

City Council Minutes

Tuesday, May 10, 2022

Regular Meeting
City Hall Council Chambers

Tuesday, May 10, 2022
6:00 p.m.

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

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

Councilor Ferris-present
Councilor Phanthay-absent

Mayor Daniels declared that a quorum was present. City Manager Stephen Bost and Acting City Solicitor Sarah Newell 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, May 10, 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	McFadden	Off.	05/06/22	18:18
Jerry Goss	Caron	Sgt.	05/06/22	18:23
Jenn Morin	McFadden	Off.	05/06/22	18:35
Soubanh Phanthay	Caron	Sgt.	05/06/22	
Michele Daniels	Caron	Sgt.	05/06/22	17:14

CITY COUNCIL REGULAR MEETING
Tuesday, May 10, 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 April 12, 2022 Regular Meeting and Minutes of the May 4, 2022 Special Meeting** (Councilor Ferris)
- B. Awards, Petitions and Public Comments**
 - 1. (2022-B009) RESOLVE Recognize David Utterback for being selected as Maine’s Athletic Director of the Year. (Councilor Goss)
 - 2. (2022-B010) RESOLVE Recognize David Hanna for years of service to the Brewer Historical Society and the City of Brewer. (Councilor Morin)
 - 3. Public Comments
- C. Consent Calendar**
 - 1. (2022-A074) ORDER Authorize purchase of E.H. Wachs Hydraulic Saw. (Councilor Phanthay)
 - 2. (2022-A075) ORDER Accept grant funds and authorize contract for Hatcase Pond Road storm water flow assessment. (Councilor Goss)
 - 3. (2022-A076) ORDER Accept donation from Versant Power. (Councilor Ferris)
 - 4. (2022-A077) ORDER Amend Schedule of Fees. (Councilor Morin)
 - 5. (2022-A078) ORDER Award contract for Little John Lane storm drain replacement and erosion control project. (Councilor Phanthay)
 - 6. (2022-A079) ORDER Award Contract for Maid Marion drainage ditch project. (Councilor Goss)
 - 7. (2022-A080) ORDER Award contract for 2022 Street Line Painting. (Councilor Ferris)
 - 8. (2022-A081) ORDER Accept donation from the Brewer Kiwanis Club to the Brewer Parks & Recreation Department for special event. (Councilor Morin)
 - 9. (2022-A082) ORDER Authorize agreements with MDOT, and funding, for resurfacing a portion of State Street. (Councilor Phanthay)
 - 10. (2022-A083) ORDER Authorize agreements with MDOT, and funding for resurfacing a portion of Parkway South. (Councilor Goss)
 - 11. (2022-A084) ORDER Authorize agreements with MDOT, and funding for a traffic signal improvement project at Parkway South and Wilson Street. (Councilor Ferris)
 - 12. (2022-A085) ORDER Accept asset forfeiture funds. (Councilor Morin)

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13. (2022-A086) ORDER Tax Release Deed, Map 28, Lot 38, land and buildings on 8 Gibbons Court, formerly 8 Spring Street Court.
(Councilor Phanthay)
14. (2022-A087) ORDER Authorize agreements with MDOT, and funding for a resurfacing project on a portion of South Main Street.
(Councilor Goss)
15. (2022-A088) ORDER Approve Contract Zone Agreement of property for Peter T. and Lynn J. Hilyard, Moyses Properties, LLC., and the City of Brewer, Tax Map 47, Lot 167A. (Councilor Ferris)
16. (2022-A089) ORDER Authorize additional funds for purchase of a replacement truck for Water Department. (Councilor Morin)
17. (2022-A090) ORDER Declare the property situated at 361 North Main Street, Brewer, Maine, and more specifically described in the described by the Penobscot County Registry of Deeds in Book 13961, Page 154, to be surplus and authorize its disposal. (Councilor Phanthay and Councilor Goss)
18. (2022-A091) ORDER Declare the property situated at 11 Houston Lane, Brewer, Maine, identified on Tax Map 19-040, and more specifically described in the Penobscot County Registry of Deeds in Book 5747, Page 157, to be surplus and authorize its disposal. (Councilor Goss and Councilor Ferris)
19. (2022-A092) ORDER Declare the property of vacant land on Houston Lane, Brewer, Maine, Tax Map 19-039 specifically described in the Penobscot County Registry of Deeds in Book 5747, Page 157, to be surplus and authorize its disposal.
(Councilor Ferris and Councilor Morin)
20. (2022-A093) ORDER Appropriate additional funds for construction of Phase III of the Riverwalk Trail. (Councilor Morin and Councilor Phanthay)

D. Monthly Reports (Councilor Morin)

E. Nominations, Appointments, Elections

Consent Calendar

1. (2022-B011) RESOLVE Accept the resignation of Jennifer Boothroyd as a member of the City of Brewer Board of Appeals.
(Councilor Goss)
2. (2022-A094) ORDER Appoint member to the City of Brewer Planning Board.
(Councilor Ferris)
3. (2022-A095) ORDER Appoint member to the City of Brewer Conservation Commission. (Councilor Morin)
4. (2022-A096) ORDER Appoint member to the Parks & Recreational Advisory Commission of the City of Brewer. (Councilor Phanthay)

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**F. Unfinished Business
Consent Calendar**

1. (2022-C004) ORDER Amend Chapter 40 of the Charter, Codes and Ordinances of the City of Brewer, entitled “Water Department”, Article 3, to add Section 303 “Clear Space Around Hydrants” and 304 “Snow Placed on or Around Hydrants”.
(Councilor Ferris)
2. (2022-C005) ORDER Create Chapter 50 of the Charter, Codes and Ordinances of the City of Brewer, Entitled “E-911, Road Names, and Location Identification signage. (Councilor Morin)
3. (2022-C006) ORDER Amend Chapter 21 of the Charter, Codes and Ordinances of the City of Brewer, entitled “Street Use”, Article 5, “Naming of Streets, Roads and Ways Under the E-911 System”. (Councilor Phanthay)
4. (2022-C007) ORDER Amend Chapter 9 of the Charter, Codes and Ordinances of the City of Brewer, entitled “Fire Prevention”, Article 3, “Inspections and Permits”. (Councilor Ferris)

G. New Business

1. (2022-C008) ORDER Amend Chapter 31 of the Charter, Codes and Ordinances of the City of Brewer, entitled “Sewer and Pre-Treatment Ordinance”, Article 7, Section 702.
(Councilor Phanthay)

H. New Items with Leave of Council

I. ADJOURN

A. Minutes of the April 12, 2022 Regular Meeting and Minutes of the May 4, 2022 Special 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

2022-B009

May 10, 2022

TITLE: RESOLVE, RECOGNIZE DAVID UTTERBACK FOR BEING SELECTED AS MAINE’S ATHLETIC DIRECTOR OF THE YEAR.

Filed April 11, 2022
By Jerry Goss

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WHEREAS, David Utterback has served as the Brewer High School Athletic Director since 2012; and

WHEREAS, Mr. Utterback provides a multitude of extracurricular opportunities for Brewer Middle and High School students; and

WHEREAS, Mr. Utterback recently received the 2022 Maine Interscholastic Athletic Administrators Association (MIAAA) Athletic Director of the Year for his outstanding work on behalf of the students of Brewer.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the citizens of the City of Brewer, Maine, herewith recognizes David Utterback for his efforts to advance Brewer High School and Middle School athletics; and

BE IT FURTHER RESOLVED, that this resolution be spread upon the records of the City of Brewer in testimony of the appreciation held for David Utterback by the citizens and officials of the City of Brewer, Maine.

ACTION: Councilor Goss moved that the resolve be adopted. Councilor Ferris seconded the motion. Councilor Goss issued a Brewer Challenge Coin to David, with the challenge “artificial surface on our baseball field”. Councilor Goss complimented David’s leadership of his staff and students, and praised his involvement with the unified basketball program. David thanked the council, the City administration, and the City department heads. Councilor Ferris said that David had done a great job, and complimented the success of the Hall of Fame noting the importance of bringing young athletes and older athletes together. Councilor Morin thanked David for his work with student athletes. Mayor Daniels encouraged all in attendance to see a unified basketball game, and thanked David for his efforts in that program. Councilor Goss noted that the Hall of Fame is a great opportunity for student athletes to learn the history of Brewer. The motion passed with a 4-0 vote.

2022-B010

May 10, 2022

TITLE: RESOLVE, RECOGNIZE DAVID HANNA FOR YEARS OF SERVICE TO THE BREWER HISTORICAL SOCIETY AND TO THE CITY OF BREWER.

Filed May 2, 2022
By Jenn M. Morin

WHEREAS, David Hanna joined the Brewer Historical Society in 2005; and

WHEREAS, in service to the Brewer Historical Society David has been recognized as an accomplished writer, teacher, and advocate for the preservation of the history of the City of Brewer; and

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WHEREAS, David has authored numerous history articles, his work has appeared in Memories of Maine, and the Bangor Metro, and in 2019 David wrote the book “A History of Brewer, Maine”; and

WHEREAS, as a representative of the Brewer Historical Society, David has been called upon to serve on a number of boards, committees and projects for the City of Brewer, including the 2015 Brewer Comprehensive Plan Committee, as historical consultant for the Brewer Community School Planning Committee, and as a part of the Brewer Elementary School Closing Committee resulting in the preservation of the 1925 High School/Middle School which was later added to the National Registry of Historic Places; and

WHEREAS, David, with his extensive knowledge, and passion for history, has become an integral part of telling the story of the history of Brewer.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the citizens of the City of Brewer, Maine, herewith recognizes David Hanna for his years of service to the Brewer Historical Society and to the City of Brewer; and

BE IT FURTHER RESOLVED, that this resolution be spread upon the records of the City of Brewer in testimony of the appreciation held for David Hanna by the citizens and officials of the City of Brewer, Maine.

ACTION: Councilor Morin moved that the resolve be adopted. Councilor Ferris seconded the motion. Councilor Morin issued a Brewer Challenge Coin to David with the challenge to pass his wisdom and knowledge on to a young soul. Councilor Goss noted a recent article that described the Brewer Historical Society getting older in years, and the desire to recruit younger folks, and suggested that the Historical Society might reach out to the high school and even eighth-grade students at the community school. Councilor Ferris thanked David for his years of service and said that David and TC are quite a team, and that David had improved the Historical Society a great deal in his time. Mayor Daniels expressed gratitude for having been assigned as the liaison to the Historical Society, and praised David’s efforts and his contributions to the people of Brewer. Mayor Daniels issued a challenge coin to TC as David’s driving force. The motion passed with a 4-0 vote.

Public Comments

Councilor Goss thanked City Manager Steve Bost for his twenty-three years of service to the City of Brewer. Councilor Goss said that Steve had assembled the best administrative team in the State of Maine. Councilor Morin thanked Steve for his leadership, and praised his passion for the City. Councilor Ferris said that Steve had done a great job, and that the City had done well under his direction. Mayor Daniels congratulated Steve on his years of service. Mayor Daniels thanked all the staff and citizens that had participated in the annual stream clean-up the previous Saturday. The City Manager thanked the council for their comments on his years of service, and cited his staff as a source of his success. The City Manager noted his arrival in Brewer as an interim, not expecting to stay long, and reflecting that living and working in Brewer had been one of the best things he ever did.

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C. Consent Calendar

2022-A074

May 10, 2022

TITLE: ORDER, AUTHORIZE PURCHASE OF E.H. WACHS HYDRAULIC SAW.

Filed April 15, 2022
By Soubanh Phanthay

WHEREAS, with respect to water and sewer pipe-maintenance and repair, cutting pipe in a trench box can be difficult and has the potential to cause danger to crew members; and

WHEREAS, 416 E.H. Wachs Hydraulic Saw allows one operator to stand above the pipe in a safe position and make a cut and has the added safety feature of producing no fumes; and

WHEREAS, the saw and clamping system produces a straighter and more uniform cut allowing for an improved repair, and for large pipe, the saw reduces multiple cuts and readjustments to a single cut on each end; and

WHEREAS, the purchase of this saw was approved in the Fiscal Year 2021 (FY21) Capital Improvement Program (CIP) for the price of \$10,200; and

WHEREAS, an improved design and the supply-chain issues caused by the COVID-19 pandemic has resulted in an increased price.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the purchase of one 416 Diamond Saw for four-inch (4”) to sixteen-inch (16”) pipe with spare cutting wire and shipping for the purchase price of \$13,965; and

BE IT FURTHER ORDERED, that the costs of this purchase be charged to Water CIP account 0571003-573030 Pipe Cutoff Saw; and

BE IT FURTHER ORDERED, that surplus funds in Water CIP accounts 0571003-573040 Leak Detection Equipment (\$1,465) and 0571001-571011 Robinhood Line Replacement (\$2,300) be reallocated to 0571003-573030 Pipe Cutoff Saw to cover the additional cost.

Statement of Fact: In water and sewer pipe-maintenance and repair, cutting large pipe is difficult and potentially dangerous. The 416 E.H. Wachs Hydraulic Saw is a very successful saw that makes sawing safer, easier, faster, and provides a better cut during repairs.

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2022-A075

May 10, 2022

TITLE: ORDER, ACCEPT GRANT FUNDS AND AUTHORIZE CONTRACT FOR
HATCASE POND ROAD STORM WATER FLOW ASSESSMENT.

Filed April 15, 2022
By Jerry Goss

WHEREAS, changing weather patterns have resulted in local storm events which have caused issues with the Hatcase Pond watershed and the City of Brewer's raw water quality; and

WHEREAS, Olver Associates is a local firm focused on storm water which has a strong skillset to assess storm events and runoff in the watershed; and

WHEREAS, assessing 25-year flow data, culvert sizing, and other erosion control techniques specific to the terrain and flows will allow the development of a long-term plan for road repair and erosion control; and

WHEREAS, the Maine Drinking Water Program (MDWP) has awarded the City of Brewer a \$10,000 grant to cover the cost of this assessment.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the City Manager, or his designee, to enter into a contract for \$10,000 with Olver Associates for erosion control assessment of the Hatcase Pond watershed to be charged to Water CIP account 0571004-574001 (Hatcase Stormwater Assessment); and

BE IT FURTHER ORDERED, THAT the City Council hereby accepts the \$10,000 grant from the MDWP to cover the costs of the assessment and authorizes their deposit into 0570005-360000 (Water CIP Grant Proceeds); and

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

Statement of Fact: This order accepts a \$10,000 grant that will pay for a comprehensive storm water assessment of the Hatcase Pond watershed that will offer erosion control techniques which work best based on flow velocities and quantity of water coming off the hills surrounding the pond.

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2022-A076

May 10, 2022

TITLE: ORDER, ACCEPT DONATION FROM VERSANT POWER.

Filed April 15, 2022
By Joseph L. Ferris

WHEREAS, the City of Brewer Fire Department has received a charitable donation of \$7,500 from Versant Power; and

WHEREAS, these funds were intended to purchase a Utility Terrain Vehicle; and

WHEREAS, other money will be obtained through grants until the total purchase price has been achieved.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the acceptance and deposit of these funds 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 \$7,500 donation from Versant Power to support the purchase of a wildland rescue utility terrain vehicle that will be outfitted for fighting wildland fires and conducting off-road rescue during all seasons of the year. The donated funds will be held until additional money has been raised to make the purchase.

2022-A077

May 10, 2022

TITLE: ORDER, AMEND SCHEDULE OF FEES.

Filed April 19, 2022
By Jenn M. Morin

WHEREAS, Chapter 20 of the Charter, Codes and Ordinances of the City of Brewer, Article 4 Licensing and Permit Fee Schedule, requires the City Council to establish fees for City licenses and permits.

NOW, THEREFORE, BE IT ORDERED, that the Schedule of Fees shall be amended as follows:

SCHEDULE OF FEES

ALL DEPARTMENTS

- Photo copies ~~.50¢~~ 10¢ per page

CITY CLERK

- Vital records (non-certified) ~~\$5.00~~ \$10.00 per record

Statement of Fact: This amendment to the Schedule of Fees is to align with Maine Legislative Document 1345 enacted last year which changes the copy rate to 10¢ per page. This amendment also changes the fee for non-certified vital records to match the fee schedule for the State Office of Vital Statistics.

2022-A078

May 10, 2022

TITLE: ORDER, AWARD CONTRACT FOR LITTLE JOHN LANE STORM DRAIN REPLACEMENT AND EROSION CONTROL PROJECT.

Filed April 26, 2022
By Soubanh Phanthay

WHEREAS, an existing storm drain line running from Rotherdale Road along Little John Lane to a large ditch area is failing; and

WHEREAS, this is a major outlet for Rotherdale Road and other areas above it in the Sherwood Forest area; and

WHEREAS, funding in the amount of \$150,000 was approved in the Fiscal Year 2022 (FY22) Capital Improvement Program (CIP) for erosion control work in the Sherwood Forest area; and

WHEREAS, the Engineering Department has prepared specifications and bid documents for the replacement of this section of storm drain and erosion control work on both sides of the existing trail, which was noted as a major area of erosion concern in a previous report done by CES, Inc. for the Environmental Services Department; and

WHEREAS, the Engineering Department requested bids for this work and the bids have been received and reviewed (see the Bid Summary below).

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to execute a contract with Rick Whitmore Contracting of Holden, Maine in the amount of \$103,334 for the Little John Storm Drain Replacement and Erosion Control Project; and

BE IT FURTHER ORDERED, that the cost of this project shall be charged to CIP account 0510113-551600-66503.

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Opening Bid Summary	
Company Name	Total Bid
Eastwood Contractors	\$ 164,240.00
Vaughn D Thibodeau II	\$ 97,300.00
Maine Earth	\$ 143,950.00
Whitmore Contracting	\$ 93,940.00
LG Whitcomb Landscaping	\$ 138,551.50
Lou Silver, Inc.	\$ 102,130.00

Statement of Fact: This order authorizes the construction contract with Rick Whitmore Contracting for the Little John Lane Storm Drain Replacement and Erosion Control Project for \$103,334 (the bid amount plus 10% for contingency).

2022-A079

May 10, 2022

TITLE: ORDER, AWARD CONTRACT FOR MAID MARION DRAINAGE DITCH PROJECT.

Filed April 28, 2022
By Jerry Goss

WHEREAS, after awarding the contract for the Little John Lane Storm Drain and Erosion Control Project, funding remained in the Sherwood Forest Erosion Control Capital Improvement Program (CIP) project; and

WHEREAS, the Engineering Department of the City of Brewer has identified a ditch erosion project in the immediate area that should be completed with the funds remaining; and

WHEREAS, in consulting with other City departments, it was determined that the most efficient way to address these erosion control issues was to make a closed drainage system for a portion of the ditch; and

WHEREAS, the Engineering Department negotiated with the low bidder for the Little John Lane project, as significant cost savings would be possible given that no further mobilization would be required and the fill material from the Little John Lane project could be trucked directly to the Maid Marion site; and

WHEREAS, the contractor gave a cost proposal to do the work for \$26,480 (See attached price proposal), which is in line with other common pricing information.

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to execute a contract with Rick Whitmore Contracting of Holden, Maine in the amount of \$35,000 (bid amount plus \$8,520 for contingencies) for the Maid Marion Ditch Project; and

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BE IT FURTHER ORDERED, that the cost of this project shall be charged to CIP account 0510113-551600-66503.

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 contractor services for this project.

Statement of Fact: This order authorizes a construction contract with Rick Whitmore Contracting for the Maid Marion Ditch Project for \$35,000 (the bid amount plus \$8,520 for contingency). A proposal was requested from the low bidder for the Little John Lane project as the close proximity and ability to truck material a much shorter distance provided a benefit to the contractor. This contract also completes another erosion control project in the Sherwood Forest area that has been previously identified.

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Whitmore Contracting
17 Lunn Lane
Eddington, ME 04428

Phone: 989-2385

Cell: 356-0668

PROPOSAL

Date: April 28, 2022

City of Brewer
80 N Main St.
Brewer, ME 04412
Attention: Jeremy Caron

Jeremy:

After meeting you on site and discussing your plan to close the drainage off of Rotherdale Drive, I propose to provide all materials, equipment, and labor to complete the work outlined below:

1. Mobilize all necessary equipment to/from the site
2. Clear trees and brush as reviewed
3. Install new 24" x 125' HDPE culvert as reviewed
4. Install new precast structure with cast iron frame and grate at end of existing 24" RCP
5. Tie in foundation drain from existing outlet to new structure
6. Import fill as needed to create well-graded swale
7. Install riprap and sediment basin at inlet end of new storm drain
8. Loam, seed, mulch swale and disturbed area

Total sum for work listed above: \$26,480

Notes:

1. A bonding requirement would add 4% to above pricing
2. Any certificates of insurance or payroll certifications can be submitted upon request.

If this proposal meets with your satisfaction, please sign below and return it.

Project Owner/GC Signature _____

Richard Whitmore _____

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2022-A080

May 10, 2022

TITLE: ORDER, AWARD CONTRACT FOR 2022 STREET LINE PAINTING.

Filed April 29, 2022

By Joseph L. Ferris

WHEREAS, bids were solicited, received and evaluated for the City of Brewer's 2022 street line striping contract; and

WHEREAS, K5 Corporation of Rockland, Massachusetts submitted the lowest price of the five bids received.

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith accepts the bid from K5 Corporation and authorizes the City Manager, or his Designee, to approve a purchase order and payment to K5 Corporation up to the amount of \$36,115; and

BE IT FURTHER ORDERED, that funds for this contract shall be charged to account 0116611-501044 titled "Contracted Services".

Statement of Fact: Due to increased fuel, labor and material cost we are seeing an approximate 25% increase in cost for striping services. We will have some reduction in scope due to paving projects and may eliminate some areas that are still well defined to reduce overall cost but will still exceed the funds budgeted for striping services. K5 Corporation has been awarded the City's striping contract in the past under the name HiWay Safety Systems.

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STREET LINE PAINTING BID RESULTS			
Scheduled Opening Date: April 25, 2022		Scheduled Opening Time: 2:00 pm	
Actual Opening Date: April 25, 2022		Actual Opening Time: 2:02 pm	
All bids were received prior to the closing time specified.			
Fine Line Pavement Striping; 2729 US Route 2, Hermon, Maine 04401			
207-848-7007	nicole@finelinepavementstriping.com		
Item	Miles	Unit Price	Total Price
Double Yellow Lines	29.50	\$795.00	\$23,452.50
Solid White	57.20	\$685.00	\$39,182.00
Broken White	4.00	\$685.00	\$2,740.00
Total Bid			\$65,374.50
L & D Safety Markings; 304 East Montpelier Road, Barre, VT 05641			
802-461-2558	estimating@ldsafetymarking.com		(not submitted correctly)
Item	Miles	Unit Price	Total Price
Double Yellow Lines	29.50	\$1,161.60	\$34,267.20
Solid White	57.20	\$580.80	\$33,221.76
Broken White	4.00	\$792.00	\$3,168.00
Total Bid			\$70,656.96
On-the-line, Inc; 22 Alden Street, Bangor, ME 04401			
207-947-9912	onthelinecorp@gmail.com		
Item	Miles	Unit Price	Total Price
Double Yellow Lines	29.50	\$506.00	\$14,927.00
Solid White	57.20	\$350.00	\$20,020.00
Broken White	4.00	\$350.00	\$1,400.00
Total Bid			\$36,347.00
Lucas Striping LLC.; 237 Plain Road, Readfield, ME 04355			
207-215-2320	steve@lucasstriping.com		
Item	Miles	Unit Price	Total Price
Double Yellow Lines	29.50	\$633.60	\$18,691.20
Solid White	57.20	\$316.80	\$18,120.96
Broken White	4.00	\$79.20	\$316.80
Total Bid			\$37,128.96
K5 Corporation; 9 Rockview Way, Rockland, MA 02370			
781-982-9229	bids@k5corporation.com		
Item	Miles	Unit Price	Total Price
Double Yellow Lines	29.50	\$550.00	\$16,225.00
Solid White	57.20	\$325.00	\$18,590.00
Broken White	4.00	\$325.00	\$1,300.00
Total Bid			\$36,115.00

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2022-A081

May 10, 2022

TITLE: ORDER, ACCEPT DONATION FROM THE BREWER KIWANIS CLUB TO THE BREWER PARKS & RECREATION DEPARTMENT FOR SPECIAL EVENT.

Filed April 29, 2022
By Jenn M. Morin

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$250 from Kiwanis Club of Brewer for support of the Egg Hunt; and

WHEREAS, it is the request of the donor and the recommendation of the Parks & Recreation Director that this donation be appropriated and expended to supplement the Egg Hunt.

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 Special Events Revenue account (0107123-300325); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of this money from the Special Events Expense account (0117121-506150).

Statement of Fact: This order accepts a \$250 contribution from Brewer Kiwanis Club to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Egg Hunt.

2022-A082

May 10, 2022

TITLE: ORDER, AUTHORIZE AGREEMENTS WITH MDOT, AND FUNDING FOR RESURFACING A PORTION OF STATE STREET.

Filed May 2, 2022
By Soubanh Phanthay

WHEREAS, a Bangor Area Comprehensive Transportation System (BACTS) funded project has been approved for a resurfacing project on a portion of State Street from Eastern Avenue to the Penobscot Bridge; and

WHEREAS, the City of Brewer has a 10% cost share for all federally funded BACTS projects which is estimated to be \$90,000 on this project; and

WHEREAS, the work is scheduled to be bid by the Maine Department of Transportation (MDOT) in 2024.

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NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the City Manager, or his designee, to execute all necessary agreements with BACTS and MDOT for the completion of this MDOT project for a portion of State Street; and

BE IT FURTHER ORDERED, that the Finance Director shall include a line item in the Fiscal Year 2024 Capital Improvement Program in the amount of \$100,000 to cover the City's anticipated 10% cost share for this project (including contingency).

Statement of Fact: This order authorizes funding and formal agreements for a BACTS sponsored project for resurfacing a portion of State Street from Eastern Avenue to the Penobscot Bridge. The project is scheduled to be completed in 2024.

2022-A083

May 10, 2022

TITLE: ORDER, AUTHORIZE AGREEMENTS WITH MDOT, AND FUNDING FOR RESURFACING A PORTION OF PARKWAY SOUTH.

Filed May 2, 2022
By Jerry Goss

WHEREAS, a Bangor Area Comprehensive Transportation System (BACTS) funded project has been approved for a resurfacing project on a portion of Parkway South from Wilson Street to the I-395 bridge joint; and

WHEREAS, the City of Brewer has a 10% cost share for all federally funded BACTS projects which is estimated to be \$60,000 on this project; and

WHEREAS, the work is scheduled to be bid by the Maine Department of Transportation (MDOT) in 2024.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the City Manager, or his designee, to execute all necessary agreements with BACTS and MDOT for the completion of this MDOT project for a portion of Parkway South; and

BE IT FURTHER ORDERED, that the Finance Director shall include a line item in the Fiscal Year 2024 Capital Improvement Program in the amount of \$75,000 to cover the City's anticipated 10% cost share for this project (including contingency).

Statement of Fact: This order authorizes funding and formal agreements for a BACTS sponsored project for resurfacing a portion of Parkway South from Eastern Avenue to the I-395 bridge joint. The project is scheduled to be completed in 2024.

City Council Minutes
Tuesday, May 10, 2022

2022-A084

May 10, 2022

TITLE: ORDER, AUTHORIZE AGREEMENTS WITH MDOT, AND FUNDING FOR A TRAFFIC SIGNAL IMPROVEMENT PROJECT AT PARKWAY SOUTH AND WILSON STREET.

Filed May 2, 2022
By Joseph L. Ferris

WHEREAS, a Bangor Area Comprehensive Transportation System (BACTS) funded project has been approved for a traffic signal improvement project at the intersection of Parkway South and Wilson Street; and

WHEREAS, the City of Brewer has a 10% cost share for all federally funded BACTS projects which is estimated to be \$8,000 on this project; and

WHEREAS, the work is scheduled to be bid by the Maine Department of Transportation (MDOT) in 2024.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the City Manager, or his designee, to execute all necessary agreements with BACTS and the MDOT for the completion of this MDOT project for the intersection of Parkway South and Wilson Street; and

BE IT FURTHER ORDERED, that the Finance Director shall include a line item in the Fiscal Year 2024 Capital Improvement Program in the amount of \$10,000 to cover the City's anticipated 10% cost share for this project (including contingency).

Statement of Fact: This order authorizes funding and formal agreements for a BACTS sponsored project for a traffic signal improvement project at the intersection of Parkway South and Wilson Street. This project will be upgrading the detection cameras at this intersection. The project is scheduled to be completed in 2024.

2022-A085

May 10, 2022

TITLE: ORDER, ACCEPT ASSET FORFEITURE FUNDS.

Filed May 2, 2022
By Jenn M. Morin

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, Maine, 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	
21-2652	\$1674.50	; and

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

Statement of Fact: The Brewer Police Department was awarded \$1,674.50 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-A086

May 10, 2022

TITLE: ORDER, TAX RELEASE DEED, MAP 28, LOT 38, LAND AND BUILDINGS
ON 8 GIBBONS COURT, FORMERLY 8 SPRING STREET COURT.

Filed May 3, 2022
By Soubanh Phanthay

BE IT ORDERED THAT a municipal Release Deed be issued to Estate of Eleanor Hart of Brewer, County of Penobscot, releasing to the Estate all interest that the City of Brewer may have acquired by virtue of sewer liens on the 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 8 Gibbons Court (formally 8 Spring Street Court) that the City acquired by virtue of foreclosed sewer lien, which has now been paid in full. A total of \$5,774.45 was collected, \$5,339.45 in tax and sewer along with \$160.00 in interest and \$275.00 in costs.

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**RELEASE DEED
ESTATE OF ELEANOR HART**

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

Map 28, Lot 38 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:

Volume	Page
15633	317
15710	293
15975	56
16224	198
16423	64

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 16 day of May AD 2022

WITNESS:

CITY OF BREWER

Stephen Bost
City Manager
Duly authorized

STATE OF MAINE

PENOBSCOT, ss

DATE May 16, 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-A087

May 10, 2022

TITLE: ORDER, AUTHORIZE AGREEMENTS WITH MDOT, AND FUNDING FOR A RESURFACING PROJECT ON A PORTION OF SOUTH MAIN STREET.

Filed May 3, 2022
By Jerry Goss

WHEREAS, a Bangor Area Comprehensive Transportation System (BACTS) funded project has been approved for a resurfacing project on South Main Street running from Abbott Street through the Wilson Street intersection; and

WHEREAS, the City of Brewer has a 10% cost share for all federally funded BACTS projects which is estimated to be \$125,000 on this project; and

WHEREAS, the work is scheduled to be bid by the Maine Department of Transportation (MDOT) in 2023.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the City Manager, or his designee, to execute all necessary agreements with BACTS and MDOT for the completion of this MDOT project for the resurfacing of South Main Street; and

BE IT FURTHER ORDERED, that the Finance Director shall include a line item in the Fiscal Year 2023 Capital Improvement Program in the amount of \$135,000 to cover the City's anticipated 10% cost share for this project (including contingency).

Statement of Fact: This order authorizes funding and formal agreements for a BACTS sponsored project for a resurfacing project for a portion of South Main Street from Abbott Street to Wilson Street. The project is scheduled to be completed in 2023.

2022-A088

May 10, 2022

TITLE: ORDER, APPROVE CONTRACT ZONE AGREEMENT OF PROPERTY FOR PETER T. AND LYNN J. HILYARD, MOYSE PROPERTIES, LLC., AND THE CITY OF BREWER, TAX MAP 47, LOT 167A.

Filed May 4, 2022
By Joseph L. Ferris

WHEREAS, Moyse Properties, LLC. has requested a contract zone agreement on land of Peter T. and Lynn J. Hilyard to create a residential condominium development consisting of 36 dwelling units in either single-family or duplex buildings in order to create a cluster subdivision style project; and

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WHEREAS, the property is currently located in the MDR-1 zoning district which does not allow for duplex buildings; and

WHEREAS, the applicant proposes to enter into a contract zone agreement with conditions to change the zoning to the HDR zoning district in order to construct duplexes. The conditions, in part, would limit the development to the 36 dwelling units allowed by the current MDR-1 zoning; and

WHEREAS, the Moyses Properties, LLC. contract zone application went before the Brewer Planning Board on May 2, 2022 with a vote of 5-0 with one abstention in favor of recommending the City Council approve the proposed contract zone agreement.

NOW, THEREFORE, BE IT ORDERED, that the contract zone agreement between Peter T. and Lynn J. Hilyard, Moyses Properties, LLC., and the City of Brewer providing for a contract zone change for the property located off Parkway South, Ryder Road, and Skyview Avenue (City Tax Map 47, Lot 167A) is herewith approved; and

BE IT FURTHER ORDERED, that a copy of the proposed contract zone agreement for the contract zone change for said property is herewith attached and made a part of this order; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to sign this contract agreement on behalf of the City of Brewer and upon execution, the City Clerk, or his designee, is herewith authorized to record said contract agreement in the Penobscot County Registry of Deeds at the applicant's expense.

Statement of Fact: The applicants wish to develop the property into condominium residential dwelling units constructed as duplexes rather than all single-family houses but will be keeping the density as allowed by the current MDR-1 zoning district.

CONTRACT ZONE AGREEMENT

Relating to the lands of Lynn J. Hilyard and Peter T. Hilyard as recorded in book 9990, page 293.

This agreement made on _____, 2022, between Peter and Lynn Hilyard, with a mailing address of 3 Lynn Avenue, Brewer, Maine 04412 (hereinafter referred to as HILYARD), Moyse Properties LLC, , a Maine limited liability company with a mailing address of 42 Pleasant View Avenue, Bangor, Maine 04401 (hereinafter referred to as MOYSE), and the CITY OF BREWER, MAINE, a body corporate and politic formed under the laws of Maine with a mailing address of 80 North Main Street, Brewer, Maine 04412 (hereinafter referred to as the CITY).

WHEREAS:

1. HILYARD currently holds fee ownership in the property located on the southerly side of Parkway South, Brewer, Maine. Said property further described in the deed from Leo J. Hartery Jr. and Hilda J. Hartery to Lynn J. Hilyard and Peter T. Hilyard recorded in the Penobscot County Registry of Deeds in Book 9990, Page 293 (currently shown as Assessor's Map 47 Lot 167A). Said property hereinafter referred to as the PROPERTY;
2. The PROPERTY is located off Parkway South, Ryder Road, Skyview Avenue, contains approximately 15.8 acres, and was previously used as an orchard;
3. HILYARD has entered into a Real Estate Purchase and Sale Agreement with MOYSE, dated December 28, 2021 to purchase the PROPERTY and develop into residential dwelling units. HILYARD and MOYSE together shall hereinafter be referred to as the APPLICANTS.
4. The PROPERTY is currently located wholly within the Medium Density Residential 1 (MDR-1) zoning district. MOYSE requests to enter into a contract zone agreement to change the zoning from MDR-1 to High Density Residential (HDR) in order to develop the PROPERTY by grouping the dwelling units in a series of duplexes rather than single-family houses but keeping the density as allowed by the current MDR-1 zone;
5. MOYSE has prepared plans and documentation for their proposed development project known as Parkway Orchards Condominiums. The project is proposed to consist of duplex condominiums to be located on a private road off Parkway South. The dwelling units would be individually owned with the remainder of the property to be owned and maintained by the condominium association.
6. MOYSE proposes to enhance the existing farm pond, create walking trails, and keep the orchard and specimen trees. The undeveloped land would remain as open green space.
7. In addition to not increasing the density to the HDR zone and keeping it as allowed by the current MDR-1 zone, MOYSE has offered the following conditions to be included in the contract:

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- a) The development must be residential.
 - b) The development must be single-family or duplex structures.
 - c) The development density does not exceed the 36 units permitted in the MDR-1 zone.
 - d) The development must obtain approval for subdivision and site plan in accordance with the Brewer Land Use Ordinance.
 - e) Building side yard setback from original property lines to double the standard of the MDR-1 zone (30'), and all other setbacks to be equal to the MDR-1 zone.
 - f) Development is to be a condominium form of ownership in accordance with Maine Statutes.
 - g) Construction to occur in phases as approved by the City of Brewer.
 - h) All units must be served by municipal water and sewer.
 - i) Stormwater management and site drainage will be designed to minimize impacts to down gradient waterways and maintain a safe living space. All drainage to comply with the standards of the City of Brewer and State of Maine.
 - j) Buffering/landscaping to be provided in building setback areas that have been encroached upon or graded to provide screening as part of the Planning Board approvals.
 - k) Development to obtain subdivision and site plan approval from the Brewer Planning Board.
 - l) All buildings must be completed by the developer.
 - m) Developer to provide the City with a permanent easement at the end of Ryder Road acceptable to the City Engineer.
 - n) Development access to be from Parkway South.
 - o) An emergency access to Skyview Avenue to be provided as required by the City and will be gated for emergency use only.
 - p) Pedestrian access to provide connection to Ryder Road.
8. Said proposed Parkway Orchard Condominium project requires both subdivision approval and site plan approval through the Brewer Planning Board. Design and construction details would be reviewed during these processes.
9. MOYSE has submitted a contract zone application to the Brewer Planning Board. The application was reviewed by the Brewer Planning Board on May 2, 2022 with a vote of 5-0 with one abstention in favor of recommending the City Council approve the contract zone agreement.

NOW, THEREFORE, the parties agree as follows:

1. The APPLICANTS, their heirs and assigns, may only use this PROPERTY for the purpose of single-family and/or two-family structures and ancillary uses pertaining to the primary use.
2. The APPLICANTS shall construct and operate the site according to the documents, plans and conditions contained within the City of Brewer subdivision approval and site plan approval and any approved amendments thereto. Should the PROPERTY not receive both subdivision and site plan approval and receive any necessary State and/or Federal approvals within eighteen (18) months of this contract date, the APPLICANTS shall have this contract zone agreement nullified.
3. The APPLICANTS shall meet the following conditions:

City Council Minutes
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- a) The development must be residential.
 - b) The development must be single-family or duplex structures.
 - c) The development density does not exceed the 36 units permitted in the MDR-1 zone.
 - d) The development must obtain approval for subdivision and site plan in accordance with the Brewer Land Use Ordinance.
 - e) Building side yard setback from original property lines to double the standard of the MDR-1 zone (30'), and all other setbacks to be equal to the MDR-1 zone.
 - f) Development is to be a condominium form of ownership in accordance with Maine Statutes.
 - g) Construction to occur in phases as approved by the City of Brewer.
 - h) All units must be served by municipal water and sewer.
 - i) Stormwater management and site drainage will be designed to minimize impacts to down gradient waterways and maintain a safe living space. All drainage to comply with the standards of the City of Brewer and State of Maine.
 - j) Buffering/landscaping to be provided in building setback areas that have been encroached upon or graded to provide screening as part of the Planning Board approvals.
 - k) Development to obtain subdivision and site plan approval from the Brewer Planning Board.
 - l) All buildings must be completed by the developer.
 - m) Developer to provide the City with a permanent easement at the end of Ryder Road acceptable to the City Engineer.
 - n) Development access to be from Parkway South.
 - o) An emergency access to Skyview Avenue to be provided as required by the City and will be gated for emergency use only.
 - p) Pedestrian access to provide connection to Ryder Road.
4. The APPLICANTS agree to promptly pay any costs incurred by the CITY to correct any deficiencies in compliance with the site plan and/or conditions of approval, including but not limited to corrective action, court costs, sheriff's fees and reasonable attorney's fees;
 5. The conditions, terms, and duties and obligations of this Contract shall run with the land. All future real estate conveyances by deed shall contain a reference to this Contract.
 6. This Contract shall inure to the benefit of the owners, its successors and assigns.
 7. This Contract may only be amended in writing by the CITY and owner of the property as determined by the ownership as of the date of the amendment;
 8. This Contract shall be recorded in Penobscot County Registry of Deeds by CITY, at the APPLICANTS expense, within 30 days after the Brewer City Council approves the contract.
 9. The property owner has the right to assign this contract.

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Witness

Peter T. Hilyard
Dated: _____

Witness

Lynn J. Hilyard
Dated: _____

Moyse Properties, LLC

Witness

By _____
Nadine F. Moyse, Sole Member of
Moyse Properties, LLC
Dated: _____

City of Brewer

Witness

By _____
Its City Manager, duly authorized
Dated: _____

Penobscot, ss

State of Maine
Date _____

Personally appeared the above-named Peter T. Hilyard and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public
Printed name: _____

Penobscot, ss

State of Maine
Date _____

Personally appeared the above-named Lynn J. Hilyard and acknowledged the foregoing instrument to be her free act and deed.

Before me,

City Council Minutes
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Notary Public
Printed name: _____

Penobscot, ss

State of Maine
Date _____

Personally appeared the above-named Nadine F. Moyse, Sole Member of Moyse Properties LLC, and acknowledged the foregoing instrument to be her free act and deed in her capacity and the free act and deed of said Moyse Properties LLC.

Before me,

Notary Public
Printed name: _____

Penobscot, ss

State of Maine
Date _____

Personally appeared the above-named Stephen M. Bost, City Manager, and acknowledged the foregoing instrument to be his free act and deed in his capacity and the free act and deed of said City of Brewer.

Before me,

Notary Public
Printed name: _____

City Council Minutes
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2022-A089

May 10, 2022

TITLE: ORDER, AUTHORIZE ADDITIONAL FUNDS FOR PURCHASE OF A REPLACEMENT TRUCK FOR WATER DEPARTMENT.

Filed May 4, 2022
By Jenn M. Morin

WHEREAS, the Brewer City Council previously approved the purchase of a 3/4-ton Ford pickup truck, \$42,531 for the truck and \$1,995 for the extended warranty in August of 2021; and

WHEREAS, a recent transfer of records to the Water Department showed that this truck was bid out as a 2x4 and not a 4x4 as desired; and

WHEREAS, Quirk Ford is willing to change the order to a 4x4 for a total charge of \$46,949.20 for the vehicle and \$2,450 for the extended warranty.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to sign an additional purchase order to Quirk Ford in the amount of \$4,866.20; and

BE IF FURTHER ORDERED, that the funds for this purchase be charged to the account # 0571003-573005 titled "Unit 754"; and

BE IT FURTHER ORDERED, that the Brewer City Council hereby authorizes the transfer of \$4,866.20 from the Water Department's Capital Reserve account to 0571003-573005 Unit 754 Replacement to fund this purchase.

Statement of Fact: This issue resulted from an error in the bidding package. Quirk Ford has another vehicle ordered meeting the desired specifications in a 4x4 chassis and is willing to change the order to that vehicle at the additional cost of \$4,866.20.

2022-A090

May 10, 2022

TITLE: ORDER, DECLARE THE PROPERTY SITUATED AT 361 NORTH MAIN STREET, BREWER, MAINE, AND MORE SPECIFICALLY DESCRIBED IN THE PENOSBCOT COUNTY REGISTRY OF DEEDS IN BOOK 13961, PAGE 154, TO BE SURPLUS AND AUTHORIZE ITS DISPOSAL.

Filed May 5, 2022
By Soubanh Phanthay and
Jerry Goss

City Council Minutes

Tuesday, May 10, 2022

WHEREAS, the sewer lien against the property situated at 361 North Main Street, Brewer, Maine, (now Tax Assessor's Map 34, Lot 41 and more specifically described in the Penobscot County Registry of Deeds in Book 13961, Page 154 (herein after referred to as the "Property")) has automatically foreclosed; and

WHEREAS, the City has acquired title to the Property; and

WHEREAS, City staff has concluded that the Property is not required for public purposes and recommends to the City Council that it be declared surplus and sold or otherwise disposed of as would be in the best interest of the citizens of Brewer.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council, based on the City's staff recommendation, hereby declares the Property situated at 361 North Main Street, Brewer, Maine, to be surplus property for public purposes; and authorizes the City Manager, or his designee, to sell or otherwise dispose of the Property;

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to take any and all further action he, or his designee, deem necessary and to sign any and all documents that he, or his designee, deem appropriate to effectuate the sale or transfer of said Property.

Statement of Fact: This order declares the vacant property located at 361 North Main Street surplus and authorizes the City Manager to sell it. The City obtained the property, formerly owned by Ping Lu, through the automatic foreclosure of a sewer lien. This property is in serious disrepair and has been actively listed on the real estate market for some time, without having a sale.

2022-A091

May 10, 2022

TITLE: ORDER, DECLARE THE PROPERTY SITUATED AT 11 HOUSTON LANE, BREWER, MAINE, IDENTIFIED ON TAX MAP 19-040, AND MORE SPECIFICALLY DESCRIBED IN THE PENOSBCOT COUNTY REGISTRY OF DEEDS IN BOOK 5747, PAGE 157, TO BE SURPLUS AND AUTHORIZE ITS DISPOSAL.

Filed May 5, 2022

By Jerry Goss and

Joseph L. Ferris

WHEREAS, the multiple tax liens against the property situated at 11 Houston Lane, Brewer, Maine, (now Tax Assessor's Map 19, Lot 40) and more specifically described in the Penobscot County Registry of Deeds in Book 5747, Page 157 (herein after referred to as the "Property") have automatically foreclosed; and

WHEREAS, the City has acquired title to the Property; and

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WHEREAS, City staff has concluded that the Property is not required for public purposes and recommends to the City Council that it be declared surplus and sold or otherwise disposed of as would be in the best interest of the citizens of Brewer.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council, based on the City's staff recommendation, hereby declares the Property situated at 11 Houston Lane, Brewer, Maine, to be surplus property for public purposes; and authorizes the City Manager, or his designee, to sell or otherwise dispose of the Property;

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to take any and all further action he, or his designee, deem necessary and to sign any and all documents that he, or his designee, deem appropriate to effectuate the sale or transfer of said Property.

Statement of Fact: This order declares the property located at 11 Houston Lane surplus and authorizes the City Manager to sell it. The City obtained the property, formerly owned by Andrew & Michelle Bladen, through the automatic foreclosure of multiple tax liens. This building is located on the right side of Houston Avenue and is in a state of disrepair.

2022-A092

May 10, 2022

TITLE: ORDER, DECLARE THE PROPERTY OF VACANT LAND ON HOUSTON LANE, BREWER, MAINE TAX MAP 19-039 SPECIFICALLY DESCRIBED IN THE PENOSBCOT COUNTY REGISTRY OF DEEDS IN BOOK 5747, PAGE 157, TO BE SURPLUS AND AUTHORIZE ITS DISPOSAL.

Filed May 5, 2022
By Joseph L. Ferris and
Jenn M. Morin

WHEREAS, multiple tax liens against the property situated on Houston Lane, Brewer, Maine, (now Tax Assessor's Map 19, Lots 39) and more specifically described in the Penobscot County Registry of Deeds in Book 5747, Page 157 (herein after referred to as the "Property") has automatically foreclosed; and

WHEREAS, the City has acquired title to the Property; and

WHEREAS, City staff has concluded that the Property is not required for public purposes and recommends to the City Council that it be declared surplus and sold or otherwise disposed of as would be in the best interest of the citizens of Brewer.

City Council Minutes
Tuesday, May 10, 2022

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council, based on the City's staff recommendation, hereby declares the Property situated on Houston Lane, Brewer, Maine, to be surplus property for public purposes; and authorizes the City Manager, or his designee, to sell or otherwise dispose of the Property;

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to take any and all further action he, or his designee, deem necessary and to sign any and all documents that he, or his designee, deem appropriate to effectuate the sale or transfer of said Property.

Statement of Fact: This order declares the vacant land located on Houston Lane surplus and authorizes the City Manager to sell it. The City obtained the property, formerly owned by Andrew & Michelle Bladen, through the automatic foreclosure of multiple tax liens. This vacant land on the left side of the road, this land sits on a steep embankment and is most likely not developable and has very limited access and/or use.

2022-A093

May 10, 2022

TITLE: ORDER, APPROPRIATE ADDITIONAL FUNDS FOR CONSTRUCTION OF PHASE III OF THE RIVERWALK TRAIL.

Filed May 6, 2022
By Jenn M. Morin and
Soubanh Phanthay

WHEREAS, on February 11, 2020 the Brewer City Council approved Order 2020-A016 which authorized funding in the amount of \$100,000 to cover the City's 20% cost share for the Riverwalk Phase 3 project as part of the original agreement; and

WHEREAS, on April 13, 2021 the Brewer City Council approved Order 2021-A029 which authorized funding in the amount of \$200,000 to cover the additional estimated costs for the project; and

WHEREAS, per the terms and conditions of the Municipal/State Agreement for this project the City is responsible for 100% of any project costs beyond the original agreement amount; and

WHEREAS, bids were opened by Maine Department of Transportation on May 4, 2022 and came in more than estimated with the low bid being \$578,547; and

WHEREAS, in order to construct the project, the City needs an additional \$150,000 in funding (\$130,897 in funding shortfall for construction plus additional contingency); and

WHEREAS, costs associated with the Riverwalk Trail are eligible uses of tax increment financing (TIF) funds.

City Council Minutes
Tuesday, May 10, 2022

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the appropriation and expenditure of an additional \$150,000 in TIF Special Project Funds from account 0510121-551102-57021 (Waterfront Trail – Phase III) to support construction of the next phase of the trail, which would take place this year.

Statement of Fact: This order appropriates an additional \$150,000 in tax increment financing monies to support construction of Phase III of the Riverwalk Trail this year.

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

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

2022-B011

May 10, 2022

TITLE: RESOLVE, ACCEPT RESIGNATION OF JENNIFER BOOTHROYD AS A
MEMBER OF THE CITY OF BREWER BOARD OF APPEALS.

Filed April 26, 2022

By Jerry Goss

WHEREAS, Jennifer Boothroyd has submitted a letter of resignation effective May 9, 2022, as a member of the City of Brewer Board of Appeals; and

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

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

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2022-A094

May 10, 2022

TITLE: ORDER, APPOINT MEMBER TO THE CITY OF BREWER PLANNING BOARD.

Filed April 26, 2022
By Joseph L. Ferris

BE IT ORDERED, that Jennifer Boothroyd, of 11 Bennett Road, is herewith appointed to the Brewer Planning Board of the City of Brewer as full-time member to fill a vacancy; and

BE IT FURTHER ORDERED, that Ms. Boothroyd's term will commence May 15, 2022 and expire March 31, 2025.

2022-A095

May 10, 2022

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

Filed April 26, 2022
By Jenn M. Morin

BE IT ORDERED, that Jennifer Boothroyd, of 11 Bennett Road, is herewith appointed to the City of Brewer Conservation Commission to fill a vacancy; and

BE IT FURTHER ORDERED, that Ms. Boothroyd's term will commence May 15, 2022 and expire March 31, 2025.

2022-A096

May 10, 2022

TITLE: ORDER, APPOINT MEMBER TO THE PARKS & RECREATION ADVISORY COMMISSION OF THE CITY OF BREWER.

Filed May 4, 2022
By Soubanh Phanthay

BE IT ORDERED, that Michele Hogan, of 321 Eastern Avenue, is herewith appointed to the Parks & Recreation Advisory Commission of the City of Brewer to fill a vacancy; and

BE IT FURTHER ORDERED, that Ms. Hogan's term will commence May 15, 2022 and expire March 31, 2025.

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

**F. Unfinished Business
Consent Calendar**

2022-C004

April 12, 2022

TITLE: ORDER, AMEND CHAPTER 40 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “WATER DEPARTMENT”, ARTICLE 3, TO ADD SECTIONS 303. “CLEAR SPACE AROUND HYDRANTS AND 304. “SNOW PLACED ON OR AROUND HYDRANTS”.

Filed March 25, 2022
By Joseph L. Ferris

BE IT ORDAINED, by the Brewer City Council that Chapter 40 of the Charter, Codes, and Ordinances of the City of Brewer entitled “Water Department”, Article 3 “Terms and Conditions”, shall be amended by adding the following sections:

SECTION 303. CLEAR SPACE AROUND HYDRANTS.

A clear space of not less than ten feet (10’) each side and ten feet (10’) behind each hydrant shall be maintained, the spacing each side of the hydrant will extend to the roadway. The clear space will extend from the base of the hydrant to twenty-five feet (25’) in the air. (i.e.-rock walls, trees, shrubs, lights, poles, structures, mailboxes, etc.)

All current encumbrances shall be removed at the owner’s expense. Existing encumbrances will not be allowed to remain. Owners will have no more than thirty (30) days from the date of mailing of a letter using Certified Mail to remove existing encumbrances.

Failure to remove these encumbrances will result in them being removed by the Water Department and the owner of the encumbrance charged. The utility will charge the owner at the following rates: \$50.00 per hour during normal business hours of 8:00 a.m. to 4:00 p.m., Monday through Friday plus the cost of equipment rental/use, disposal fees if applicable.

SECTION 304. SNOW PLACED ON OR AROUND HYDRANTS

No person or party shall deposit or cause to be deposited any large body of ice or heap of snow around or on a fire hydrant or in such a manner as to limit the accessibility of a hydrant. The prohibited zone will be not less than ten feet (10’) each side, ten feet (10’) behind the hydrant and will extend to the roadway.

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Owners will have no more than twenty-four (24) hours from the time of notification to remove the ice and/or snow.

Failure to remove the ice and/or snow will result in the property owner being charged for its removal around or on a hydrant to ensure sufficient clear space. Ice and/or snow removed will be placed on property or proximate properties where the hydrant is located. The utility will charge the owner at the following rates: \$50.00 per hour during normal business hours of 8:00 a.m. to 4:00 p.m., Monday through Friday plus the cost of equipment rental, if applicable.

Statement of Fact: This order adds the requirement to keep the area around fire hydrants clear, and prohibits the dumping of snow and ice on or around fire hydrants. Obstructed access to fire hydrants is potentially dangerous and can limit the operations of the Fire Department in an emergency situation.

2022-C005

April 12, 2022

TITLE: ORDER, CREATE CHAPTER 50 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “E-911, ROAD NAMES, AND LOCATION IDENTIFICATION SIGNAGE”.

Filed April 6, 2022
By Jenn M. Morin

BE IT ORDAINED, by the Brewer City Council that Chapter 50, of the Charter, Codes and Ordinances of the City of Brewer, entitled “E-911, Road Names, and Location Identification Signage”, shall be adopted as follows:

CHAPTER 50 – E-911, ROAD NAMES, AND LOCATION IDENTIFICATION SIGNAGE

100. Purpose.

The purpose of this Ordinance is to enhance the easy and rapid location of properties by law enforcement, fire, rescue, and emergency medical services personnel in the City of Brewer. This is a life safety issue and is of utmost importance to the City of Brewer.

101. Authority.

This Ordinance is adopted pursuant to and consistent with Municipal Home Rule Powers as provided for in Article VIII, Part 2, § 1, of the Constitution of the State of Maine, Title 30-A M.R.S.A. § 3001, and the Brewer City Charter.

102. Addressing Officer.

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The Addressing Officer shall be appointed by the City Council. This appointment shall continue until a replacement officer is required.

The Addressing Officer is authorized to and shall assign road names and numbers to all properties, both on existing and proposed streets, roads, and ways, in accordance with the criteria in this Ordinance. The Addressing Officer shall also assign numbers to apartments, units, suites, and other purposes per E911 guidelines with input from the Brewer Public Safety Department.

The Addressing Officer shall also be responsible for maintaining the following official records of this Ordinance:

- a) A City map for official use showing street, road, and way names and numbers.
- b) An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned numbers.
- c) An alphabetical list of all streets, roads, and ways with property owners listed in order of their assigned numbers.

103. Compliance and Responsibility.

Unless otherwise noted herein, the installation, cost, and maintenance of all required signage is the responsibility of the property owner.

Every person whose duty is to display the assigned number shall remove any different number, which might be mistaken for, or confused with, the number assigned in conformance with this Ordinance.

The Code Enforcement Office shall not issue a Certificate of Occupancy for any structure or use until all E911 addressing signage is in place and in compliance with this Ordinance.

104. Appeal.

Any person or entity aggrieved by the decision of the Addressing Officer may appeal to the Brewer City Council. The decision of a simple majority of the City Councilors present and voting at the meeting at which the grievance is considered shall be binding on the Addressing Officer and the aggrieved party.

105. Enforcement and Penalties.

This Ordinance shall be enforced by the Code Enforcement Officer. Any person who shall affix or suffer to be affixed to, or shall allow to remain upon any building, a different number from the number designated by the Addressing Officer shall be subject to a civil penalty as set forth in this section.

A civil penalty of up to Fifty (\$50.00) Dollars per day, with each day being a separate violation, may be assessed by the Maine District Court against any person or entity violating this Ordinance. The City of Brewer shall also be entitled to its reasonable attorney fees and costs from the person or entity found to have violated this Ordinance.

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106. New Developments and Subdivisions.

All new construction and subdivisions shall be named and numbered in accordance with the provisions of this Ordinance and as follows:

- a) New Construction. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to procure an assigned number from the Addressing Officer. This shall be done prior to the Code Enforcement Officer issuing a Certificate of Occupancy.
- b) All new commercial construction and alterations to existing commercial construction shall submit to the Addressing Officer, a floor plan of the building(s) showing the layout of the building and/or leased space.
- c) The Code Enforcement Officer shall not issue a Certificate of Occupancy for any structure or use until all the E911 addressing signage is in place and plans have been submitted in compliance with these standards.
- d) New Subdivisions. Any prospective developer shall request a road name(s) as part of the submission to the Planning Board and will be reviewed as part of the technical review as defined in Article 7 of Chapter 24 Brewer Land Use Code of the City of Brewer Charter, Codes, and Ordinances. The review by the Addressing Officer will comply with this ordinance.

107. Streets, Roads, and Ways.

107.1 Naming of Streets, Roads, and Ways.

All streets, roads, and ways that serve more than one property shall be named regardless of whether the ownership is public or private. A “street, road, or way” as used in this Ordinance refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare. “Property” refers to any property on which a more or less permanent structure or use has been erected or could be placed. A name assigned to a street, road, or way by the Addressing Officer shall not constitute or imply acceptance of the road as a public way.

The following criteria shall govern the naming system:

- a) No two streets, roads, or ways shall be given the same name (e.g., no Pine Road and Pine Lane). No unauthorized street signs shall be installed on any public or private street or way.
- b) Any person violating this section will be subject to a civil penalty as described in Section II a.

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- c) No two streets, roads, or ways should have similar-sounding names (e.g., Beech Street and Peach Street).
- d) Each street, road, or way shall have the same name throughout its entire length.
- e) The Addressing Officer, Public Works Director, and Public Safety Director have the right to decline any proposed name by a majority vote of the three based on these criteria and common dispatching verbiage.

107.2. Street Signs.

The street signs for new public roads shall be purchased and installed by the landowner and/or developer. Replacement and maintenance of these signs are the responsibility of the landowner and/or developer until such time as the City takes ownership of the new road right-of-way.

The City will obtain and complete the initial installation of street signs for private ways at the locations where they intersect with public ways at no cost to the property owner(s), all future repairs after the initial installation shall be the responsibility of the property owner. The City will assist the property owner to acquire a replacement sign and the property owner may request the City do the repairs with the understanding they, the property owner, will be responsible for all cost, materials, and labor associated with said repair. This cost shall be added to the property owner's tax bill as a special assessment if not paid within 120 days from the date due.

108. Property Address.

108.1. Address number.

In the residential part of the City, every lot with a forty (40) foot front shall be designated with a separate number, and in the business portion, every lot with a ten (10) foot front shall be designated with a separate number.

The business part of the City is embraced in the following limits; State Street to North Main Street, North Main Street from State Street and South Main Street to Brimmer Street including all streets on the northerly side of North Main and South Main Streets from State Street to Brimmer Street, Center Street to Howard Street, Howard Street, Parker Street to Howard Street, Church Street, Union Street to a point two hundred (200) feet southeasterly from its junction with North Main Street, Wilson Street to a point two hundred (200) feet southeasterly from its junction with North and South Main Street. On all streets the odd numbers shall be on the right-hand side, and the even numbers on the left-hand side, in the progressive order of numbering, commencing with the lowest number and proceeding there from with increasing numbers from their point of origin.

The following criteria shall govern the numbering system:

- a) The numbering upon North and South Main Streets shall commence at their junction at said Wilson Street. The numbering upon the streets leading from the Penobscot

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River and streets parallel, shall commence at the end nearest the river. The numbering on all cross streets shall commence at the end nearest to said Wilson Street. All lots shall be numbered in the progressive order of numbering in accordance with the unit designated.

- b) For dead-end streets, roads, and ways, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.
- c) The number assigned to each structure shall be that of the numbered interval falling closest to the building entry or the driveway of said structure as determined by the Addressing Officer.
- d) Every structure shall have one principal number and each use or occupancy shall receive a suite or unit number.

108.2 Sign design and location.

The signage design and location of the assigned numbers shall be in the following manner:

- a) Number on the Structure. Where the structure is within fifty (50) feet of the edge of the street, road, or way right-of-way, the assigned number shall be displayed on the front of the structure within six (6) inches of the front door or entry, or alternate location recommended by the Fire Chief or designee.
- b) Number at the Street, Road, or Way Line. Where the structure is over fifty (50) feet from the edge of the street, road, or way right-of-way, the assigned number shall be displayed on a post, fence, wall, the mail box, or on some structure at the property line adjacent to the walk or access drive to the numbered structure. If the number is displayed on a mailbox mounted on a fence or post, it shall be so displayed that it can be read by drivers or occupants of any vehicle passing it on either a right hand or left hand side of the road such as a double-sided sign.
- c) Size, Style, and Color of Number. Numbers and letters shall be white reflective with black reflective background and a white reflective trim. Font shall not be cursive. Sizes are as follows:
 - 1. Single family residential: Street number shall be four (4) inches on six (6) inch background. Background width shall be no less than eight (8) inches.
 - 2. Multi-unit residential: Street number shall be six (6) inches on eight (8) inch background. Background width shall be no less than ten (10) inches. Individual units shall have a three (3) inch letter on a five (5) inch background. Background width shall be no less than seven (7) inches.
 - 3. Single Commercial: Street number shall be nine (9) inches on eleven (11) inch

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background. Background width shall be no less than twelve (12) inches. Smaller size may be approved by Fire Chief or designee.

4. Multi-Unit Commercial: Street number shall be nine (9) inches on eleven (11) inch background. Background width shall be no less than twelve (12) inches. Individual units shall have six (6) inch unit number on eight (8) inch background. Background width shall be no less than eight (8) inches.

5. Any structure referenced in Chapter 9, Article 3A, Section 201 of the City of Brewer's Charter, Codes, and Ordinances will be subject to review by the Fire Chief or designee for proper numbering size.

109. Apartments and Units.

All multi-unit structures shall be identified in the following manner:

- a) Multi-unit residential buildings shall have one property number followed by a unit number, such as 235 Maple Street, Apt. A. Property owners shall be responsible for the placement of letters on each external and internal door leading to each apartment such as Apt. A, B, C.
- b) Multi-unit commercial buildings shall number units, 1,2,3, etc on both front and back entrances. The back entrance must be marked with an eight (8) inch reflective back and white sign.
- c) Commercial properties with interior suites/units must clearly identify each suite/unit on the wall immediately to the right of the door and outside the swing of said door, in compliance with the 2019 Americans with Disabilities Act.
- d) Any multi-unit residential property or commercial property with an installed elevator shall display a suite or unit number directory in plain sight in area directly outside of the elevator.

110. Door Numbering.

Occupancies with a gross area in excess of 3,000 square feet shall have all exterior doors numbered, sequentially in a clockwise manner from the main entrance on both the exterior and interior of the doors. Each number shall also be accompanied by the letter A, B, C, or D based on geographical location. The numbers shall be a minimum of six (6) inches in height with an eight (8) inch background so as to be readily visible. Background width shall be no less than ten (10) inches. Signs shall have white reflective numbers on a black reflective background with white trim. One and two-family dwellings are exempt from the requirement of door numbering. The Fire Chief or designee shall assign door numbers and letters.

Statement of Fact: This ordinance creation is proposed in order to update ordinances on E-911, road names, and location identification signage.

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2022-C006

April 12, 2022

TITLE: ORDER, AMEND CHAPTER 21 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED "STREET USE", ARTICLE 5, "NAMING OF STREETS, ROADS, AND WAYS UNDER THE E-911 SYSTEM".

Filed April 6, 2022
By Soubanh Phanthay

BE IT ORDAINED, by the Brewer City Council that Chapter 21, of the Charter, Codes and Ordinances of the City of Brewer, entitled "Street Use", Article 5 "Naming of Streets, Roads, and Ways under the E-911 System" shall be amended as follows:

ARTICLE 5. Naming of Streets, Roads, and Ways under the E-911 System
(#3)

~~The naming and signage of all streets, roads, and ways shall follow Chapter 50 of the City of Brewer Charter, Codes, and Ordinances.~~

~~Section 501. Purpose~~

~~The purpose of this Article is to enhance the easy and rapid location of properties by law enforcement, fire, rescue, and emergency medical services personnel in the City of Brewer.~~

~~Section 502. Authority~~

~~This Article is adopted pursuant to and consistent with Municipal Home Rule Powers as provided for in Article VIII, Part 2, § 1, of the Constitution of the State of Maine, Title 30-A M.R.S.A. § 3001, and the Brewer City Charter.~~

~~Section 503. Administration~~

~~This Article shall be administered by the Addressing Officer, who is authorized to and shall assign road names and numbers to all properties, both on existing and proposed streets, roads, and ways, in accordance with the criteria in Sections 505, 505a. and 506. The Addressing Officer shall also be responsible for maintaining the following official records of this ordinance:~~

- ~~a. — A City map for official use showing street, road, and way names and numbers.~~
- ~~b. — An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned numbers.~~
- ~~c. — An alphabetical list of all streets, roads, and ways with property owners listed in order of their assigned numbers.~~

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Section 504. Addressing Officer

~~The Addressing Officer shall be appointed by the Mayor. This appointment shall continue until a replacement officer is required.~~

Section 505. Naming System

~~All streets, roads, and ways that serve more than one property shall be named regardless of whether the ownership is public or private. A "street, road, or way" as used in this Article refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare. "Property" refers to any property on which a more or less permanent structure has been erected or could be placed. A name assigned to a street, road, or way by the Addressing Officer shall not constitute or imply acceptance of the road as a public way.~~

~~The following criteria shall govern the naming system:~~

- ~~a. — No two streets, roads, or ways shall be given the same name (e.g., no Pine Road and Pine Lane). No unauthorized street signs shall be installed on any public or private street or way. Any person violating this section will be subject to a civil penalty as described in Section 11a.~~
- ~~b. — No two streets, roads, or ways should have similar sounding names (e.g., Beech Street and Peach Street).~~
- ~~c. — Each street, road, or way shall have the same name throughout its entire length.~~

Section 505(a). Street Signs.

~~The City will obtain and install street signs for private ways at the locations where they intersect with public ways. The City will also obtain and install street signs on private ways that do not intersect with public ways and the owner or owners of the private ways shall be responsible for reimbursing the City for the costs of the sign and their installation.~~

Section 506. Numbering System

~~In the residential part of the City, every lot with a forty (40) foot front shall be designated with a separate number, and in the business portion, every lot with a ten (10) foot front shall be designated with a separate number.~~

~~The business part of the City is embraced in the following limits; State Street to North Main Street, North Main Street from State Street and South Main Street to Brimmer Street including all streets on the northerly side of North Main and South Main Streets from State Street to Brimmer Street, Center Street to Howard Street, Howard Street, Parker Street to Howard Street, Church Street, Union Street to a point two hundred (200) feet southeasterly from its junction with North Main Street, Wilson Street to a point two hundred (200) feet southeasterly from its junction with North and South Main Street. On all streets the odd numbers shall be on the right hand side, and the even numbers on the left hand side, in the progressive order of numbering, commencing with the lowest number and proceeding there from with~~

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~~increasing numbers from their point of origin.~~

~~The following criteria shall govern the numbering system:~~

~~a. — Main Street, now so called, shall be divided at Wilson Street and henceforth be known from Wilson Street to the Eddington line, as North Main Street; from Wilson Street to the Orrington line, South Main Street; and the numbering upon said North and South Main Streets shall commence at their junction at said Wilson Street. The numbering upon the streets leading from the Penobscot River and streets parallel, shall commence at the end nearest the river. The numbering on all cross streets shall commence at the end nearest to said Wilson Street. All lots shall be numbered in the progressive order of numbering in accordance with the unit designated.~~

~~b. — For dead-end streets, roads, and ways, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.~~

~~c. — The number assigned to each structure shall be that of the numbered interval falling closest to the front door or the driveway of said structure if the front door cannot be seen from the main road.~~

~~d. — Whenever practical, every structure with more than one (1) principal use or occupancy shall have a separate number for each use or occupancy.~~

~~Apartments will have one property number followed by an apartment number, such as 235 Maple Street, Apt. 2. Property owners shall be responsible for the placement of numbers on each external and internal door leading to each apartment such as Apt. 1,2,3 or A, B, C.~~

Section 507. Compliance

~~All owners of structures shall, by the date stipulated in Section 510, display and maintain in a conspicuous place on said structure, the assigned numbers in the following manner:~~

~~a. — Number on the Structure. Where the structure is within fifty (50) feet of the edge of the street, road, or way right of way, the assigned number shall be displayed on the front of the structure in the vicinity of the front door or entry.~~

~~b. — Number at the Street, Road, or Way Line. Where the structure is over fifty (50) feet from the edge of the street, road, or way right of way, the assigned number shall be displayed on a post, fence, wall, the mail box, or on some structure at the property line adjacent to the walk or access drive to the numbered structure. If the number is displayed on a mailbox mounted on a fence or post, it shall be so displayed that it can be read by drivers or occupants of any vehicle passing it on either a right hand or left hand side of the road.~~

~~c. — Size, Style, and Color of Number. Numbers shall be a minimum of four (4) inches high, shall be numeric not cursive letters and be of a contrasting color to its background.~~

~~d. — Every person whose duty is to display the assigned number shall remove any different number, which might be mistaken for, or confused with, the number assigned~~

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~~in conformance with
this ordinance.~~

~~Interior Location.—All residents and other occupants are requested to post their assigned number and road name adjacent to their telephone for emergency reference.~~

~~Section 508.—New Developments and Subdivisions~~

~~All new construction and subdivisions shall be named and numbered in accordance with the provisions of this ordinance and as follows:~~

~~a. —New Construction.—Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to procure an assigned number from the Addressing Officer. This shall be done at such time the Code Enforcement officer performs an electrical service inspection.~~

~~New Subdivisions.—Any prospective subdivider shall show a proposed street, road, or way name on the pre-application submission to the Planning Board and will be reviewed as part of the technical review as defined in Chapter 11, Section 603.2 of the City of Brewer Ordinances. The review by the Addressing Officer will comply with Section 505 of this Article.~~

~~Section 509.—Appeal~~

~~Any person or entity aggrieved by the decision of the Addressing Officer may appeal to the Brewer City Council. The decision of a simple majority of the City Councilors present and voting at the meeting at which the grievance is considered shall be binding on the Addressing Officer and the aggrieved party.~~

~~Section 510.—Implementation Date~~

~~This Article shall become effective when enacted by the Brewer City Council. It shall be the duty of the Addressing Officer to notify by mail each property owner and the Post Office of their new address at least sixty (60) days prior to the effective date of their use. It shall be the duty of each property owner to post new property numbers, in accordance with this Article, by the stated date of effective use. If the owner of any buildings, after receiving said notice from the Addressing Officer, shall fail to comply with any of the provisions of the notification within Thirty (30) days after receipt thereof, he or she shall be subject to a civil penalty, reasonable attorney fees and costs as set forth in Section 11(a). On new structures, numbering will be installed prior to final inspection or when the structure is first used or occupied, whichever occurs first.~~

~~Section 511.—Enforcement and Penalties.~~

~~This Article shall be enforced by the Code Enforcement Officer. Any person who shall affix or suffer to be affixed to, or shall allow to remain upon any building, a different number from the one (1) designated by the Addressing Officer shall be subject to a civil penalty as set forth in this section.~~

~~a. A civil penalty of up to Twenty Five (\$25.00) Dollars per day, with each day being a separate violation, may be assessed by the Maine District Court against any person or entity violating this Article. The City of Brewer shall also be entitled to its reasonable attorney fees and costs from the person or~~

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~~entity found to have violated this Article.~~

Statement of Fact: This ordinance creation is proposed in order to update ordinances on E911, road names, and location identification signage.

2022-C007

April 12, 2022

TITLE: ORDER, AMEND CHAPTER 9 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “FIRE PREVENTION”, ARTICLE 3, “INSPECTIONS AND PERMITS”.

Filed April 6, 2022
By Joseph L. Ferris

BE IT ORDAINED, by the Brewer City Council that Chapter 9, of the Charter, Codes and Ordinances of the City of Brewer, entitled “Fire Prevention”, Article 3 shall be amended as follows to remove sections 305 and 306 and to add Article 3B:

ARTICLE 3. INSPECTIONS AND PERMITS

~~**SECTION 305. EMERGENCY ENTRY SYSTEMS.** The owner or builder of any new or rehabilitated civic, commercial, institutional, or industrial occupancies and all residential occupancies of more than 10 units utilizing a common entry lobby, will provide, at their expense, one or more Knox Lock Boxes on the structure for the Fire Department’s use. Said boxes will be located on the exterior of the building in location(s) designated by the Fire Chief.~~

~~**SECTION 306. NOTICE OF LIGHTWEIGHT TRUSS CONSTRUCTION.** All buildings and structures in Brewer that are constructed using lightweight trusses of any material as structural or load bearing members will be labeled to notify emergency responders of the existence of said truss construction. The owners and tenants of all such buildings and structures will allow the fire department to attach and maintain a notice or sign on the exterior of the building / structure, dimensions of which will be 4 inches by 4 inches or smaller. The signs / labels will be supplied by the Fire Department.~~

ARTICLE 3B. ENTRY SYSTEMS AND INFORMATIONAL SIGNAGE.

SECTION 100. PURPOSE.

~~The provisions of this section shall be applicable to both new construction and existing buildings as of the effective date of this section.~~

SECTION 101. E-911, ROAD NAMES, AND BUILDING IDENTIFICATION SIGNAGE.

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101.1. All streets, roads, and ways shall be named and signed according to the requirements of Chapter 50, of the City of Brewer’s Charter, Codes, and Ordinances.

101.2. All buildings, apartments, units, and all applicable doors numbering shall be identified and signed according to the requirements of Chapter 50, of the City of Brewer’s Charter, Codes, and Ordinances.

SECTION 102. EMERGENCY ENTRY SYSTEMS. The owner or builder of any new or rehabilitated civic, commercial, institutional, or industrial occupancies and all residential occupancies of more than 10 units utilizing a common entry lobby, will provide, at their expense, one or more Knox Lock Boxes on the structure for the Fire Department’s use. Said boxes will be located on the exterior of the building in location(s) designated by the Fire Chief.

SECTION 103. NOTICE OF LIGHTWEIGHT TRUSS CONSTRUCTION. All buildings and structures in Brewer that are constructed using lightweight trusses of any material as structural or load bearing members will be labeled to notify emergency responders of the existence of said truss construction. The owners and tenants of all such buildings and structures will allow the fire department to attach and maintain a notice or sign on the exterior of the building / structure, dimensions of which will be 4 inches by 4 inches or smaller. The signs / labels will be supplied by the Fire Department.

SECTION 104 FIRE DEPARTMENT SPRINKLER CONNECTIONS. All buildings with a fire department sprinkler connection shall have identifying signage reading “FDC”. At minimum, said sign shall be six (6) inches in height, red and white reflective, and be located directly above the connection. The building owner is responsible for installing and maintaining the signage.

SECTION 105 SPRINKLER CONTROL ROOMS. All buildings with a sprinkler control room shall have identifying signage reading “SPRINKLER CONTROL ROOM”. At minimum, said sign shall be six (6) inches in height, red and white reflective, and located on exterior doors that have direct access to a sprinkler room. The building owner is responsible for installing and maintaining the signage.

Statement of Fact: This ordinance creation is proposed in order to update ordinances on E911, road names, and location identification signage.

ACTION: Councilor Ferris moved that the amendments on the consent calendar be enacted. Councilor Goss seconded the motion. The motion passed with a 4-0 vote.

G. New Business

2022-C008

May 10, 2022

TITLE: ORDER, AMEND CHAPTER 31 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “SEWER AND PRE-TREATMENT ORDINANCE”, ARTICLE 7, “HAULED WASTEWATER”, SECTION 702.

Filed May 4, 2022
By Soubanh Phanthy

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BE IT ORDAINED, by the Brewer City Council that Chapter 31, of the Charter, Codes and Ordinances of the City of Brewer, entitled "Sewer and Pre-Treatment Ordinance", Article 7, Section 702 shall be amended as follows:

ARTICLE 7 - HAULED WASTEWATER

SECTION 702. ~~DISCHARGE FEES~~ ESTABLISHMENT OF FEES

~~Fees for treatment of septage shall be established by the City Council in accordance with the provisions of this chapter. The rate shall be established per One Thousand (1000) gallons or portions thereof.~~

Septage Waste	\$60 per 1000 gallons
For Haulers Committing to	
1,000,000/gal. per yr.	\$55 per 1000 gallons
For Haulers Committing to	
2,000,000/gal. per yr.	See Frost Septic Contract
	Section 4, Compensation
Holding Tank Waste	\$60 per 1000 gallons
Propylene Glycol (ANG & BIA)	Cost based on strength (BOD)
Leachate (Landfills)	Cost based on strength (BOD)
Soil Preparation Wastewater	Cost based on strength (BOD)
Grease	\$100.00/1000 gallons

~~The Brewer Environmental Services Director shall establish and update as needed a schedule of fees for all hauled wastewater services provided by the Brewer Environmental Services Department. The schedule of fees shall be based on actual costs of the services and that which is usual, customary, and reasonable, which may include any Brewer City Ordinances contained in Chapter 31.~~

Statement of Fact: The cost of operating the Brewer Water Treatment Plant has increased. Chemical costs and lab costs have all risen dramatically in the past year. This ordinance amendment will give the Environmental Services Department the ability to adjust fees more regularly to stay up to date with the cost of treatment.

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 4-0 vote.

H. New Items with Leave of Council

There were none.

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Tuesday, May 10, 2022

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 6:27 P.M.

ADJOURNED, ATTEST: _____ Vincent P. Migliore
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine