

City Council Minutes

Tuesday, June 7, 2022

Regular Meeting
City Hall Council Chambers

Tuesday, June 7, 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-absent
Mayor Daniels-present

Councilor Ferris-present
Councilor Phanthay-present

Mayor Daniels declared that a quorum was present. City Manager Stephen Bost was 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, June 7, 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			06/03/22	
Jerry Goss			06/03/22	
Jenn Morin			06/03/22	
Soubanh Phanthay			06/03/22	
Michele Daniels			06/03/22	

City Council Minutes
Tuesday, June 7, 2022

CITY COUNCIL REGULAR MEETING
Tuesday, June 7, 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 May 10, 2022 Regular Meeting** (Councilor Phanthay)
- B. Awards, Petitions and Public Comments**
 - 1. Proclamation: Juneteenth Day
 - 2. Public Comments
- C. Consent Calendar**
 - 1. (2022-B012) RESOLVE Approve City and School Budget appropriation for Fiscal Year 2023. (Councilor Goss)
 - 2. (2022-B013) RESOLVE Approve School Budget appropriation for Fiscal Year 2023. (Councilor Ferris)
 - 3. (2022-B014) RESOLVE Approve Regional Vocational High School operating budget. (Councilor Morin)
 - 4. (2022-B015) RESOLVE Approve Regional Vocational High School Budget on adult education. (Councilor Phanthay)
 - 5. (2022-A097) ORDER Authorize the Brewer School Department to expend such other funds that may be received from Federal or State grants or programs. (Councilor Goss)
 - 6. (2022-B016) RESOLVE Approve Water Pollution Control Facility Budget for Fiscal Year 2023. (Councilor Ferris)
 - 7. (2022-B017) RESOLVE Approve Water Department Budget for Fiscal Year 2023. (Councilor Morin)
 - 8. (2022-A098) ORDER Set tax due date and interest rate. (Councilor Phanthay)
 - 9. (2022-A099) ORDER Accept advance payments on Fiscal Year 2024 taxes. (Councilor Goss)
 - 10. (2022-A100) ORDER Set Fiscal Year 2023 interest rate for late payment of sewer bills. (Councilor Ferris)
 - 11. (2022-A101) ORDER Set interest rate paid on abatements and overpayments of taxes. (Councilor Morin)
 - 12. (2022-A102) ORDER Authorize set off against unpaid taxes. (Councilor Phanthay)
 - 13. (2022-A103) ORDER Authorize application of interest earnings to reserve fund. (Councilor Goss)
 - 14. (2022-A104) ORDER Accept donation to the Brewer Fire Department from First National Bank. (Councilor Ferris)
 - 15. (2022-A105) ORDER Accept grant funds and authorize contract for water main line replacement design. (Councilor Morin)
 - 16. (2022-A106) ORDER Accept grant funds and authorize contract for design and specifications for refurbishment of Levenseller standpipe tank. (Councilor Phanthay)

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17. (2022-A107) ORDER Authorize funding for purchase of pool pump & filter upgrade for Brewer Municipal Pool. (Councilor Goss)
18. (2022-A108) ORDER Authorize funding of abatement expense. (Councilor Ferris)
19. (2022-A109) ORDER Authorize writeoff of uncollectible tax and sewer balances. (Councilor Morin)

D. Monthly Reports (Councilor Ferris)

E. Nominations, Appointments, Elections

Consent Calendar

1. (2022-B018) RESOLVE Prescribe Registrar of Voters hourly schedule for June 14, 2022 State of Maine Primary Election. (Councilor Morin)
2. (2022-A110) ORDER Appoint Democratic Election Clerks. (Councilor Phanthay)
3. (2022-A111) ORDER Appoint Republican Election Clerks. (Councilor Goss)
4. (2022-B019) RESOLVE Accept resignation of Sarah Clark as an associate member of the City of Brewer Planning Board. (Councilor Ferris)
5. (2022-A112) ORDER Appoint member to the City of Brewer Conservation Commission. (Mayor Daniels and Councilor Morin)
6. (2022-A113) ORDER Appoint member to the Brewer Library Board of Trustees. (Mayor Daniels and Councilor Morin)

F. Unfinished 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, "Hauled Wastewater", Section 702. (Councilor Phanthay)

G. New Business (None)

H. New Items with Leave of Council

I. ADJOURN

A. Minutes of the May 10, 2022 Regular Meeting

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

B. Awards, Petitions and Public Comments

1. Proclamation: Juneteenth Day

Mayor Daniels read the Juneteenth Celebration Day proclamation.

PROCLAMATION Juneteenth Celebration Day

WHEREAS, on June 19, 1865, the Union soldiers finally arrived in Galveston, Texas with the news that the war had ended and that slaves were now free, a declaration that took nearly two and a half years after the Emancipation Proclamation to reach Texas; and

WHEREAS, the Emancipation Proclamation declared “that all persons held as slaves” within the rebellious states “are, and henceforward shall be free”; and

WHEREAS, Juneteenth is a celebration of the spirit of self-empowerment, and a commemoration of the long, and arduous fight for freedom by African-Americans in the United States; and

WHEREAS, during Juneteenth, people of all cultures from Brewer, Penobscot County and the United States take time to truthfully acknowledge a period in our history that still shapes our country today; honor the diversity of our great country; and learn more about African-American heritage, contributions and customs.

NOW, THEREFORE, I, MICHELE DANIELS, Mayor of the City of Brewer, do hereby proclaim the nineteenth day of June two-thousand-and-twenty-two as

JUNETEENTH CELEBRATION DAY

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brewer to be imprinted this seventh day of June Two-Thousand-and-Twenty-Two.

Signed this seventh day of June, 2022
Michele Daniels, Mayor

Public Comments

Mayor Daniels observed a moment of silence to recognize the passing of David Hanna, a prominent member of the Brewer Historical Society.

C. Consent Calendar

2022-B012

June 7, 2022

TITLE: RESOLVE, APPROVE CITY AND SCHOOL BUDGET APPROPRIATION FOR FISCAL YEAR 2023.

Filed June 1, 2022
By Jerry Goss

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BE IT RESOLVED, that the sum of **\$18,330,967** which sum constitutes the estimated requirements of the City of Brewer for the fiscal year 2023 (commencing July 1, 2022 and terminating June 30, 2023) based upon the budget submitted by the City Manager as provided by the City Charter, be raised by assessments upon the estates of the inhabitants of the City of Brewer and upon the estates of the non-resident proprietors within the City for the present municipal year and the sum is hereby appropriated, in addition sums otherwise provided, the amount for each purpose being specified in the schedule hereto attached:

Statement of Fact: This annual order authorizes the levy of \$18,330,967 in property taxes in support of the Fiscal Year 2023 City and School budgets and authorizes expenditures for Fiscal Year 2023 as outlined in the accompanying schedules. It also approves non-property tax funding to support those expenditures.

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FY2023 Brewer Property Tax Calculation

Line		FY2022 Apprvd (revised)	FY2023 PROPOSED	\$ Change	% Change
MUNICIPAL BUDGET					
1	General Fund Appropriations	14,914,195	15,605,271	691,076	4.63%
2	Less: Non-Property Tax Revenues	<u>7,201,017</u>	<u>7,892,093</u>	<u>691,076</u>	<u>9.60%</u>
3	NET MUNICIPAL BUDGET (from taxation)	7,713,178	7,713,178	0	0.00%
EDUCATION BUDGET					
4	General Education Budget	24,528,447	26,166,712	1,638,265	6.68%
5	Less: School Revenues	<u>16,649,733</u>	<u>18,287,998</u>	<u>1,638,265</u>	<u>9.84%</u>
6	NET EDUCATION BUDGET (from taxation)	7,878,714	7,878,714	0	0.00%
TAX INCREMENT FINANCING DISTRICTS					
7	Transfer to TIF Special Revenue Fund	1,370,861	1,451,776	80,915	5.90%
8	Less: TIF BETE Exempt	<u>10,561</u>	<u>9,475</u>	<u>-1,086</u>	<u>-10.28%</u>
9	NET TIF BUDGET (from taxation)	1,360,300	1,442,301	82,001	6.03%
10	COUNTY ASSESSMENT				
11	OVERLAY	1,189,342	1,276,774	87,432	7.35%
		20,000	20,000	0	0.00%
12	TOTAL PROPERTY TAX LEVY	18,161,533	18,330,967	169,433	0.93%
13	ASSESSED VALUATION				
14	Less: Tax Increment Finance Districts	814,418,545	837,030,445	22,611,900	2.78%
15	NET ASSESSED VALUATION	<u>61,000,000</u>	<u>65,858,500</u>	<u>4,858,500</u>	<u>7.96%</u>
		753,418,545	771,171,945	17,753,400	2.36%
16	Municipal	10.24	10.00	(0.24)	-2.30%
17	School	10.46	10.22	(0.24)	-2.30%
18	County	1.58	1.66	0.08	4.88%
19	Overlay	0.03	0.03	(0.00)	-2.30%
20	TAX RATE	22.30	21.90	-0.40	-1.79%

Section B
Property Tax Rate Calculation

CITY OF BREWER
Proposed FY2023 Budget

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City of Brewer FY2023 Budget Resolve

	Appropriations (Expenditures) Approved	Non-Tax Revenues Used	State Rev. Sharing GPA Support	State Homestead Reimbursmt	Fund Balance Used	Operating Transfers Used	Property Taxes Needed
	+	-	-	-	-	-	=
Assessments							
1 County Assessment	\$ 1,276,774						\$ 1,276,774
Municipal Budget							
2 General Fund	\$ 15,605,271	\$ 3,753,061	\$ 1,754,750	\$ 825,323	\$ 588,570	\$ 970,389	\$ 7,713,178
3 Gen Fund Xfer to CIP	\$ -						\$ -
4 Capital Improvement	\$ 3,387,400	\$ 2,490,000				\$ 897,400	\$ -
5 Cemetery Trust Fund	\$ -						\$ -
6 TIF Districts	\$ 1,442,301						\$ 1,442,301
7 Total Municipal Budget	\$ 20,434,972	\$ 6,243,061	\$ 1,754,750	\$ 825,323	\$ 588,570	\$ 1,867,789	\$ 9,155,479
Education Budget							
8 Gen'l Education Budget	\$ 26,166,712	\$ 3,291,411	\$ 13,146,244	\$ -	\$ 1,850,343	\$ -	\$ 7,878,714
9 Grand Totals	\$ 47,878,458	\$ 9,534,472	\$ 14,900,994	\$ 825,323	\$ 2,438,913	\$ 1,867,789	\$ 18,310,967
10 Budgeted Tax Overlay							\$ 20,000
11 To Be Raised From Taxes							\$ 18,330,967
TAXABLE VALUATION ESTIMATE							
12 2022-2023 Taxable Valuation	\$ 837,030,445						

TAX RATE CHANGE	
Tax Rate - NEW	\$ 21.90
Tax Rate - CURRENT	\$ 22.30
\$\$ Change in Tax Rate	(0.40)
% Change	-1.79%

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City of Brewer
General Fund Spending Summary

	FY2022 Approved	FY2023 PROPOSED	\$ CHANGE	% CHANGE
MUNICIPAL				
General Government	2,187,716	2,337,903	150,187	6.9%
Protections	5,490,360	5,774,335	283,975	5.2%
Public Services	317,374	415,336	97,962	30.9%
Public Works	2,700,814	2,973,496	272,682	10.1%
Unclassified	302,399	278,346	(24,053)	-8.0%
Debt Service	2,567,617	2,357,878	(209,739)	-8.2%
Library & Recreational Services	1,347,914	1,467,977	120,063	8.9%
TOTAL MUNICIPAL FUND	14,914,195	15,605,271	691,076	4.6%
EDUCATION				
01 Personnel	16,498,511	17,893,607	1,395,096	8.5%
02 Supplies and Services	1,109,775	1,193,395	83,620	7.5%
03 Buildings and Grounds	1,993,270	2,067,778	74,508	3.7%
04 Transportation	790,720	820,995	30,275	3.8%
05 Supt / Administration	611,271	705,604	94,333	15.4%
06 Out of District	581,400	583,000	1,600	0.3%
07 Vocational Education	0	0	-	0.0%
08 Adult Education	now a municipal expense			
09 Capital Outlay	128,000	131,800	3,800	3.0%
10 Trustees	2,815,500	2,770,553	(44,947)	-1.6%
TOTAL EDUCATION BUDGET	24,528,447	26,166,732	1,638,285	6.7%
COUNTY ASSESSMENT OVERLAY	1,189,342	1,276,774	87,432	7.4%
	20,000	20,000	-	0.0%
GRAND TOTALS	40,651,984	43,068,777	2,416,793	5.9%

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2022-B013

June 7, 2022

TITLE: RESOLVE, APPROVE SCHOOL BUDGET APPROPRIATION FOR FISCAL
YEAR 2023.

Filed May 23, 2022
By Joseph L. Ferris

BE IT RESOLVED, that the following school budget articles be adopted and approved for
fiscal year 2023:

1. That **\$10,035,207** be authorized to be expended for Regular Instruction.
2. That **\$5,740,157** be authorized to be expended for Special Education.
3. That **\$0** be authorized to be expended for Career and Technical Education.
4. That **\$1,263,381** be authorized to be expended for Other Instruction.
5. That **\$1,672,268** be authorized to be expended for Student and Staff Support.
6. That **\$685,354** be authorized to be expended for System Administration.
7. That **\$1,172,614** be authorized to be expended for School Administration.
8. That **\$674,770** be authorized to be expended for Transportation and Buses.
9. That **\$2,183,553** be authorized to be expended for Facilities Maintenance.
10. That **\$2,730,033** be authorized to be expended for Debt Service and Other Commitments.
11. That **\$9,375** be authorized to be expended for All Other Expenditures.; and

BE IT FURTHER RESOLVED, that **\$18,449,472** be appropriated for the total cost of funding
public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services
Funding Act and that **\$5,389,492** be raised as the municipality's contribution to the total cost of funding
public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services
Funding Act in accordance with the Maine Revised Statutes, Title 20-A, M.R.S.A. Section §15688; and

*Explanation: The school administrative unit's contribution to the total cost of funding public education
from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is
the amount of money determined by state law to be the minimum amount that a municipality must raise
in order to receive the full amount of state dollars.*

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BE IT FURTHER RESOLVED, that **\$150,825** be raised and appropriated for the annual payments on debt service previously approved by the municipality's legislative body for non-state-funded school construction projects, or non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the municipality's contribution to the total cost of funding public education from pre-kindergarten to grade 12; and

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the municipality's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.

BE IT FURTHER RESOLVED, that **\$2,338,398** be raised and appropriated in additional local funds for school purposes under Maine Revised Statutes, Title 20-A §15671-A. The school committee recommends **\$2,338,398** for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by **\$2,424,661**: The Essential Programs and Services funding model does not fully fund a number of educational costs in the school administrative unit such as special education needs, extra and co-curricular costs and local voter approved debt service; and

Explanation: The additional local funds are those locally raised funds over and above the school administrative unit's local contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the (municipality/district) budget for educational programs.

BE IT FURTHER RESOLVED, that the school committee be authorized to expend **\$26,166,712** for the fiscal year beginning July 1, 2022 and ending June 30, 2023 from the municipality's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section §15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools; and

BE IT FURTHER RESOLVED, that the school committee be authorized to accept and expend any and all categories of funds as provided by the Maine State Legislature or the United States Congress (examples of some of these funds and estimated amounts based on funds received last year are listed below),

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<u>Category</u>	<u>Estimated Amounts</u>
Title IA	454,000
Title IIA	72,000
Title IV	43,000
Local Entitlement	400,000
School Lunch Subsidy	300,000
ESSERF	1,000,000
RREV	200,000

; and

BE IT FURTHER RESOLVED, that the Regional Vocational Budget as approved by the Cooperative Board for the year July 1, 2022 to June 30, 2023 be approved in the amount of **\$4,001,137**; and

BE IT FURTHER RESOLVED, that in the event the Brewer School Department receives more state education subsidy than the amount included in its budget, that the Brewer School Department shall be authorized to use all or part of the additional state subsidy to increase expenditures for school purposes in cost center categories approved by the Brewer School Committee, subject to final review and approval by the Brewer City Council.

2022-B014

June 7, 2022

TITLE: RESOLVE, APPROVE REGIONAL VOCATIONAL HIGH SCHOOL OPERATING BUDGET.

Filed May 23, 2022
By Jenn M. Morin

BE IT RESOLVED, that the Brewer City Council herewith approves the regional vocational high school budget, as approved by the cooperative board, for the year July 1, 2022 – June 30, 2023 in the amount of **\$3,682,608**.

Statement of Fact: The budget for 2021-2022 was \$3,588,937.

2022-B015

June 7, 2022

TITLE: RESOLVE, APPROVE REGIONAL VOCATIONAL HIGH SCHOOL BUDGET ON ADULT EDUCATION.

Filed May 23, 2022
By Soubanh Phanthay

BE IT RESOLVED, that the Brewer City Council herewith approves the regional vocational

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high school budget for adult education, as approved by the cooperative board, in the amount of **\$318,529** for the year July 1, 2022 – June 30, 2023.

Statement of Fact: The budget for 2021-2022 was \$315,375.

2022-A097

June 7, 2022

TITLE: ORDER, AUTHORIZE THE BREWER SCHOOL DEPARTMENT TO EXPEND SUCH OTHER FUNDS THAT MAY BE RECEIVED FROM FEDERAL OR STATE GRANTS OR PROGRAMS.

Filed May 23, 2022

By Jerry Goss

BE IT ORDERED, that the City Council authorizes the Brewer School Department to expend such other sums as may be received from federal or state grants or programs or other sources during the 2023 fiscal year for school purposes provided such grants, programs or other sources do not require the expenditure of other funds not previously appropriated.

2022-B016

June 7, 2022

TITLE: RESOLVE, APPROVE WATER POLLUTION CONTROL FACILITY BUDGET FOR FISCAL YEAR 2023.

Filed June 1, 2022

By Joseph L. Ferris

BE IT RESOLVED, that the Brewer City Council herewith approves the Brewer Water Pollution Control Facility budget for the City Fiscal Year of July 1, 2022 through June 30, 2023, as follows:

Total Cash Operating Expenses	\$ 2,211,866
Total Debt Service	\$ 863,679
Total Depreciation	\$ 740,000
Total Other Non-Operating Expenses	\$ 0
SUBTOTAL	\$ 3,815,545
Total Capital Improvements	\$ 1,591,000
GRAND TOTAL EXPENDITURES	\$ 5,406,545
Total Operational Revenues	\$ 3,050,957
Total Use of Retained Earnings	\$ 740,000
Other non-operational Revenue	\$ 24,588
SUBTOTAL	\$ 3,815,545

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Total Capital Funding	<u>\$ 1,591,000</u>
GRAND TOTAL REVENUES	\$ 5,406,545

Statement of Fact: This annual order authorizes the Water Pollution Control Facility expenditures for Fiscal Year 2023 and approves funding to support those expenditures. The budget proposes a modest adjustment of \$0.60 per 100 cubic feet, or 6.2%, to the current sewer rate.

2022-B017

June 7, 2022

TITLE: RESOLVE, APPROVE WATER DEPARTMENT BUDGET FOR FISCAL YEAR 2023.

Filed June 1, 2022

By Jenn M. Morin

BE IT RESOLVED, that the City Council herewith approves the Water Department budget, as presented, for the City's Water System for the Fiscal Year of July 1, 2022 through June 30, 2023 as follows:

Total Cash Operating Expenses	\$ 1,781,690
Total Debt Service	\$ 1,005,785
Total Depreciation	\$ 23,340
Total Other Non-Operating Expenses	<u>\$ 2,280</u>
SUBTOTAL	\$ 2,813,094
Total Capital Improvements	<u>\$ 496,632</u>
GRAND TOTAL EXPENDITURES	\$ 3,309,726

Total Operational Revenues	\$ 2,813,094
Total Use of Retained Earnings	\$ 0
Other non-operational Revenue	<u>\$ 0</u>
SUBTOTAL	\$ 2,813,094
Total Capital Funding	<u>\$ 496,632</u>
GRAND TOTAL REVENUES	\$ 3,309,726

Statement of Fact: This annual order authorizes the Water Department expenditures for Fiscal Year 2023 and approves funding to support those expenditures.

2022-A098

June 7, 2022

TITLE: ORDER, SET TAX DUE DATE AND INTEREST RATE.

Filed June 1, 2022
By Soubanh Phanthay

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BE IT ORDERED, that taxes for the municipal year commencing July 1, 2022 and which shall expire on June 30, 2023 are due and payable semi-annually on the following dates:

A. 1/2 of total taxes due
and payable on or before September 13, 2022

and, if the same are not paid on or before September 13, 2022, they shall bear interest at the rate of 4.0% per annum from September 14, 2022 until paid.

B. 1/2 of the total taxes due
and payable on or before March 14, 2023

and, if the same are not paid on or before March 14, 2023, they shall bear interest at the rate of 4.0% per annum from March 15, 2023 until paid.

Statement of Fact: This is an annual order. Brewer taxes are always due on the second Tuesday of September and March. The City uses the maximum rate of interest that can be charged per Title 36, M.R.S.A. Section 505.4. This rate is set annually by the Office of the State Treasurer.

2022-A099 June 7, 2022

TITLE: ORDER, ACCEPT ADVANCE PAYMENTS ON FISCAL YEAR 2024 TAXES.

Filed June 1, 2022
By Jerry Goss

BE IT ORDERED, that the Brewer Tax Collector and Treasurer be permitted to accept payments in advance when offered at 0% interest, to be applied to Fiscal Year 2024 taxes that have not been committed or billed.

Statement of Fact: In accordance with Title 36 M.R.S.A. §506-A, Municipalities should vote annually on the acceptance of advance payments.

2022-A100 June 7, 2022

TITLE: ORDER, SET FISCAL YEAR 2023 INTEREST RATE FOR LATE PAYMENT
OF SEWER BILLS.

Filed June 1, 2022
By Joseph L. Ferris

BE IT ORDERED, that in accordance with City of Brewer Charter, Codes and Ordinances,

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Chapter 31, Section 1208, the interest rate on unpaid sewer bills is set at four percent (4.0%) per annum for Fiscal Year 2023.

Statement of Fact: This is an annual order.

2022-A101

June 7, 2022

TITLE: ORDER, SET INTEREST RATE PAID ON ABATEMENTS AND
OVERPAYMENTS OF TAXES.

Filed June 1, 2022
By Jenn M. Morin

BE IT ORDERED, that pursuant to Title 36 M.R.S.A. §506-A, interest on previously paid taxes that are abated, or which have been overpaid, for Fiscal Year 2023 shall be paid at the rate of zero percent (0.0%) per annum from the date of payment by the taxpayer to the date of abatement or refund by the City.

Statement of Fact: This is an annual order that sets the interest rate on these payments at the minimum allowed by state law, which is the interest rate established by the City for delinquent taxes reduced by four percentage points.

2022-A102

June 7, 2022

TITLE: ORDER, AUTHORIZE SET OFF AGAINST UNPAID TAXES.

Filed June 1, 2022
By Soubanh Phanthay

WHEREAS, Title 36, M.R.S.A., Section §905, requires the governing body to specifically authorize the Treasurer and other disbursing officers to withhold payment of any money due a taxpayer whose taxes are due and wholly or partially unpaid.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the Finance Director/Treasurer and Deputy Finance Director to withhold monies, excluding the payroll check of any employee, due and payable by the City of Brewer to any taxpayer to an amount not in excess of the unpaid taxes together with interest and costs.

Statement of Fact: This is an annual order.

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2022-A103

June 7, 2022

TITLE: ORDER, AUTHORIZE APPLICATION OF INTEREST EARNINGS TO
RESERVE FUND.

Filed June 1, 2022
By Jerry Goss

WHEREAS, in keeping with Public Utility Commission (PUC) regulations, the City of Brewer maintains a dedicated reserve account for the Water fund called the Standpipe Maintenance and Repair Reserve account; and

WHEREAS, this reserve fund earns interest, but this interest has not been taken into account when determining the level of reserve account funding each year.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the appropriation and expenditure of these interest earnings to supplement the regular annual funding of this reserve account.

Statement of Fact: This is an annual order.

2022-A104

June 7, 2022

TITLE: ORDER, ACCEPT DONATION TO THE BREWER FIRE DEPARTMENT
FROM FIRST NATIONAL BANK.

Filed May 25, 2022
By Joseph L. Ferris

WHEREAS, the Brewer Fire Department has received a \$200 donation from First National Bank.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this \$200 donation, from First National Bank and directs that the donated funds be receipted to account 0105904-300490 (Fire Misc. Revenues); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0115911 502805 (Medical Supplies).

Statement of Fact: This order accepts a \$200 donation from First National Bank and authorizes its expenditure to support the purchase of Emergency Medical Services (EMS) equipment. This donation was provided in support of National EMS Week.

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NOTE: The Brewer Fire Department sends a letter of acknowledgement and appreciation on behalf of the City Council and the Fire Department to all who contribute to the Fire Department.

2022-A105

June 7, 2022

TITLE: ORDER, ACCEPT GRANT FUNDS AND AUTHORIZE CONTRACT FOR
WATER MAIN LINE REPLACEMENT DESIGN.

Filed May 31, 2022

By Jenn M. Morin

WHEREAS, the Brewer Water Department applied for a 2022 Drinking Water State Revolving Fund (DWSRF) grant for main line replacements with a total budget of \$2,766,000 to address issues on lower Wilson Street, Birchwood Boulevard, Nottingham Way, and Alan-A-Dale Road; and

WHEREAS, the submission was placed on the Maine DWSRF Backup Project List; and

WHEREAS, the Maine Drinking Water Program (MDWP) has approved 6% principal forgiveness to projects on the Backup Project List to be given as a grant to fund the initial project design; and

WHEREAS, the MDWP has awarded the Brewer Water Department \$149,000 principal forgiveness to cover the cost of design construction and specifications; and

WHEREAS, acceptance of this money is not tied to future use of DWSRF funding or other requirements.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the City Manager, or his designee, to enter into a contract for \$149,000 with Woodard and Curran to design main replacements to be charged to Water Capital Improvement Program account 0571001- 571015 (Main Line Replacements); and

BE IT FURTHER ORDERED, that the City Council hereby accepts the \$149,000 grant from the MDWP to cover the costs of the assessment and authorizes their deposit into account 0570005-360000 (Water CIP Grant Proceeds); and

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

Statement of Fact: This order authorizes a contract to have Woodard & Curran design, create plans and specifications for the replacement of main lines on the following; the first 1,900 ft of Wilson Street, Birchwood Boulevard, and Nottingham Way, Alan-A-Dale Road. This order also accepts grant funds from the MDWP to cover the costs of this work. This will allow the Water Department to have

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construction ready projects for when we plan to upgrade these lines.

2022-A106

June 7, 2022

TITLE: ORDER, ACCEPT GRANT FUNDS AND AUTHORIZE CONTRACT FOR
DESIGN AND SPECIFICATIONS FOR REFURBISHMENT OF
LEVENSELLER STANDPIPE TANK.

Filed May 31, 2022
By Soubanh Phanthay

WHEREAS, the Brewer Water Department applied for a 2022 Drinking Water State Revolving Fund (DWSRF) grant for Levenseller standpipe tank refurbishment with a total budget of \$1,255,000 to address issues with the tank from aging; and

WHEREAS, the submission was placed on the Maine DWSRF Backup Project List; and

WHEREAS, the Maine Drinking Water Program (MDWP) has approved 6% principal forgiveness to projects on the Backup Project List to be given as a grant to fund the initial project design; and

WHEREAS, the MDWP has awarded the Brewer Water Department \$52,000 forgiveness to cover the cost of design and writing of specifications; and

WHEREAS, acceptance of this money is not tied to future use of DWSRF funding or other requirements.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the City Manager, or his designee, to enter into a contract for \$52,000 with Woodard and Curran to design and write the specifications to refurbish the Levenseller standpipe tank to be charged to Water Capital Improvement Program account 0571002-572000 (Levenseller Standpipe -Refurbishment); and

BE IT FURTHER ORDERED, the City Council hereby accepts the \$52,000 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 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 contract to have Woodard & Curran design, create plans and specifications for refurbishment of our Levenseller standpipe tank. This order also accepts a \$52,000 grant from the MDWP that will pay for design and specifications.

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2022-A107

June 7, 2022

TITLE: ORDER, AUTHORIZE FUNDING FOR PURCHASE OF POOL PUMP & FILTER UPGRADE FOR BREWER MUNICIPAL POOL.

Filed May 31, 2022
By Jerry Goss

WHEREAS, the Brewer Municipal Pool has served the residents of Brewer for over seventy years, offering summer recreation and learn-to-swim programs; and

WHEREAS, the Municipal Pool currently has a water line that is cracked and needs to be replaced; and

WHEREAS, the pool flow rate should be increased to meet today's industry standards and this can be achieved by installing a new pump, filter and larger water lines to the pump; and

WHEREAS, contractor Mike's Pool Service, who has serviced the pool in the past, has provided the City with a quote of \$65,000 to purchase and install the necessary equipment; and

WHEREAS, the City has unspent capital improvement bond proceeds that can be applied to cover most of this cost.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council authorizes the appropriation and expenditure of up to \$65,000 from CIP account 0510124-551432 (Pool Rehabilitation), for the purpose of contracting with Mike's Pool Service of Brewer, Maine to complete the pool pump and filter upgrade described above; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the reallocation of \$52,733 of Highland Community Affordable Housing TIF bond proceeds from 0510120-551121 (Parking Lot-former State and Middle Schools) to 0510124-551432 (Pool Rehabilitation) to be added to the \$11,469 in AHTIF bond proceeds in the account already; and

BE IT FURTHER ORDERED, that the Council hereby authorizes the appropriation and expenditure of an additional \$798 in CIP Unallocated Fund Balance from 0510124-551432 (Pool Rehabilitation) to bring the total available in that account to \$65,000 to fully cover the cost of the pool pump project; and

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

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Statement of Fact: This order authorizes the City to spend up to \$65,000 for Mike's Pool Service to install new water lines, pump, and filter at the Brewer Municipal Pool to meet current pool water turnover guidelines. The project will be funded thru the Capital Improvement Fund 0510124 - 551432, Pool Rehabilitation.

2022-A108

June 7, 2022

TITLE: ORDER, AUTHORIZE FUNDING OF ABATEMENT EXPENSE.

Filed June 1, 2022
By Joseph L. Ferris

WHEREAS, state law requires the governing body to specifically authorize the use of overlay funds, even in the case of tax abatements; and

WHEREAS, tax abatements to date total approximately \$13,161.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the appropriation and expenditure of \$13,161 from the tax abatement account (0100100-300004) to be funded from budgeted Fiscal Year 2022 overlay funds (0119901-509810).

Statement of Fact: This an annual order appropriates overlay to fund expense associated with Fiscal Year 2022 tax abatements, as required by state law.

2022-A109

June 7, 2022

TITLE: ORDER, AUTHORIZE WRITEOFF OF UNCOLLECTIBLE TAX AND SEWER BALANCES.

Filed June 1, 2022
By Jenn M. Morin

WHEREAS, by virtue of foreclosed tax and sewer liens dating back as far as the year 2000, the City of Brewer has acquired ownership of the properties listed below; and

WHEREAS, the City has determined that it is in its best interest at this time to maintain ownership of the now land-only parcel at 112 South Main Street for the health, welfare and benefit of Brewer residents; and

WHEREAS, the City has determined that it is unlikely to receive proceeds sufficient to cover the outstanding balances of the remaining parcels; and

WHEREAS, given these facts, the Tax Collector has declared the unpaid sewer and real estate

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taxes listed below associated with these parcels uncollectible and requested they be written off; and

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

NOW, THEREFORE, BE IT ORDERED, that in accordance with Title 36 M.R.S.A., §841(3) the following real estate taxes and sewer balances, which according to the Tax Collector cannot be collected due to being uncollectible, are herewith abated:

Map-Lot	Location	Former owner	RE Tax	Sewer	Total
02800-044	112 S MAIN ST	TRUEWORTHY BRENT M	\$ 10,998.27	\$ 2,398.59	\$ 13,396.86
03300-086	17 HARLOW ST	BASTEY ROBERT J & DIAZ ENID	13,006.37	5,186.48	18,192.85
02900-018	225 WILSON ST	PORTER PHILLIP R & JESSICA	10,217.71	1,399.44	11,617.15
04400-023A	CRESCENT ST	DORR KENNETH R	7,970.31	0.00	7,970.31
00200-002	WILSON ST	SMITH ROBERT R	2,347.64	0.00	2,347.64
00300-041	BRIAN DR	CAMPBELL CONSTRUCTION INC	7,655.39	0.00	7,655.39
			\$ 52,195.69	\$ 8,984.51	\$ 61,180.20

; and

BE IT FURTHER ORDERED, that the Brewer City Council hereby authorizes the appropriation and expenditure of \$61,180.20 in unanticipated State Revenue Sharing (0106902-300200) from the Adjustments/Writeoffs account (0116900-509890) to cover this real estate tax and sewer writeoff expense.

Statement of Fact: This order authorizes the use of fund balance to write off \$61,180.20 in uncollectible real estate taxes and sewer balances related to the above six parcels the City acquired through the automatic foreclosure of tax and sewer liens going back to the year 2000.

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

D. Monthly Reports

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

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

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2022-B018

June 7, 2022

TITLE: RESOLVE, PRESCRIBE REGISTRAR OF VOTERS HOURLY SCHEDULE FOR
JUNE 14, 2022 STATE OF MAINE PRIMARY ELECTION.

Filed June 1, 2022

By Jenn M. Morin

WHEREAS, the State of Maine Primary Election will be held on Tuesday, June 14, 2022; and

WHEREAS, Title 21-A M.R.S.A., § 122 (6)(A)(2) provides in part, that in a municipality with a population of more than 2,500, the Registrar of Voters shall accept registrations on the last 5 business days before election day, during the hours that the City Clerk's office is open and for 2 hours in the evening between 5:00 p.m. and 9:00 p.m. on at least 1 of these days; and

WHEREAS, the City of Brewer has a population greater than 2,500 according to the 2020 Federal Census; and

WHEREAS, the Registrar of Voters suggests that holding office hours on Wednesday, June 8, 2022 from 5:00 p.m. until 7:00 p.m. will satisfy the requirements of Title 21-A M.R.S.A., § 122 (6)(A)(2) and serve the needs of the community; and

WHEREAS, the municipal officers concur with this assessment by the Registrar of Voters.

NOW, THEREFORE, BE IT RESOLVED, that the municipal officers herewith prescribe the hours of registration as 8:00 a.m. to 4:00 p.m. on the five business days prior to the State of Maine Primary Election to be held on June 1, 2022; and

BE IT FURTHER RESOLVED, that the municipal officers herewith prescribe the additional hours of registration as 5:00 p.m. to 7:00 p.m. on Wednesday, June 8, 2022.

2022-A110

June 7, 2022

TITLE: ORDER, APPOINT DEMOCRATIC ELECITON CLERKS.

Filed June 1, 2022

By Soubanh Phanthay

BE IT ORDERED, that the following Brewer registered voters are herewith appointed as Democratic City Election Clerks for a term of two years commencing May 1, 2022 and expiring April 30, 2024.

Peggy Crawford	1161 North Main Street
Michaelle Day	387 Eastern Avenue
Janet Ecker	58 Canterbury Road

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Frank Gallant	53 Madison Avenue
Sandra Henderson	5 Somerset Street, Apartment 301
Marilyn Lavelle	116 Eastern Avenue
Cheryl Morrow	58 Longmeadow Drive
Sari Ohmart	73 Sunset Strip
Ruth Spellman	58 Hillcrest Drive

Statement of Fact: Election clerks are appointed every two years to work the State and Municipal elections.

2022-A111

June 7, 2022

TITLE: ORDER, APPOINT REPULICAN ELECITON CLERKS.

Filed June 1, 2022
By Jerry Goss

BE IT ORDERED, that the following Brewer registered voters are herewith appointed as Republican City Election Clerks for a term of two years commencing May 1, 2022 and expiring April 30, 2024.

David Clark	205 Washington Street
Wendy Dearborn	48 Wiswell Road
Kathy Dowling	19 Chambers Street
Priscilla Gray	156 Wilson Street
Betsy Migliore	7 Highland Street
Leslie Ohmart	73 Sunset Strip
Jennifer Phanthay	13 Elm Street
Susan Xirinachs	116 Parkway North

Statement of Fact: Election clerks are appointed every two years to work the State and Municipal elections.

2022-B019

June 7, 2022

TITLE: RESOLVE, ACCEPT RESIGNATION OF SARAH CLARK AS AN ASSOCIATE MEMBER OF THE CITY OF BREWER PLANNING BOARD.

Filed June 1, 2022
By Joseph L. Ferris

WHEREAS, Sarah Clark submitted a letter of resignation on April 27, 2022, as an associate member of the City of Brewer Planning Board; and

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

NOW, THEREFORE, BE IT RESOLVED, that the City Council herewith accepts the resignation of Sarah Clark as an associate member of the City of Brewer Planning Board and declares that a vacancy will exist on the aforementioned board for an associate member.

2022-A112

June 7, 2022

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

Filed June 2, 2022
By Michele Daniels and
Jenn M. Morin

BE IT ORDERED, that Jonathan MacKay, of 64 Century Street, is herewith appointed to the City of Brewer Conservation Commission to fill a vacancy; and

BE IT FURTHER ORDERED, that Mr. MacKay's term will commence June 12, 2022 and will expire March 31, 2024.

2022-A113

June 7, 2022

TITLE: ORDER, APPOINT MEMBER TO THE BREWER LIBRARY BOARD OF TRUSTEES.

Filed June 2, 2022
By Michele Daniels and
Jenn M. Morin

BE IT ORDERED, that Maralie J. Van Arsdale, of 19 Robinhood Drive, is herewith appointed to the Brewer Library Board of Trustees to fill a vacancy; and

BE IT FURTHER ORDERED, that Ms. Van Arsdale's term will commence June 12, 2022 and will expire March 31, 2025.

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

F. Unfinished Business

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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 Phanthay

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.

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ACTION: Councilor Phanthay moved that the amendment be enacted. Councilor Ferris seconded the motion. The motion passed with a 4-0 vote.

G. New Business

There was no new business

H. New Items with Leave of Council

There were no new items with leave of council.

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 6:13 P.M.

ADJOURNED, ATTEST: _____ Vincent P. Migliore
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine