

City Council Minutes
 Wednesday, May 4, 2022

Special Meeting
 City Hall Council Chambers

Wednesday, May 4, 2022
 3:00 p.m.

The regular meeting was called to order by Mayor Michele Daniels. The city clerk called the roll:

Councilor Goss-present	Councilor Ferris-present
Councilor Morin-present	Councilor Phanthay-present
Mayor Daniels-present	

Mayor Daniels declared that a quorum was 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 special meeting of the City Council of the City of Brewer will be held on Wednesday, May 4, 2022 at 3:00 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	McFadden	Off.	04/29/22	17:30
Jerry Goss	Migliore	CC.	05/03/22	
Jenn Morin	McFadden	Off.	04/29/22	17:22
Soubanh Phanthay	McFadden	Off.	04/29/22	17:15
Michele Daniels	McFadden	Off.	04/29/22	17:10

CITY COUNCIL SPECIAL MEETING
Wednesday, May 04, 2022, 3:00 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** (None)
 - B. Awards, Petitions and Public Comments** (None)
 - C. Consent Calendar** (None)
 - D. Monthly Reports** (None)
 - E. Nominations, Appointments, Elections** (None)
 - F. Unfinished Business** (None)
 - G. New Business**
 - 1. (2022-A071) ORDER Convene in executive session pursuant to Title 1, M.R.S.A §405(6)(E) on a procedural matter. (Councilor Goss)
 - 2. (2022-A072) ORDER Convene in executive session pursuant to Title 1, M.R.S.A §405(6)(E) on a procedural matter. (Councilor Ferris)
 - 3. (2022-A073) ORDER Authorize the repair of a broken sewer line at 11 High Street, Brewer, Map 28, Lot 145. (Councilor Morin and Councilor Phanthay)
 - H. New Items with Leave of Council**
 - I. ADJOURN**
- ***

A. Minutes

There were no minutes.

B. Awards, Petitions and Public Comments

There were no awards, petitions, or public comments.

C. Consent Calendar

There was no consent calendar.

D. Monthly Reports

There were no monthly reports.

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E. Nominations, Appointments, Elections

There were no nominations, appointments, or elections.

F. Unfinished Business

There was no unfinished business.

G. New Business

2022-A071

May 4, 2022

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

Filed April 22, 2022
By Jerry Goss

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

ACTION: Councilor Goss moved that the order have passage. Councilor Ferris seconded the motion. The motion passed by a unanimous vote. Mayor Daniels announced that the Council would recess to go into executive session, and then reconvene to take up the rest of the items on the agenda.

The special meeting was called back to order by Mayor Daniels at 4:46P.M. The city clerk called the role.

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

Councilor Ferris-present
Councilor Phanthay-present

Mayor Daniels declared a quorum present. City Manager Stephen Bost and City Solicitor Jonathan Pottle were also present.

2022-A072

May 4, 2022

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

Filed April 22, 2022

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By Joseph L. Ferris

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

ACTION: Councilor Ferris moved that the order have passage. Councilor Goss seconded the motion. The motion passed by a unanimous vote. Mayor Daniels announced that the Council would recess to go into executive session, and then reconvene to take up the rest of the items on the agenda.

The special meeting was called back to order by Mayor Daniels at 5:45P.M. The city clerk called the role.

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

Councilor Ferris-present
Councilor Phanthay-present

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

2022-A073

May 4, 2022

TITLE: ORDER, AUTHORIZE THE REPAIR OF A BROKEN SEWER LINE AT 11
HIGH STREET, BREWER, MAP 28, LOT 145.

Filed April 28, 2022
By Jenn M. Morin and
Soubanh Phanthay

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 this order become effectively immediately upon its passage to mitigate the negative effects of the situation without delay; and

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

WHEREAS, the domestic waste water disposal line located on the property at 11 High Street, Brewer (Map 28, Lot 145) is malfunctioning and has become a menace to the health and general welfare of the citizens of Brewer; and

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WHEREAS, the Code Office verified with the property owner that there was an issue with the private sewer line on April 7, 2022 and affluent was found to be leaking from the sewer line and contaminating the surrounding area; and

WHEREAS, on April 12, 2022 the property owner was served a Notice of Violation, Order to Correct from the Code Officer for violations of the City of Brewer Sewer Ordinance:

- Chapter 31, Article 2, Sections 201: Unsanitary Disposal Methods Prohibited
- Chapter 31, Article 2, Section 202: Unlawful Discharge Prohibited
- Chapter 31, Article 4, Section 403: Owner Responsibility Stated; and

At that time the property-owner was allotted 10 days to fix the above issues; and

WHEREAS, these conditions remain uncorrected to date.

NOW, THEREFORE, BE IT ORDERED, by the Brewer City Council, that the nuisance created by the failing sewer line at 11 High Street in Brewer be abated by the owner of said property; and

BE IT FURTHER ORDERED, that if the owner fails to abate said nuisance within ten (10) days from the date that order becomes effective, then and in that event, the City Manager of Brewer shall cause said nuisance to be abated and removed and all expenses thereof shall be repaid to the City of Brewer by the owner within thirty (30) days after demand or a special tax may be assessed by the Assessor against any real or personal property of the owner for the amount of such expenses and such amount shall be included in the annual warrant to the Tax Collector, of said City of Brewer, for collection and shall be collected in the same manner as other state, county and municipal taxes are collected.

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NOTICE AND ORDER
30-A M.R.S.A. § 3428

TO: James Bishop
11 High Street
Brewer, Maine 04412

TAKE NOTICE:

The City Council of the City of Brewer Maine, acting as the municipal officers of the City pursuant to section 3428 of Title 30-A of the Maine Revised Statutes hereby **FINDS** and **ORDERS** as follows:

FINDINGS

1. The domestic waste water disposal line on your property located at 11 High Street in Brewer, Maine (Map 28 Lot 145) is malfunctioning and has become a menace to the health and general welfare of the citizens of Brewer, Maine.
2. The Code Office verified that there was an issue with your private sewer line on 04/07/22. Affluent was found to be leaking from your sewer line and contaminating the surrounding area.
3. Various departments from the City of Brewer, to include the Code Office, Public Works, Environmental Services and the Managers Office have been working with you on this issue.
4. On 04/12/22 you were served a Notice of Violation, Order to Correct from the Code Officer for violations of the City of Brewer Sewer Ordinance.
 - Chapter 31, Article 2, Sections 201: Unsanitary Disposal Methods Prohibited
 - Chapter 31, Article 2, Section 202: Unlawful Discharge Prohibited
 - Chapter 31, Article 4, Section 403: Owner Responsibility Stated

At this time, you were allotted 10 days to fix the above issues.

5. These conditions remain uncorrected to date. You have been aware that your private sewer line is leaking raw sewage for several weeks now and that it continues to contaminate other citizens of Brewer's property.

ORDER

Based on the foregoing Findings and section 3428 of Title 30-A of the Maine Revised Statutes, the City Council hereby Orders as follows:

***No later than ten (10) days after personal service of this Order,
you shall correct the malfunctioning domestic waste water line on your property at 11 High
Street Brewer, Maine (Map/Lot 28-145).***

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In the event you fail to correct the malfunction within the time required, the City of Brewer may proceed to make the necessary corrections and, if such corrections are made, the City of Brewer will either commence a civil action in a court of competent jurisdiction or assess a special tax for the cost thereof against your property at 11 High Street in accordance with section 3428(4) of Title 30-A of the Maine Revised Statutes.

DO NOT DISREGARD THIS ORDER.

Dated April __, 2022 at Brewer, Maine.

Michele LaBree Daniels
Mayor

Soubanh Phanthay
Deputy Mayor

Jerry Goss
Councilor

Josep'n Ferriss
Councilor

Jenn Morin
Councilor

RETURN

This is to certify that on _____, 2022, I made service of the foregoing Notice and Order on the above-named James Bishop by delivering a copy in hand to James Bishop.

Dated: _____, 2022

Name:
Office:

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ACTION: Councilor Morin moved that the order have passage. Councilor Phanthay seconded the motion. The motion passed by a unanimous vote.

H. New Items with Leave of Council

There were no new items.

I. ADJOURN

ACTION: Councilor Goss moved that the meeting be adjourned. Councilor Phanthay seconded the motion. The motion passed with a unanimous vote. The meeting was adjourned at 5:46 P.M.

ADJOURNED, ATTEST: _____ Vincent P. Migliore
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine