

CITY COUNCIL REGULAR MEETING
Tuesday, March 8, 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 the February 8, 2022 Regular Meeting** (Councilor Goss)
- B. Awards, Petitions and Public Comments**
 - 1. Public Comments
- C. Consent Calendar**
 - 1. (2022-A025) ORDER Authorize purchase of portable radios for the Brewer Police Department. (Councilor Ferris)
 - 2. (2022-A026) ORDER Accept donation from Tiller & Rye Local Grocer to the Brewer Parks & Recreation Department for Spring Program. (Councilor Morin)
 - 3. (2022-A027) ORDER Accept donation from Brewster’s Fine Food & Drink to the Brewer Parks & Recreation Department for Spring Program. (Councilor Phanthay)
 - 4. (2022-A028) ORDER Accept donation from Twin City Tire to the Brewer Parks & Recreation Department for Spring Program. (Councilor Goss)
 - 5. (2022-A029) ORDER Accept donation from Mad Kat & Company Bar & Grill to the Brewer Parks & Recreation Department for Spring Program. (Councilor Ferris)
 - 6. (2022-A030) ORDER Accept donation from Gold Star Cleaners to the Brewer Parks & Recreation Department for Spring Program. (Councilor Morin)
 - 7. (2022-A031) ORDER Accept donation from Harvest Moon Deli to the Brewer Parks & Recreation Department for Spring Program. (Councilor Phanthay)
 - 8. (2022-A032) ORDER Accept donation from Judy Street and Tracey Morales to the Brewer Public Works Department. (Councilor Goss)
 - 9. (2022-A033) ORDER Authorize purchase and installation of equipment to host hybrid meetings. (Councilor Ferris)
 - 10. (2022-A034) ORDER Commit Sewer Assessment to Treasurer for Collection. (Councilor Morin)
 - 11. (2022-A035) ORDER Commit Water Assessment to Treasurer for Collection. (Councilor Phanthay)
 - 12. (2022-A036) ORDER Tax Release Deed, Map 33, Lot 81, land and buildings on 335 North Main Street. (Councilor Goss)
 - 14. (2022-B005) RESOLVE Amend the schedule of City Council Regular Meetings to change the June 2022 Meeting Date. (Councilor Ferris)
 - 15. (2022-A047) ORDER Award Contract for the State Street Storm Drain Replacement Project. (Councilor Morin)
- D. Monthly Reports** (Councilor Morin)

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E. Nominations, Appointments, Elections

Consent Calendar

1. (2021-A037) ORDER Reappoint Inspector of Buildings.
(Councilor Phanthay)
2. (2021-A038) ORDER Reappoint Inspector of Plumbing.
(Councilor Goss)
3. (2021-A039) ORDER Reappoint member to the Board of Appeals of the City of
Brewer. (Councilor Ferris)
4. (2021-A040) ORDER Reappoint members to the Brewer Board of Assessment
Review. (Councilor Morin)
5. (2021-A041) ORDER Reappoint member to the Conservation Commission of the
City of Brewer. (Councilor Phanthay)
6. (2021-A042) ORDER Reappoint member to the Board of Commissioners of the
Housing Authority of the City of Brewer. (Councilor Goss)
7. (2021-A043) ORDER Reappoint member to the Library Board of Trustees of the
City of Brewer. (Councilor Ferris)
8. (2021-A044) ORDER Reappoint member to the Parks & Recreational Advisory
Commission of the City of Brewer. (Councilor Morin)
9. (2021-A045) ORDER Reappoint members to the Brewer Planning Board.
(Councilor Phanthay)
10. (2021-B006) RESOLVE Confirm City Manager’s appointments of Constables.
(Councilor Goss)

F. Unfinished 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)

G. New Business (None)

H. New Items with Leave of Council

I. ADJOURN

A. Minutes of the February 8, 2022 Regular Meeting

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

B. Awards, Petitions and Public Comments

Mayor Daniels recognized Brewer Boy Scout Troop 17, and thanked them for attending the meeting to learn about the City Council. Mayor Daniels presented Brewer Challenge Coins to the Scouts and Scout Leaders. Councilor Phanthay reflected on his time working with scouts, and noted that achieving the rank of Eagle Scout is an outstanding accomplishment. Councilor Goss challenged the scouts to be involved in the community, and to be heard, and said of them, “You are the future.”

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Public Comments

There were none.

C. Consent Calendar

2022-A025

March 8, 2022

TITLE: ORDER, AUTHORIZE PURCHASE OF PORTABLE RADIOS FOR THE
BREWER POLICE DEPARTMENT.

Filed February 10, 2022
By Joseph L. Ferris

WHEREAS, the City of Brewer Police Department has aging portable radios that must be replaced with Digital Mobile Radio (DMR) devices that are compatible with Penobscot County infrastructure updates; and

WHEREAS, the City of Brewer has received a quote from Radio Communications Management, Inc. of Portland, Maine, who is offering a 30% discount to communities that purchase under the contract with Penobscot County; and

WHEREAS, the Brewer Council has previously set aside \$16,000 in Capital Improvement Program (CIP) funding in anticipation of this replacement, which is sufficient to purchase 17 replacement portable radios.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the purchase of 17 portable radios from Radio Communications Management for \$15,818.24; and

BE IT FURTHER ORDERED, that the cost of this purchase be charged to CIP account 0510132-551238 (Police Portable Radios); 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 services for this replacement project.

Statement of Fact: This order authorizes the expenditure of \$15,818 in budgeted CIP funds to purchase 17 replacement portable radios for the Brewer Police Department.

2022-A026

March 8, 2022

TITLE: ORDER, ACCEPT DONATION FROM TILLER & RYE LOCAL GROCER TO
THE BREWER PARKS AND RECREATION DEPARTMENT FOR
SPRING PROGRAM.

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Filed February 3, 2022
By Jenn M. Morin

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$150 from Tiller & Rye Local Grocer for support of the Spring 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 Spring Program.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council herewith accepts this donation and directs that the donation be receipted to the Spring Program/League revenue account (0107123-300326); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of this money from the Spring Program/League Expense account (0117121-506110).

Statement of Fact: This order accepts a contribution of \$150 from Tiller & Rye to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Spring Program.

2022-A027

March 8, 2022

TITLE: ORDER, ACCEPT DONATION FROM BREWSTER'S FINE FOOD & DRINK TO THE BREWER PARKS AND RECREATION DEPARTMENT FOR SPRING PROGRAM.

Filed February 3, 2022
By Soubanh Phanthay

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$250 from R.M.B. & G, Inc. doing business as Brewster's Fine Food & Drink for support of the Spring 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 Spring Program.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council herewith accepts this donation and directs that the donation be receipted to the Spring Program/League revenue account (0107123-300326); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of this money from the Spring Program/League Expense account (0117121-506110).

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Statement of Fact: This order accepts a contribution of \$250 from Brewster’s Fine Food & Drink to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Spring Program.

2022-A028

March 8, 2022

TITLE: ORDER, ACCEPT DONATION FROM TWIN CITY TIRE TO THE BREWER PARKS AND RECREATION DEPARTMENT FOR SPRING PROGRAM.

Filed February 18, 2022
By Jerry Goss

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$150 from Twin City Tire & Service auto repair shop for support of the Spring 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 Spring Program.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council herewith accepts this donation and directs that the donation be receipted to the Spring Program/League revenue account (0107123-300326); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of this money from the Spring Program/League Expense account (0117121-506110).

Statement of Fact: This order accepts a contribution of \$150 from Twin City Tire to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Spring Program.

2022-A029

March 8, 2022

TITLE: ORDER, ACCEPT DONATION FROM MAD KAT & COMPANY BAR & GRILL, LLC TO THE BREWER PARKS AND RECREATION DEPARTMENT FOR SPRING PROGRAM.

Filed February 18, 2022
By Joseph L. Ferris

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$150 from Mad Kat & Company Bar & Grill, LLC for support of the Spring Program; and

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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 Spring Program.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council herewith accepts this donation and directs that the donation be receipted to the Spring Program/League revenue account (0107123-300326); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of this money from the Spring Program/League Expense account (0117121-506110).

Statement of Fact: This order accepts a contribution of \$150 from Mad Kat & Company Bar & Grill, LLC to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Spring Program.

2022-A030

March 8, 2022

TITLE: ORDER, ACCEPT DONATION FROM GOLD STAR CLEANERS TO THE BREWER PARKS AND RECREATION DEPARTMENT FOR SPRING PROGRAM.

Filed February 18, 2022
By Jenn M. Morin

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$150 from Gold Star Cleaners Incorporated of Brewer for support of the Spring 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 Spring Program.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council herewith accepts this donation and directs that the donation be receipted to the Spring Program/League revenue account (0107123-300326); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of this money from the Spring Program/League Expense account (0117121-506110).

Statement of Fact: This order accepts a contribution of \$150 from Gold Star Cleaners to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Spring Program.

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2022-A031

March 8, 2022

TITLE: ORDER, ACCEPT DONATION FROM HARVEST MOON DELI TO THE BREWER PARKS AND RECREATION DEPARTMENT FOR SPRING PROGRAM.

Filed February 22, 2022
By Soubanh Phanthay

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$150 from Harvest Moon Deli for support of the Spring 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 Spring Program.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council herewith accepts this donation and directs that the donation be receipted to the Spring Program/League revenue account (0107123-300326); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of this money from the Spring Program/League Expense account (0117121-506110).

Statement of Fact: This order accepts a contribution of \$150 from Harvest Moon Deli to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Spring Program.

2022-A032

March 8, 2022

TITLE: ORDER, ACCEPT DONATION FROM JUDY STREET AND TRACEY MORALES TO THE BREWER PUBLIC WORKS DEPARTMENT.

Filed March 1, 2022
By Jerry Goss

WHEREAS, the City of Brewer Public Works Department has received a donation of \$1,000 from Judy Street and Tracey Morales; and

WHEREAS, it is the request of the donors that these funds be used to support and show appreciation for the employees of the department.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council, herewith accepts this generous donation and directs that the donated funds be receipted to account 0106604-300490 (Public Works Misc. Revenues); and

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BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0116661 502900 (Public Works Misc. Supplies and Expenses) in support of Public Works Department employees.

Statement of Fact: This order accepts a \$1,000 donation and authorizes its expenditure to support and recognize the efforts of the Public Works Department employees.

NOTE: The Brewer Public Works Department sends a letter of acknowledgement and appreciation on behalf of the City Council for all contributions received.

2022-A034

March 8, 2022

TITLE: ORDER, COMMIT SEWER ASSESSMENT TO TREASURER FOR COLLECTION.

Filed March 2, 2022
By Jenn M. Morin

WHEREAS, under Chapter 31 of the Charter, Codes and Ordinances of the City of Brewer, entitled "Sewer and Pre-treatment", a sewer charge is assessed to users.

NOW, THEREFORE WE, the Brewer City Council does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$634,111.26** at the established rate, as provided by Title 30-A M.R.S.A. § 3406 and Title 38 M.R.S.A. § 1208 [1989] and as such sections may be amended from time to time; and

BE IT FURTHER ORDERED, that said charges are due and payable on the date of this commitment.

EVENT	COMMITMENT	COMMENTS
March	\$623,671.55	
December	\$7,525.54	
January	\$1,163.90	
February	\$1,750.27	

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2022-A036

March 8, 2022

TITLE: ORDER, TAX RELEASE DEED MAP 33, LOT 81, LAND AND BUILDINGS ON
335 NORTH MAIN STREET.

Filed March 2, 2022
By Jerry Goss

BE IT ORDERED, that a municipal Release Deed be issued to Philip Lebreton of the City 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 335 North Main Street that the City acquired by virtue of foreclosed sewer lien, which has now been paid in full. A total of \$1,918.85 was collected, \$1,679.74 in sewer and water along with \$98.47 in interest and \$140.64 in costs.

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RELEASE DEED
Philip Lebreton

City of Brewer, a body politic located in the County of Penobscot, State of Maine, for consideration paid, **releases to Philip Lebreton against whom taxes were assessed**, of Brewer, County of PENOBSBOT, State of Maine, the land in Brewer, County of Penobscot, State of Maine as follows:

Map 33, Lot 81 of the Assessor's Tax Maps of the
City of Brewer, Maine.

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

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

	<u>Volume</u>	<u>Page</u>
8389	194	
16224	177	
16355	34	

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 14 day of March AD 2022

WITNESS:

CITY OF BREWER

Stephen Bost
City Manager
Duly authorized

STATE OF MAINE

PENOBSBOT, ss

DATE March 14, 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

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2022-B005

March 8, 2022

TITLE: RESOLVE, AMEND THE SCHEDULE OF CITY COUNCIL REGULAR MEETINGS TO CHANGE THE JUNE 2022 MEETING DATE.

Filed March 2, 2022
By Joseph L. Ferris

WHEREAS, the Brewer City Council, at its annual meeting held on November 16, 2021, adopted Resolve 2021-B035 establishing dates of its regular monthly meetings for 2022; and

WHEREAS, Tuesday, June 14, 2022 was established as the date for the June 2022 regular Council meeting; and

WHEREAS, this date conflicts with the previously scheduled primary election.

NOW, THEREFORE, BE IT RESOLVED, that Council Resolve 2021-B035, be amended by changing the date of the regular meeting for the month of June from Tuesday, June 14, 2022 to Tuesday, June 7, 2022 at 6:00 p.m.

2022-A047

March 8, 2022

TITLE: ORDER, AWARD CONTRACT FOR THE STATE STREET STORM DRAIN REPLACEMENT PROJECT.

Filed February 14, 2022
By Jenn M. Morin

WHEREAS, on May 11, 2021 the Brewer City Council authorized a Municipal Partnership Initiative (MPI) agreement with the Maine Department of Transportation (MDOT) (Order 2021-A042) in the amount of \$200,000 for the resurfacing of State Street from Eastern Avenue to just beyond Mullen Way on a 50/50 cost sharing basis; and

WHEREAS, during the course of investigation for the City-wide storm drain evaluation project, it was determined that several sections of storm drain lines along this section of State Street were failing and required replacement in conjunction with the project; and

WHEREAS, on February 10, 2022 four competitive bids for the stormwater replacement work were received from reputable local contractors (see bid summary below).

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to execute a contract with Eastwood Contractors of Brewer, Maine, the low bidder, in an amount not to

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exceed \$117,000 (the bid amount plus approximately 10% for contingencies) for the completion of the 2022 State Street Storm Drain Replacement Project; and

BE IT FURTHER ORDERED, that costs associated with the State Street Municipal Partnership Initiative Project be charged to 0510113-551640-66500 (State Street MPI).

<u>Bid Opening Summary</u>	
<u>Company Name</u>	<u>Total Bid</u>
Maine Earth	\$ 138,640
Sitewerx	\$ 149,900
Eastwood Contractors	\$ 106,330
Lou Silver, Inc.	\$ 138,628

Statement of Fact: This order awards the contract for the 2022 State Street Storm Drain Replacement project to Eastwood Contractors. Funding for the State Street MPI work was previously approved by Council in May 2021. The paving portion of this project will be bid in the coming months and is anticipated to be completed this construction season.

ACTION: Councilor Phanthay asked that Order 2022-A033 be removed from the Consent Calendar. Councilor Ferris moved that the remaining orders on the consent calendar have passage and that the resolve be adopted. Councilor Goss seconded the motion. The motion passed with a unanimous vote.

2022-A033

March 8, 2022

TITLE: ORDER, AUTHORIZE PURCHASE AND INSTALLATION OF EQUIPMENT TO HOST HYBRID MEETINGS.

Filed March 1, 2022
By Joseph L. Ferris

WHEREAS, after public notice and hearing, the Brewer City Council Remote Participation Policy was adopted at the January meeting of the Brewer City Council in accordance with Title 1 M.R.S.A. § 403-B and became effective on January 23, 2022; and

WHEREAS, the Brewer City Council Remote Participation Policy permits hybrid meetings that combine both in-person and remote participation; and

WHEREAS, it is the desire of the Brewer City Council to improve the capability of the Council Chambers to host hybrid meetings; and

WHEREAS, HCP Computers of Carmel, Maine, has provided the City a quote of \$10,000 to

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purchase and install in the Council Chambers the necessary equipment to hold hybrid meetings and to train staff to use the equipment; and

WHEREAS, the City has state revenue sharing funds it could use to cover this unanticipated expense.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the appropriation and expenditure of \$10,000 in unanticipated state revenue sharing funds from 0115001-502900 (City Council Misc Supplies and Expenses) for the purpose of equipping Council Chambers and training staff to host hybrid meetings.

Statement of Fact: This order authorizes the purchase and installation of equipment to host hybrid meetings that combine both in-person and remote participation.

ACTION: Councilor Phanthay moved that the order have passage. Councilor Ferris seconded the motion. Councilor Phanthay expressed concern that the cost was more than he would have expected for this project. Councilor Morin agreed. Technology Director Mary Stuart presented an itemized report of project costs.

Council Chamber Hybrid meeting			
		Unit Price	Total Price
HDMI Transmitter/Receiver Pair	1	\$ 860.00	\$ 860.00
Extra HDMI Receiver	1	\$ 480.00	\$ 480.00
HDMI to USB Capture Box	2	\$ 60.00	\$ 120.00
AC-Mesh Wifi	1	\$ 130.00	\$ 130.00
PTZ Camera HDMI POE with 5x Optical Zoom (White)	1	\$ 985.00	\$ 985.00
5 port smart switch	1	\$ 40.00	\$ 40.00
LG 55" TV	2	\$1,525.00	\$3,050.00
Mounting hardware cables, conduit	1	\$1,200.00	\$1,200.00
Labor (includes training)	1	\$3,000.00	\$3,000.00
		TOTAL	\$9,865.00

The Technology Director noted that a high-quality system which preserves the aesthetic of the council chambers will cost more than what might otherwise be expected. Councilor Goss commended the Technology Director for her efforts in presenting the council with a quality product. Councilor Phanthay and Councilor Morin said that they found the itemization helpful. 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 Goss seconded the motion. The motion passed with a unanimous vote.

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**E. Nominations, Appointments, Elections
Consent Calendar**

2022-A037

March 8, 2022

TITLE: ORDER, REAPPOINT INSPECTOR OF BUILDINGS.

Filed February 16, 2022
By Soubanh Phanthay

WHEREAS, Title 25 M.R.S.A. §2351-A provides that the municipal officers shall annually, by the month of April, appoint an Inspector of Buildings; and

WHEREAS, Kristie Rines is the Brewer Code Enforcement Officer for the City of Brewer; and,

WHEREAS, it is the sense of the Brewer City Council that the Code Enforcement Officer performs, as part of their duties, inspection of buildings.

NOW, THEREFORE, BE IT ORDERED that Kristie Rines is herewith reappointed to the position of Inspector of Buildings for the City of Brewer for a term commencing April 1, 2022 and expiring March 31, 2023.

Statement of Fact: This is an annual appointment.

2022-A038

March 8, 2022

TITLE: ORDER, REAPPOINT INSPECTOR OF PLUMBING.

Filed February 16, 2022
By Jerry Goss

BE IT ORDERED, that Kristie Rines is herewith reappointed Inspector of Plumbing for the City of Brewer for a term of one year commencing on April 1, 2022 and expiring on March 31, 2023.

BE IT FURTHER ORDERED, that the City Clerk notify the Maine Department of Human Services of this appointment.

Statement of Fact: This is an annual appointment.

2022-A039

March 8, 2022

TITLE: ORDER, REAPPOINT MEMBER TO THE BOARD OF APPEALS OF THE CITY OF BREWER.

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Filed February 28, 2022
By Joseph L. Ferris

BE IT ORDERED, that Moe Schink of 726 Eastern Avenue is herewith reappointed to the Board of Appeals of the City of Brewer for a three-year term; and

BE IT FURTHER ORDERED, that Mr. Schink's term will commence April 1, 2022 and expire March 31, 2025.

Statement of Fact: This is a yearly order for appointment or reappointment of persons to the city boards and commissions with approval by Council.

2022-A040

March 8, 2022

TITLE: ORDER, REAPPOINT MEMBERS TO THE BREWER BOARD OF ASSESSMENT REVIEW.

Filed February 28, 2022
By Jenn Morin

BE IT ORDERED, that Kevin Hughes of 271 Chamberlain Street and Alan Soltys of 40 Hillcrest Drive are herewith reappointed to the Brewer Board of Assessment Review for three-year terms; and

BE IT FURTHER ORDERED, that Mr. Hughes' and Mr. Soltys' terms will commence April 1, 2022 and expire March 31, 2025.

Statement of Fact: This is a yearly order for appointment or reappointment of persons to the city boards and commissions with approval by Council.

2022-A041

March 8, 2022

TITLE: ORDER, REAPPOINT MEMBER TO THE CONSERVATION COMMISSION OF THE CITY OF BREWER.

Filed February 28, 2022
By Soubanh Phanthay

BE IT ORDERED, that Sara Taylor of 63 Century Street is herewith reappointed to the Brewer Conservation Commission for a three-year term; and

BE IT FURTHER ORDERED, that Ms. Taylor's term will commence April 1, 2022 and expire March 31, 2025.

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Statement of Fact: This is a yearly order for appointment or reappointment of persons to the city boards and commissions with approval by Council.

2022-A042

March 8, 2022

TITLE: ORDER, REAPPOINT MEMBER TO THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF BREWER.

Filed February 14, 2022
By Jerry Goss

BE IT ORDERED, that Frank Gallant of 53 Madison Avenue is herewith reappointed to the Board of Commissioners of the Housing Authority of the City of Brewer for a five-year term;

BE IT FURTHER ORDERED, that Mr. Gallant's term will commence April 1, 2022 and expire on March 31, 2027.

Statement of Fact: This is a yearly order for appointment or reappointment of persons to the city boards and commissions with approval by Council.

2022-A043

March 8, 2022

TITLE: ORDER, REAPPOINT MEMBER TO THE LIBRARY BOARD OF TRUSTEES OF THE CITY OF BREWER

Filed March 1, 2022
By Joseph L. Ferris

BE IT ORDERED, Patricia Kelley of 49 Alan-A-Dale Drive is herewith reappointed to the Library Board of Trustees of the City of Brewer for a three-year term; and

BE IT FURTHER ORDERED, that Ms. Kelley's term will commence April 1, 2022 and expire March 31, 2025.

Statement of Fact: This is a yearly order for appointment or reappointment of persons to the city boards and commissions with approval by Council.

2022-A044

March 8, 2022

TITLE: ORDER, REAPPOINT MEMBER TO THE PARKS AND RECREATIONAL ADVISORY COMMISSION OF THE CITY OF BREWER.

Filed March 2, 2022
By Jenn M. Morin

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BE IT ORDERED, that Daniel O’Connell of 7 Sites Lane is herewith reappointed to the Parks and Recreational Advisory Commission of the City of Brewer for a three-year term; and

BE IT FURTHER ORDERED, that Mr. O’Connell’s term will commence April 1, 2022 and expire March 31, 2025.

Statement of Fact: This is a yearly order for appointment or reappointment of persons to the city boards and commissions with approval by Council.

2022-A045

March 8, 2022

TITLE: ORDER, REAPPOINT MEMBERS TO THE BREWER PLANNING BOARD.

Filed March 1, 2022
By Soubanh Phanthay

BE IT ORDERED, that Thomas McGary of 22 Chapman Street and Samantha Baker of 34 Clover Lane are herewith reappointed to the Brewer Planning Board of the City of Brewer as full-time members for three-year terms; and

BE IT FURTHER ORDERED, that Mr. McGary’s, and Ms. Baker’s terms will commence April 1, 2022 and expire March 31, 2025.

Statement of Fact: This is a yearly order for appointment or reappointment of persons to the city boards and commissions with approval by Council.

2022-B006

March 8, 2022

TITLE: RESOLVE, CONFIRM CITY MANAGER’S APPOINTMENTS OF CONSTABLES.

Filed February 16, 2022
By Jerry Goss

BE IT RESOLVED, that the Brewer City Council herewith confirms the City Manager’s appointments of the following constables for the City of Brewer for terms of one year each commencing April 1, 2022 and expiring March 31, 2023:

- Cpl. Levi Sewall
- Sgt. Amy Nickerson
- Sgt. Thomas Tardiff
- Sgt. Scott Jones
- Sgt. Zach Caron
- Sgt. Nelson Feero

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- Sgt. Paul Gauvin
- Arden Jones, Court Officer
- Kristie Rines, Code Enforcement Officer
- Michael Parady, Animal Control Officer

Statement of Fact: This is a yearly order to confirm the City Manager’s appointment of constables for the City of Brewer.

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

F. Unfinished 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.~~

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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 enacted. Councilor Phanthay seconded the motion. The motion passed with a unanimous vote.

G. New Business

There was none.

H. New Items with Leave of Council

ACTION: Mayor Daniels introduced Order 2022-C002 under suspension of the rules. Mayor Daniels asked the City Clerk to poll the Council to see if there was unanimous consent to take up the order. The Council members voted unanimous consent to take up Order 2022-C002 under suspension of the rules.

2022-C002

March 8, 2022

TITLE: ORDER, AMEND CHAPTER 24 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED "LAND USE CODE", TO CHANGE A PORTION OF RURAL ZONING DISTRICT ON LAMBERT ROAD TO LOW DENSITY RESIDENTIAL, TAX MAP 5, LOT 6.

Filed March 8, 2022
By Michele Daniels and
Jenn M. Morin

BE IT ORDAINED, by the Brewer City Council that Chapter 24, of the City of Brewer Charter, Codes and Ordinances of the City of Brewer, entitled "Land Use Code", shall be amended to change a portion of Rural zoning district to Low Density Residential (LDR) zoning district on Lambert Road (tax map 5, lot 6) by moving the existing zone line as follows:

Beginning at the intersection of the existing zone line and the westerly lot line of said Tax Map 5, Lot 6;

Thence northerly along the lot line, approximately 810 feet, to a point being 1,000 feet from the southwesterly corner of said lot;

Thence easterly crossing said Tax Map 5, Lot 6, approximately 700 feet, to a corner of said lot which is also the northwesterly corner of Tax Map 5, Lot 5;

Thence southeasterly along the lot line approximately 875 feet to the intersection of the existing zone

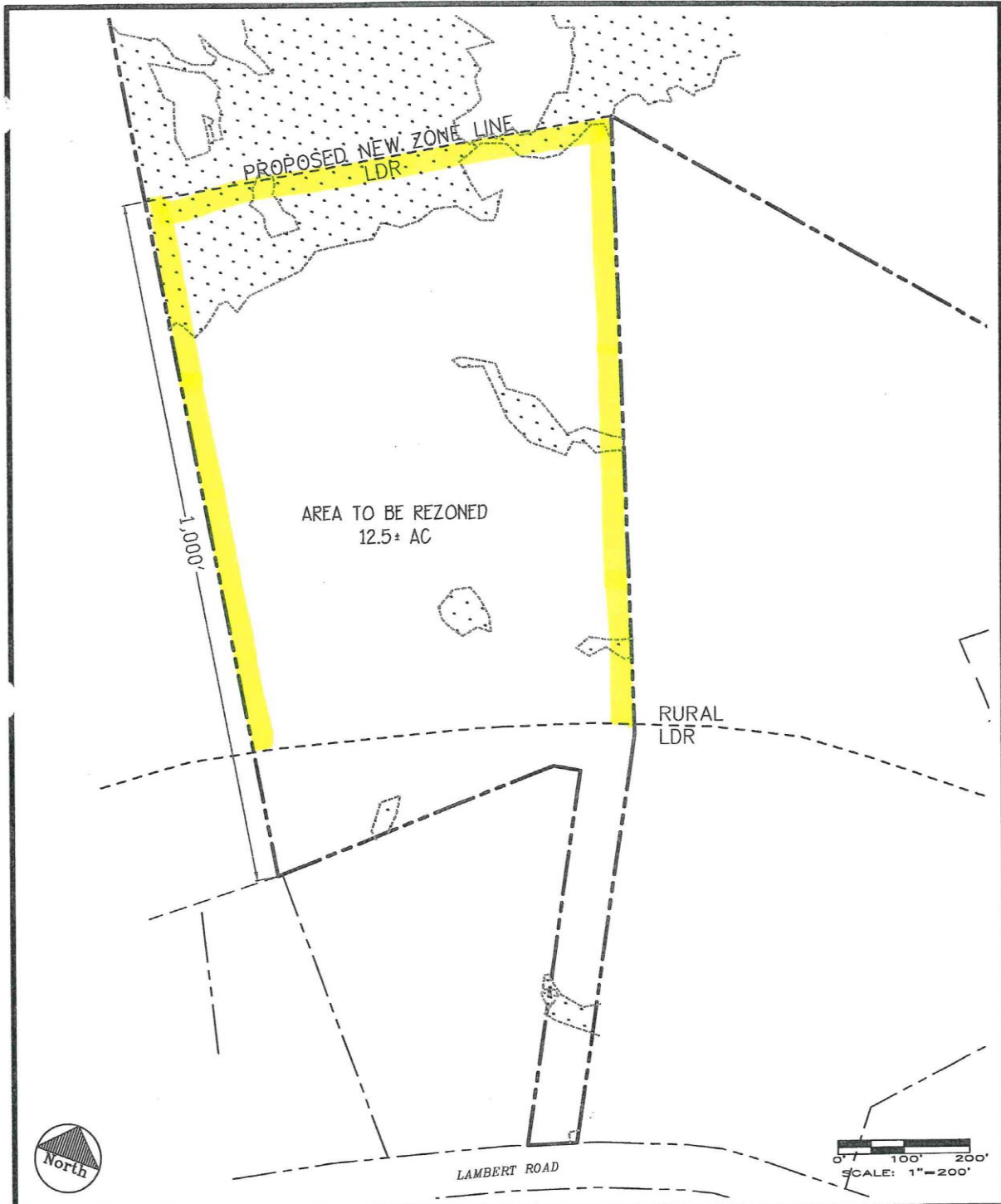
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line.

Said proposed relocation of the zoning district is as shown on the attached sketch prepared by Kiser & Kiser.

Statement of Fact: The front portion of the property currently lies within the LDR zone, which allows for multi-family housing. By moving the zone line further into the property, the developer could group the residential units closer to Lambert Road and leave the remainder of the 113-acre parcel as open space. The Planning Board held a public hearing on March 7, 2022 and made the recommendation for moving the zone line so that the land described above is within the Low Density Residential (LDR) zoning district.

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ZONE CHANGE MAP
TAX MAP 5, LOT 6

LAMBERT ROAD
BREWER, MAINE

WHITE PINE ROAD LLC



ENGINEERING & DEVELOPMENT CONSULTING
PO BOX 282, HAMPDEN, MAINE 04444
207-862-4700

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

ACTION: Mayor Daniels introduced Order 2022-C003 under suspension of the rules. Mayor Daniels asked the City Clerk to poll the Council to see if there was unanimous consent to take up the order. The Council members voted unanimous consent to take up Order 2022-C003 under suspension of the rules.

2022-C003

March 8, 2022

TITLE: ORDER, AMEND CHAPTER 10, ENTITLED “THE POLICE DEPARTMENT” OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, SECTION 106 “DISRUPTIVE PROPERTY”.

Filed March 8, 2022
By Michele Daniels and
Soubanh Phanthay

BE IT ORDAINED, by the Brewer City Council that Chapter 10 of the Charter, Codes, and Ordinances of the City of Brewer entitled “The Police Department”, Section 106 “Disruptive Property” shall be amended as follows:

SECTION 106. DISRUPTIVE PROPERTY

106.1 Definitions: As used in this Section, the following terms shall have the meanings indicated:

DISRUPTIVE ACTIVITIES

Situations created, originating, or conducted within a building or within the boundaries of the property on which a building is located, or on any vacant plot or parcel of land, by the owner, owner's employees, owner's representatives, occupants, tenants, or customers thereof, or the visitors to any such owner, occupant, tenant, or customer, which would unreasonably disturb the community, the neighborhood, or an ordinary individual of normal sensitivities at or beyond the property line, including but not limited to:

- A. Loud music;
- B. Boisterous gatherings;
- C. Excessive, loud or unnecessary noises audible beyond the property line;

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D. Altercations occurring on the property, such as fighting, disruptive conduct, brawling or similar activities;

E. Other similar activities occurring within or outside any building located on the property;

F. Criminal violations resulting in arrest or summons, to include and not be limited to: any Class A, B, or C felony offenses as defined in M.R.S.A. Title 17-A; Class D and E misdemeanor offenses as defined in M.R.S.A. Title 17-A; and M.R.S.A. Title 15 ss1092 "Violation of Condition of Release".

DISRUPTIVE PROPERTY

Any ~~residential~~ property for which the Police Chief has notified the owner that the Police Department has documented and substantiated either two (2) or more disruptive events within sixty (60) days; or three (3) or more disruptive events within one hundred twenty (120) days; or four (4) or more disruptive events within one hundred eighty (180) days; or five (5) or more disruptive events within three hundred sixty (360) days.

OWNER

Any person, including any legal entity, having the right of legal title or the beneficial interest in a ~~residential~~ property or any portion thereof, as that interest is recorded in the tax records of the City of Brewer or the Registry of Deeds of Penobscot County.

~~RESIDENTIAL~~ PROPERTY

A. Shall mean:

(1) Lot(s), plot(s), or parcel(s) of land on which ~~a any residential~~ building(s) ~~or a building(s) of mixed occupancy~~ is located; or

(2) Residential building(s), including one-family dwelling(s), multiple dwellings, and rooming houses or boardinghouses; or

(3) Residential occupancies in building(s) of mixed occupancy.

(4) Lot(s), plot(s), or parcel(s) of land which are vacant.

B. For the purpose hereof, a "mixed occupancy building" means a building used for any purpose that also contains residential occupancy therein.

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106.2 Declaration of public nuisance.

A. A disruptive property is hereby declared to be a public nuisance.

B. The owner of a ~~residential~~ property shall provide sufficient control, oversight, monitoring, and management of the property to prevent the same from becoming a disruptive property.

C. The owner of a disruptive property shall be responsible for taking all necessary measures to abate or eliminate the public nuisance.

106.3 Disruptive property prohibited.

No owner of ~~residential~~ property shall maintain, or allow to be maintained or to exist on the owner's property, a disruptive property as defined in this Section. Each and every day that a disruptive event shall be permitted to occur on the property after it becomes classified by the Chief of Police as a disruptive property shall constitute a separate offense.

106.5 Notice of disruptive events or disruptive property.

A. Whenever the Police Chief determines that a disruptive event has occurred, the Police Chief shall notify the owner of the property as to the findings according to the number and frequency of prior disruptive events, if any, as provided below.

(1) First disruptive event. At the earliest time possible, but within not more than ~~seven (7)~~ twenty-one (21) days after the first disruptive event at a property, the Police Chief may serve the owner with a copy of this Section and a disruptive event notice advising the owner that the Police Department has documented the occurrence of a disruptive event at the owner's property. Copies of the disruptive event notice shall be provided to the City Manager, Code Enforcement Officer and the Fire Chief (The Public Safety Director in his capacity, or his designee, herein after collectively referred to as "Fire Chief"). The notice shall also advise the owner that subsequent events will result in the property being classified as a disruptive property, and warn the owner that failure to prevent the property from becoming a disruptive property will constitute a violation of this Section.

(2) Second disruptive event. At the earliest possible time, but within not more than ~~seven (7)~~ twenty-one (21) days after the second disruptive event at a property, the Police Chief may serve the owner with a copy of this Section and a disruptive event notice advising the owner that the Police

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Department has documented a second disruptive event at the owner's property. In the event that the property has accumulated at this time two (2) disruptive events within a sixty (60) day period, the Police Chief shall further notify the owner that the property has been classified as a disruptive property and that the owner is in violation of this Section and is subject to a remediation process as set forth in this Section. Copies of the disruptive event notice shall be provided to the City Manager, Code Enforcement Officer and the Fire Chief.

(3) Third disruptive event. At the earliest time possible, but within not more than ~~seven (7)~~ twenty-one (21) days after the third (3rd) disruptive event at a property, the Police Chief may serve the owner with a copy of this Section and a disruptive event notice advising the owner that the Police Department has documented a third (3rd) disruptive event at the owner's property. In the event that the property has accumulated at this time three (3) disruptive events within a one hundred twenty (120) day period, the Police Chief shall further notify the owner that the property has been classified as a disruptive property and that the owner is in violation of this Section and is subject to a remediation process as set forth in this Section. Copies of the disruptive event notice shall be provided to the City Manager, Code Enforcement Officer, and the Fire Chief.

(4) Fourth disruptive event. At the earliest time possible, but within not more than ~~seven (7)~~ twenty-one days after the fourth (4th) disruptive event at a property, the Police Chief may serve the owner with a copy of this Section and a disruptive event notice advising the owner that the Police Department has documented a fourth (4th) disruptive event at the owner's property. In the event that the property has accumulated at this time four (4) disruptive events within a one hundred eighty (180) day period, the Police Chief shall further notify the owner that the property has been classified as a disruptive property and that the owner is in violation of this Section and is subject to a remediation process as set forth in this Section. Copies of the disruptive event notice shall be provided to the City Manager, Code Enforcement Officer, and the Fire Chief.

(5) Fifth disruptive event. At the earliest time possible, but within not more than ~~seven (7)~~ twenty-one (21) days after the fifth (5th) disruptive event at a property, the Police Chief may serve the owner with a copy of this Section and a disruptive event notice advising the owner

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that the Police Department has documented a fifth (5th) disruptive event at the owner's property. In the event that the property has accumulated at this time five (5) disruptive events within a three hundred sixty (360) day period, the Police Chief shall further notify the owner that the property has been classified as a disruptive property and that the owner is in violation of this Section and is subject to a remediation process as set forth in this Section. Copies of the disruptive event notice shall be provided to the City Manager, Code Enforcement Officer, and the Fire Chief.

B. Method of service. For the purposes of this Section, notices to the owner shall be served in the following ways:

- (1) By certified mail, with address correction and return receipt requested and by first-class mail with address correction requested; or
- (2) In a manner requested in writing by the property owner and by first-class mail with address correction requested; or
- (3) In-hand service by an Officer.
- (4) Posted in a conspicuous place at the entrance to the structure, if a structure is present.

Statement of Fact: This order amends the section entitled “Disruptive Property” to change the required notification period for a disruptive event from 7 days to 21 days, to add the notification method of posting the notice in a conspicuous location at an entrance to the property, and to allow any property to be declared a disruptive property (current language limits it solely to residential).

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

I. ADJOURN

ACTION: Councilor Ferris moved that the meeting be adjourned. Councilor Morin seconded the motion. The motion passed with a unanimous vote. The meeting was adjourned at 6:21pm.

ADJOURNED, ATTEST: _____ Vincent P. Migliore
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine