause such bonds to be "private activity bonds" or "arbitrage bonds" within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986, as amended (the "Code").

THAT, if the bonds authorized hereby, or any part of them, are issued on a tax exempt basis, the City Treasurer/Finance Director be and hereby is authorized, in the name of and on behalf of the City, to covenant and agree, for the benefit of the holders of such bonds, that the City will file any required reports and take any other action that may be necessary to ensure that interest on the bonds will remain exempt from federal income taxation and that the City will refrain from any action that would cause interest on the bonds to be subject to federal income taxation.

THAT the City Treasurer/Finance Director be and hereby is authorized, in the name of and on behalf of the City, to covenant, certify, and agree, for the benefit of the holders of such bonds, that the

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City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met.

THAT the proceeds of the bonds authorized hereby, together with any original issue premium and investment earnings thereon, may be used and are hereby appropriated to refund and refinance the Prior Bonds, including to pay redemption premium and accrued and unpaid interest thereon, costs of issuance (including underwriter's discount) of the bonds authorized hereby, including all legal, accounting and other fees and costs and expenses relating to the refunding and refinancing transaction, and interest on and principal of the bonds authorized hereby.

THAT the City Treasurer/Finance Director, Chair of the City Council, Clerk, and other proper officials of the City be, and hereby are, authorized, in the name of and on behalf of the City, to do or cause to be done all such acts and things as may be necessary or advisable, with the advice of counsel for the City, in order to effect the sale, issuance, execution, and delivery by the City of the bonds authorized hereby and the to refunding and refinancing of the Prior Bonds.

THAT if any of the officers or officials of the City who have signed or sealed the bonds authorized hereby shall cease to be such officers or officials before such bonds so signed and sealed shall have been actually authenticated or delivered by the City, such bonds nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds had not ceased to be such officer or official; and also any such bonds may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such bonds, shall be the proper officers and officials of the City, although at the nominal date of such bonds, any such person shall not have been such officer or official.

THAT if the City Treasurer/Finance Director, Chair of the City Council, or Clerk are for any reason unavailable to approve and execute the bonds authorized hereby, or any related Bond Documents, the person or persons then acting in such capacity, whether as an assistant, a deputy, or otherwise, or on an interim or acting basis, is authorized to act for such official, and to approve and execute such bonds, or any related Bond Documents, with the same force and effect as if such official had himself or herself performed such act.

THAT the bonds authorized hereby may be consolidated with and issued at the same time as any other issue of bonds authorized by the City Council, and the bonds authorized hereby may be divided into multiple series and issued in separate plans of financing.

THAT during the term any of the bonds are outstanding, the City Treasurer/Finance Director be and hereby is authorized, in the name and on behalf of the City, to issue and deliver refunding bonds on either a current or advance refunding basis, to refund some or all of the bonds then outstanding, and to establish, determine and approve, in the name and on behalf of the City, the date(s), maturity(ies) (not to exceed 30 years from the date of issuance of the original bonds), and all other details of such refunding

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bonds including the form and manner of their sale and award, and to provide that any of such refunding bonds may be made subject to call for redemption, with or without a premium, before the prior to their stated date(s) of maturity, as provided in 30 A M.R.S.A. §5772(6), as amended, and that each such refunding bond shall be signed by the City Treasurer/Finance Director, countersigned by the Chair of the City Council, either or both of whose signatures may be by facsimile to the extent permitted by law, and sealed with the seal of the City, attested by its Clerk.

THAT if, following issuance of some but less than all of the bonds authorized hereby, the City Treasurer/Finance Director determines, in her sole discretion, that the remaining authorized but unissued bonds will not be issued, then the City Treasurer/Finance Director may so note on the financial books and records of the City, in the form and manner as she shall determine to be appropriate, that such authorized but unissued bonds will not be issued following which notation the remaining unissued bonds shall not thereafter be issued and the authority established pursuant to this Order to issue such remaining unissued bonds shall be extinguished and of no further force and effect.

THAT the City Council hereby declares its official intent pursuant to Section 1.150-2(e) of the Income Tax Regulations that the City reasonably expects to use the proceeds of the bonds authorized hereby and issued on a tax-exempt basis to reimburse certain original expenditures paid by the City within 60 days prior to adoption of these resolutions or that are to be paid after adoption of this Order, which original expenditures have been or will be incurred in connection with the refunding and refinancing of the Prior Bonds, and that the City Council reasonably expects that the maximum principal amount of tax-exempt obligations to be issued by the City to refund and refinance the Prior Bonds and related legal expenses will not exceed \$15,540,000; and that this declaration of official intent shall be kept in the permanent records of the City and shall be reasonably available for public inspection.

Statement of Fact: This order provides the authorization needed for the City to issue up to \$15,540,000 in new debt for the purpose of refunding and refinancing three bonds originally issued in 2012. We estimate the City will save \$2.5 million or more in interest expense over the remaining 20 years of this debt.

2022-A019

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TITLE: ORDER, ACCEPT EASEMENT NEGOTIATED FOR THE RIVERWALK TRAIL
PHASE III PROJECT.

Filed January 31, 2022
By Jerry Goss

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

WHEREAS, the necessary rights were itemized and detailed on Maine Department of

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Transportation (MDOT) plans entitled HPP-2477(300) Brewer Riverwalk Trail Phase III, 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, working as the negotiator, the City was able to reach mutually agreeable terms with the affected property owner; and

WHEREAS, the Council authorized the expenditure to compensate the property owner the amount determined to be just compensation in Council Order 2021-A134; and

WHEREAS, upon executing the documents, the property owner recorded said documents in the Penobscot Registry of Deeds, so recorded in Book 16361 Page 267 on January 27, 2022.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith accepts Permanent and Temporary Easements negotiated in good faith for the following property rights detailed and itemized on sheet 19 of MDOT plans for Project Number HPP-2477(300) entitled Brewer Riverwalk Phase III:

- Mona Memorial, LLC – Permanent Drainage Easement, Permanent Construction and Maintenance Easement and Temporary Construction rights. (Item No.1 on said plans); and

BE IT FURTHER ORDERED, that the City Engineer shall maintain all Easements for temporary construction rights on file until their expiration.

Statement of Fact: This order formally accepts easements negotiated in good faith for Phase III of the Riverwalk Trail Project. The property owner accepted the determination of just compensation for the property rights. The documents were reviewed by the City Attorney and the property owner's attorney and then executed.

2022-A020

February 8, 2022

TITLE: ORDER, AUTHORIZE PURCHASE OF ONE REPLACEMENT VEHICLE FOR THE BREWER POLICE DEPARTMENT.

Filed January 31, 2022

By Joseph L. Ferris

WHEREAS, the City of Brewer Fiscal Year 2022 (FY22) approved Capital Improvement Program (CIP) included funding for replacement of a marked police vehicle for primary patrol use; and

WHEREAS, a bid was solicited for one new vehicle to be put in service from Darling's Ford in Bangor; and

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WHEREAS, the bid for the primary patrol vehicle consisted of one 2022 Ford Utility Police Interceptor with a lighting and siren package, at a cost of \$36,695; and

WHEREAS, the bid prices do not include the cost to equip the vehicle.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the City Manager or his designee to sign a purchase order with Darling's Ford of Bangor for the amount of its bid price and authorizes the appropriation and expenditure of this amount from capital account 0510132-511200 (Police Cruiser) to fund the purchase of the 2022 Ford Utility Police Interceptor; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure from CIP account 0510132-511200 (Police Vehicles) the funding necessary to cover the cost of equipping the vehicle. However, such expenditures shall not exceed funding available as approved in the FY22 CIP of \$48,500; and

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

Statement of Fact: This order authorizes the purchase of one marked police vehicle as authorized in the FY22 CIP. MRSP of 2022 Ford Utility Police Interceptor: \$43,685.00. Darlings has been awarded the bid for all Brewer Ford Utility Police Interceptors (6 purchased to date) as having the most competitive pricing with immediate availability of the "ready for road" emergency lighting and siren package. A shortage of available police vehicles prevented earlier replacement until now.

2022-A021

February 8, 2022

TITLE: ORDER, AUTHORIZE PURCHASE OF REPLACEMENT PASSENGER VAN FOR PARKS & RECREATION DEPARTMENT.

Filed February 1, 2022
By Jenn M. Morin

WHEREAS, bids were solicited, received and evaluated for the purchase of a passenger van to replace Brewer Parks & Recreation Unit # 601, a 2006 Ford E350 van; and

WHEREAS, Downeast Toyota of Brewer, Maine provided the City of Brewer with the lowest of the two bids received in the amount of \$38,704.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the City Manager, or his designee, to sign a purchase order to Downeast Toyota in the amount of \$38,704 for the purchase of a 2022, Toyota Sienna LE; and

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BE IT FURTHER ORDERED, that the funds for this purchase be charged to the Fiscal Year 2022 (FY22) Capital Improvement Program (CIP) account # 0510134 – 551416; approved in the FY22 CIP budget; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to sell, recycle or dispose of the 2006 Ford 350 unit #601 by means that would be in the best interest of the City of Brewer; and

BE IT FURTHER ORDERED, that any funds received from the sale or disposal of the above-mentioned property be receipted to 0500100-300410 (CIP Sale of Asset Revenue) to be used to support current or future capital equipment purchases.

Statement of Fact: The replacement of Unit #601 Parks & Recreation Van was approved in the FY22 CIP budget; this order authorizes the purchase of the replacement vehicle.

Bid Results:

Downeast Toyota	\$38,704.00
Varney Ford	\$42,809.00

2022-A022

February 8, 2022

TITLE: ORDER, ACCEPT GRANT FROM ENBRIDGE ENERGY.

Filed February 2, 2022
By Soubanh Phanthay

WHEREAS, the City of Brewer has received a grant of \$7,500 from Enbridge Energy; and

WHEREAS, these funds are designated to purchase a Utility Terrain Vehicle (UTV) for the Brewer Fire Department; and

WHEREAS, other monies will be obtained through grants until total purchase price of a UTV has been achieved.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the acceptance and deposit of \$7,500 from Enbridge Energy into account 0600059-360000-59039 (Fire – Rescue UTV Grant Revenue); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0600059-560000-59039 (Fire – Rescue UTV Expense).

Statement of Fact: This order accepts a contribution, and authorizes the expenditure of this contribution

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to support the purchasing of a wildland/rescue utility terrain vehicle that will be outfitted for the purpose of fighting wildland fires and conducting off road rescue during all seasons of the year. The accepted contribution will be held until additional money has been raised to make the purchase.

2022-A023

February 8, 2022

TITLE: ORDER, AUTHORIZE ACCEPTANCE OF MAINE DRINKING WATER
PROGRAM GRANT FUNDS.

Filed February 2, 2022
By Jerry Goss

WHEREAS, the Brewer Water Department applied for and was awarded a 2021 Water System Asset Security Grant in the amount of \$10,000 as well as the 2021 Capacity Development Grant in the amount of \$3,625 by the Maine Drinking Water Program; and

WHEREAS, the Security Grant helped fund installation of security systems, cameras and call out systems at Whiting Hill Tank (cost \$4,682), Levensellar Tank (cost \$3,385), Parco Valve building (cost \$3,904) and our Rooks Road interconnection (cost \$4,968); and

WHEREAS, the Capacity Development Grant covers 50% of the City's \$7,250 cost to contract with a consultant to complete an assessment of the City's water system to meet the America's Water Infrastructure Act of 2018 (AWIA) requirements.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council authorizes the acceptance of the \$10,000 Water System Asset Grant and the \$3,625 Capacity Development Grant and the deposit of these funds into the Water Department Grant Proceeds account (0700006-360000); and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of the \$10,000 grant from Water's Transmission and Distribution Building Maintenance account (0718502-504000) and the \$3,625 grant from Water's Transmission and Distribution Other Services account (0718501-501065) for the purposes outlined above.

Statement of Fact: this order accepts \$13,625 in grant funds to aid the Brewer Water Department.

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

D. Monthly Reports

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

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E. Nominations, Appointments, Elections

2022-A024

February 8, 2022

TITLE: ORDER, APPOINT DEPUTY HEALTH OFFICER OF THE CITY OF BREWER.

Filed February 1, 2022

By Jenn M. Morin

EMERGENCY PREAMBLE

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

WHEREAS, it is imperative that the order become effective immediately upon its passage so that the appointee may proceed with his duties without interruption; and

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

WHEREAS, Richard K. Houp of Brewer, Maine has recently completed the Maine Department of Health and Human Services' Local Health Officer Training Course.

NOW, THERFORE, BE IT ORDERED, that Richard K. Houp is herewith appointed to the position of Deputy Health Officer of the City of Brewer; and

BE IT FURTHER ORDERED, that Mr. Houp's term begin immediately, and will expire on June 30, 2024.

Statement of Fact: This order appoints Richard Houp as the Deputy Health Officer of the City of Brewer.

ACTION: Councilor Goss moved that the order have passage. Councilor Phanthay seconded the motion. The motion passed with a 4-0 vote.

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2022-B003

February 8, 2022

TITLE: RESOLVE, CONFIRM CITY MANAGER'S APPOINTMENT OF ASSISTANT
CODE ENFORCEMENT OFFICER FOR THE CITY OF BREWER.

Filed February 2, 2022

By Soubanh Phanthay

EMERGENCY PREAMBLE

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

WHEREAS, it is imperative that this resolve become effective immediately upon its passage so that the appointee may proceed with his duties without interruption; and

WHEREAS, these facts create an emergency within the meaning of the Charter, Codes and Ordinances of the City of Brewer and require that the following resolution become effective immediately upon its adoption to protect the public health, common welfare and safety of the citizens of Brewer; and

WHEREAS, the Brewer City Council confirms the appointment by the City Manager of Frank Szylvian as an Assistant Code Enforcement Officer; and

WHEREAS, an Assistant Code Enforcement Officer is required to perform electrical, building, health, and life safety inspections, as well as other required inspections for the City of Brewer.

NOW, THEREFORE, BE IT RESOLVED, that Frank Szylvian is herewith confirmed as an Assistant Code Enforcement Officer for the primary purpose of acting as the Electrical Inspector for the City of Brewer; and

BE IT FURTHER RESOLVED, that Frank Szylvian is herewith authorized to perform such other inspections as may be assigned to him from time to time by the Brewer Code Enforcement Officer; and

BE IT FURTHER RESOLVED, that this Resolve shall become effective upon its adoption.

Statement of Fact: This confirms Frank Szylvian as Electrical Inspector of the City of Brewer and authorizes him to carry out all duties and responsibilities of the Brewer Code Enforcement Department under the direction and management of the Brewer Code Enforcement Officer.

ACTION: Councilor Phanthay moved that the Resolve be adopted. Councilor Goss seconded the motion. The motion passed with a 4-0 vote.

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2022-B004

February 8, 2022

TITLE: RESOLVE, CONFIRM CITY MANAGER'S APPOINTMENT OF ASSISTANT
CODE ENFORCEMENT OFFICER FOR THE CITY OF BREWER.

Filed February 2, 2022
By Jerry Goss

EMERGENCY PREAMBLE

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

WHEREAS, it is imperative that this Resolve become effective immediately upon its passage so that the appointee may proceed with his duties without interruption; and

WHEREAS, these facts create an emergency within the meaning of the Charter, Codes and Ordinances of the City of Brewer and require that the following resolution become effective immediately upon its adoption to protect the public health, common welfare and safety of the citizens of Brewer; and

WHEREAS, the Brewer City Council confirms the appointment by the City Manager of Richard Houpp as an Assistant Code Enforcement Officer; and

WHEREAS, an Assistant Code Enforcement Officer is required to perform plumbing, building, health, and life safety inspections, as well as other required inspections for the City of Brewer.

NOW, THEREFORE, BE IT RESOLVED, that Richard Houpp is herewith confirmed as an Assistant Code Enforcement Officer for the primary purpose of acting as the Building Inspector for the City of Brewer; and

BE IT FURTHER RESOLVED, that Richard Houpp is herewith authorized to perform such other inspections as may be assigned to him from time to time by the Brewer Code Enforcement Officer; and

BE IT FURTHER RESOLVED, that this Resolve shall become effective upon its adoption.

Statement of Fact: This confirms Richard Houpp as Building Inspector of the City of Brewer and authorizes him to carry out all duties and responsibilities of the Brewer Code Enforcement Department under the direction and management of the Brewer Code Enforcement Officer.

ACTION: Councilor Goss moved that the Resolve be adopted. Councilor Ferris seconded the motion. The motion passed with a 4-0 vote.

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F. Unfinished Business

There was none.

G. New Business

2022-C001

February 8, 2022

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

Filed January 31, 2022
By Joseph L. Ferris

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 making the following changes to Article 5, Section 506, Schedule 3 as follows:

~~(7) the intersection of Betton St. and Penobscot St., with northerly-bound traffic stopping on Betton St.~~

(18) the intersection of Rotherdale Road and ~~Friar Tuck Lane~~ Little John Lane with vehicular traffic stopping on Rotherdale Road.

(35) the intersection of Winter Street and Burr Street with vehicular traffic stopping on both sides of Winter Street.

~~(43) the intersection of Deer Park Drive and Russett Street with vehicles traveling in Deer Park Drive stopping at Russett Street.~~

~~(44) the intersection of Lyford Drive and Rinfret Drive with vehicles traveling on Lyford Drive stopping at Rinfret Drive.~~

Statement of Fact: This Order corrects errors that were found in the Code during a recent review.

ACTION: Councilor Ferris moved that the amendment be certified and filed with the clerk for posting. Councilor Phanthay seconded the motion. The motion passed with a 4-0 vote.

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H. New Items with Leave of Council

There were none.

I. ADJOURN

ACTION: Councilor Goss moved that the meeting be adjourned. Councilor Ferris seconded the motion. The motion passed with a 4-0 vote. The meeting was adjourned at 6:21pm.

ADJOURNED, ATTEST: _____ Vincent P. Migliore
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine