

City Council Minutes  
Tuesday, August 9, 2022

Regular Meeting  
City Hall Council Chambers

Tuesday, August 9, 2022  
6:00 p.m.

*Historical Note: At the time of this meeting, Brewer City Hall was experiencing a power outage. This meeting was conducted by natural light.*

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-absent  
Councilor Phanthay-absent

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

Mayor Daniels led members of the council and others present in reciting the pledge of allegiance to the flag of the United States of America.

Mayor Daniels read the notice for the regular meeting.

TO: Joseph Ferris, Jerry Goss, Jenn Morin, Soubanh Phanthay, and Michele Daniels; MEMBERS OF THE BREWER CITY COUNCIL. You are hereby notified that a regular meeting of the City Council of the City of Brewer will be held on Tuesday, August 9, 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

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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	Freeman	Off.	08/05/22	17:05
Jerry Goss	Freeman	Off.	08/05/22	17:30
Jenn Morin	Freeman	Off.	08/05/22	17:35
Soubanh Phanthay				
Michele Daniels	Freeman	Off.	08/05/22	17:18

**CITY COUNCIL REGULAR MEETING**  
**Tuesday, August 9, 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 July 12, 2022 Regular Meeting** (Councilor Ferris)
- B. Awards, Petitions and Public Comments**
  - 1. (2022-B023) RESOLVE Resolution of respect for Charles Milan III.  
(Councilor Goss and Councilor Ferris)
  - 2. Public Comments
- C. Consent Calendar**
  - 1. (2022-A125) ORDER Commit sewer assessment to treasurer for collection.  
(Councilor Morin)
  - 2. (2022-A126) ORDER Commit water assessment to treasurer for collection.  
(Councilor Goss)
  - 3. (2022-A127) ORDER Tax release deed, Map 4, Lot 31, land and buildings on 644  
Eastern Avenue. (Councilor Ferris)
  - 4. (2022-A128) ORDER Authorize purchase of pickup truck for Water Department.  
(Councilor Morin)
  - 5. (2022-A129) ORDER Accept donation from Richard Morse to the Brewer Public  
Library. (Councilor Goss)
  - 6. (2022-A130) ORDER Award contract for Fiscal Year 2023 City street paving.  
(Councilor Ferris)
  - 7. (2022-A131) ORDER Award contract for storm drain improvements on Silk  
Street. (Councilor Morin)
  - 8. (2022-A132) ORDER Award contract for storm drain improvements on Adams  
Court. (Councilor Goss)
  - 9. (2022-A133) ORDER Award contract for storm drain improvements on Madison  
Avenue. (Councilor Ferris)
  - 10. (2022-A134) ORDER Amend Economic Development Revolving Loan Fund  
guidelines. (Councilor Morin)
  - 11. (2022-A135) ORDER Authorizing issuance of the City's general obligation bonds  
to finance the City's Fiscal Year 2023 Capital Improvement  
Plan and a tax levy therefor. (Councilor Goss)
  - 12. (2022-A136) ORDER Declare City property surplus and authorize disposal of said  
property. (Councilor Ferris)
  - 13. (2022-A137) ORDER Authorize purchase of replacement vehicle for Police  
Department. (Councilor Morin)
  - 14. (2022-A138) ORDER Authorize purchase of a replacement 2-ton dump  
truck/plow for Public Works. (Councilor Goss)
  - 15. (2022-A139) ORDER Authorize use of approved funds to rehabilitate 1-ton plow  
for Public Works. (Councilor Ferris)
  - 16. (2022-A140) ORDER Accept funds from International Association of Assessing  
Officers Scholarship Fund. (Councilor Morin)

City Council Minutes  
Tuesday, August 9, 2022

17. (2022-A141) ORDER Authorize purchase of replacement patrol vehicle for Police Department. (Councilor Goss and Councilor Ferris)
18. (2022-A142) ORDER Use insurance refund from Maine Municipal Association to fund assessment and remediation of hazardous materials from a tax acquired building at 361 North Main Street. (Councilor Ferris and Councilor Morin)

**D. Monthly Reports** (Councilor Ferris)

**E. Nominations, Appointments, Elections**

1. (2022-A143) ORDER Appoint associate member to the City of Brewer Planning Board. (Councilor Morin)

**F. Unfinished Business**

1. (2022-C009) ORDER Amend Chapter 31 of the Charter, Codes and Ordinances of the City of Brewer, entitled "Sewer and Pre-Treatment Ordinance", Article 12, Section 1200, "Meter Rates". (Councilor Goss)

**G. New Business** (None)

**H. New Items with Leave of Council**

**I. ADJOURN**

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**A. Minutes of the July 12, 2022 Regular Meeting**

**ACTION:** Councilor Morin moved that the minutes to the July 12, 2022 regular meeting be accepted and placed on file. Councilor Goss seconded the motion. The motion passed with a vote of 3-0.  
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**B. Awards, Petitions and Public Comments**

2022-B023

August 8, 2022

TITLE: RESOLVE, RESOLUTION OF RESPECT FOR CHARLES MILAN III.

Filed July 19, 2022  
By Jerry Goss and  
Joseph L. Ferris

WHEREAS, on the 16th day of July 2022 death brought to a close the full and active life of Charles H. Milan III.; and

WHEREAS, Charlie was born in 1936, and was educated at Saint Mary's Catholic School, John Bapst High School, and Saint Anselm College.; and

City Council Minutes  
Tuesday, August 9, 2022

WHEREAS, Charlie served in the United States Army for two years, and then returned home and married Marie Gosselin, his loving wife of 51 years; and

WHEREAS, Charlie and Marie started a family and built Bangor Brewer Bowling Lanes in 1962; and

WHEREAS, Charlie was known as the "King of Candlepin Bowling." winning his first professional tournament at age 17, in 1953 and winning his final professional tournament at age 78, with 23 State Singles Championships, 7 World Championships and hundreds of 1st place finishes over the course of seven decades; and

WHEREAS, Charles was named by Sports Illustrated as one of "The 50 Greatest Sports Figures from Maine"; and

WHEREAS, Charlie was an active member and past President of the Maine State Candlepin Bowling Association and International Candlepin Bowling Association; and

WHEREAS, Charlie is in the Maine Sports Hall of Fame, and has been inducted twice into the Candlepin Bowling Hall of Fame; and

WHEREAS, Charlie was active in his community, and served as a Maine State Liquor Commissioner and was a founding board member of the Hope House; and

WHEREAS, Charlie was committed to drug & alcohol prevention and treatment, and was a friend of Bill W. for 45 years; and

WHEREAS, Charlie's family was the mainstay of his life.

NOW, THEREFORE BE IT RESOLVED, that the Brewer City Council does by this resolution and public pronouncement, recognize the positive influence of Charles H. Milan III. to the well-being and development of the community in which he lived and earned the respect of all who knew him; and

BE IT FURTHER, RESOLVED, that this resolution be spread upon the permanent records of the City of Brewer and that copies thereof be distributed to members of his family in testimony to the high esteem held for Charles H. Milan III by the citizens and officials of the City of Brewer, Maine.

**ACTION:** Councilor Goss moved that the resolve be adopted. Councilor Morin seconded the motion. Councilor Goss said that a copy of the resolution would be sent to the Brewer Historical Society, and that noting the accomplishments of a life like Charlie's was important for posterity. Councilor Goss said that Charlie was one-of-a-kind, and that he would live on in the hearts of many people in the community. Councilor Morin reflected on having known Charlie personally, and said that Charlie was delightful and had a good sense of humor. Councilor Morin said that Charlie's commitment to drug & alcohol prevention spoke volumes of him. Mayor Daniels said that our community was very

City Council Minutes  
Tuesday, August 9, 2022

lucky to have had him in it. The City Manager spoke about his first encounter with Charlie where Charlie proved to be generous and well connected. The City Manager said that he had great admiration for Charlie and his terrific family, and that he will be missed. The motion passed with a vote of 3-0.  
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**Public Comments**

There were no public comments.  
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**C. Consent Calendar**

2022-A125

August 8, 2022

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

Filed July 13, 2022  
By Jenn M. Morin

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

NOW, THEREFORE WE, the Brewer City Council does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$625,526.39** at the established rate, as provided by Title 30-A M.R.S.A. § 3406 and Title 38 M.R.S.A. § 1208 [1989] and as such sections may be amended from time to time; and

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

EVENT	COMMITMENT	COMMENTS
June 2022	\$620,083.98	
March 2022	\$1,934.00	
April 2022	\$1,255.30	
May 2022	\$2,253.11	
<b>TOTAL</b>	<b>\$625,526.39</b>	

City Council Minutes  
Tuesday, August 9, 2022

**Statement of Fact:** This is a quarterly order.

2022-A126

August 8, 2022

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

Filed July 13, 2022  
By Jerry Goss

WHEREAS, under Chapter 40 of the Charter, Codes and Ordinances of the City of Brewer, entitled "Water Department", a water charge is assessed to water users.

NOW, THEREFORE WE, the Brewer City Council does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$458,794.89** at the established rate, as provided by Title 30-A M.R.S.A. § 3406 (supp [1991] and Title 38 MRSA § 1208 [1989]) and as such sections may be amended from time to time; and

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

EVENT	COMMITMENT	COMMENTS
June 2022	\$445,448.45	
March 2022	\$5,035.90	
April 2022	\$6,610.85	
May 2022	\$1,699.69	
TOTAL	<b>\$458,794.89</b>	

**Statement of Fact:** This is a quarterly order.

City Council Minutes  
Tuesday, August 9, 2022

2022-A127

August 8, 2022

TITLE: ORDER, TAX RELEASE DEED, MAP 4, LOT 31, LAND AND BUILDINGS ON  
644 EASTERN AVENUE.

Filed July 19, 2022  
By Joseph L. Ferris

BE IT ORDERED THAT, a municipal Release Deed be issued to Dylan & Jean Guy of Brewer, County of Penobscot, releasing all interest that the City of Brewer may have acquired by virtue of tax 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 644 Eastern Avenue that the City acquired by virtue of foreclosed tax lien, which has now been paid in full. A total of \$4,290.93 was collected, \$3,953.24 in tax along with \$285.73 in interest and \$51.96 in costs.

City Council Minutes  
Tuesday, August 9, 2022

**RELEASE DEED  
Dylan & Jean Guy**

**City of Brewer**, a body politic located in the County of Penobscot, State of Maine, for consideration paid, **releases to Dylan & Jean Guy 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 4, Lot 31 of the Assessor's Tax Maps of the  
City of Brewer, Maine.

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

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

	<u>Volume</u>	<u>Page</u>
14857	264	
15192	195	
15568	309	
16523	235	

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 August AD 2022

WITNESS:

CITY OF BREWER

\_\_\_\_\_

\_\_\_\_\_  
Stephen Bost  
City Manager  
Duly authorized

STATE OF MAINE

PENOBSCOT, ss

DATE August 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,

\_\_\_\_\_  
Mary J. Marquis, Notary Public-Maine  
My Commission expires February 4, 2029



City Council Minutes  
Tuesday, August 9, 2022

2022-A128

August 8, 2022

TITLE: ORDER, AUTHORIZE PURCHASE OF PICKUP TRUCK FOR WATER DEPARTMENT.

Filed July 25, 2022  
By Jenn M. Morin

WHEREAS, the City of Brewer Water Department solicited, received and evaluated bids for the purchase of a 1/2-ton pickup truck; and

WHEREAS, Varney GMC provided the City of with the only bid; and

WHEREAS, the purchase of this pickup truck was planned for in the approved Fiscal Year 2023 Capital Improvement Program budget.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to sign a purchase order to Varney GMC in the amount of \$51,803 for the purchase of a 2023, 1/2-ton GMC pickup and warranty, \$43,128 for the truck and \$2,000 for the extended warranty; and

BE IF FURTHER ORDERED, that the funds for this purchase be charged to the account # 0571003-573042 titled "Unit 762 Pickup 4x4 ½ Ton".

**Statement of Fact:** This order authorizes the purchase of a 1/2-ton 4x4 pickup truck for the Water Department.

2022-A129

August 8, 2022

TITLE: ORDER, ACCEPT DONATION FROM RICHARD MORSE TO THE BREWER PUBLIC LIBRARY.

Filed July 28, 2022  
By Jerry Goss

WHEREAS, the Brewer Public Library received a generous \$1,000 donation from Richard Morse; and

WHEREAS, Richard Morse has been a faithful supporter of the Brewer Public Library; and

WHEREAS, Richard Morse specified that the donation can be used for purposes determined by the Library Director; and

City Council Minutes  
Tuesday, August 9, 2022

WHEREAS, it is the recommendation and request of the Library Director that the donation be used toward library programming.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council accepts this \$1,000 donation from Richard Morse to the Brewer Public Library, and authorizes its deposit into account 0600072-360000-72030 (R Morse Gift), and further authorizes its appropriation and expenditure from 0600072-560000-72030 (R Morse Gift Expense).

**Statement of Fact:** This order accepts and appropriates a \$1,000 donation from Richard Morse to support programming at the Brewer Public Library.

*NOTE: The Brewer Public Library sends a letter of acknowledgement and appreciation on behalf of the City Council and the Library to all who contribute to the library.*

2022-A130

August 8, 2022

TITLE: ORDER, AWARD CONTRACT FOR FISCAL YEAR 2023 CITY STREET PAVING.

Filed August 1, 2022  
By Joseph L. Ferris

WHEREAS, bids were publicly solicited and 2 bids were received and reviewed for the City of Brewer's Fiscal Year 2023 (FY23) Paving Contract.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to execute a contract with B&B Paving, the lowest acceptable bidder, in an amount not to exceed \$480,000 (bid amount plus 13% contingency) for the annual paving of City streets; and

BE IT FURTHER ORDERED, that expenses associated with this contract be charged to Capital Improvement Program account 0510113-551311 (Paving).

**Statement of Fact:** This order awards the annual contract for paving City streets. This order authorizes spending of currently available funding. The bid tabulation for the project is attached.

City Council Minutes  
Tuesday, August 9, 2022

**City of Brewer, Maine**

BID BREAKDOWN FOR THE FY23 RESURFACING CONTRACT (Opened 7-19-22)

Name     B & B Paving  
Address  61 Daves Way, Hermon, ME 04401

Item #	Description	Units Bid	Unit Price	Total Price
1	9.5 mm Machine Placed	2290	\$145.00	\$332,050.00
2	12.5 mm Machine Placed	100	\$150.00	\$15,000.00
3	19 mm Machine Placed	100	\$150.00	\$15,000.00
4	19mm or 9.5mm Hand Placed	100	\$250.00	\$25,000.00
5	Shim 9.5mm	100	\$150.00	\$15,000.00
6	Grinding Various Depths	26500	\$3.50	\$92,750.00
7	Full Depth Milling	100	\$4.50	\$450.00
Total for Items #1,6)			Total of Bid	\$424,800.00

Name     Northeast Paving  
Address  953 Odlin Road, Bangor, ME, 04401

Item #	Description	Units Bid	Unit Price	Total Price
1	9.5 mm Machine Placed	2290	\$139.00	\$318,310.00
2	12.5 mm Machine Placed	100	\$150.00	\$15,000.00
3	19 mm Machine Placed	100	\$260.00	\$26,000.00
4	19mm or 9.5mm Hand Placed	100	\$375.00	\$37,500.00
5	Shim 9.5mm	100	\$210.00	\$21,000.00
6	Grinding Various Depths	26500	\$6.00	\$159,000.00
7	Full Depth Milling	100	\$10.00	\$1,000.00
Total for Items #1,6)			Total of Bid	\$477,310.00

City Council Minutes  
Tuesday, August 9, 2022

2022-A131

August 8, 2022

TITLE: ORDER, AWARD CONTRACT FOR STORM DRAIN IMPROVEMENTS ON SILK STREET.

Filed August 1, 2022  
By Jenn M. Morin

WHEREAS, bids were solicited from three reputable local contractors for storm drain work on Silk Street that needs to be completed before this section of road can be resurfaced; and

WHEREAS, the low bidder for the work on Silk Street was Lou Silver, Inc. with a bid amount of \$26,252;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to execute a contract with Lou Silver, Inc., the lowest acceptable bidder, in an amount not to exceed \$30,000 (bid amount plus contingency); and

BE IT FURTHER ORDERED, that expenses associated with this contract be charged to Capital Improvement Program account 0510113-551600-66510 (Storm Drain Improvements – Silk Street); and

BE IT FURTHER ORDERED, that the Brewer City Council hereby authorizes the appropriation and expenditure of \$30,000 of City unassigned fund balance to complete this project; 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 supplies and contractor services for this project.

**Statement of Fact:** This order awards a contract to Lou Silver, Inc. to complete storm drain improvements on Silk Street that need to be completed before the road can be resurfaced in the future. The order appropriates \$30,000 of City fund balance to pay for the project. The Public Works Department contributed over \$100,000 to fund balance in Fiscal Year 2022, by coming in under budget, in large part due to salary savings from multiple vacancies.

2022-A132

August 8, 2022

TITLE: ORDER, AWARD CONTRACT FOR STORM DRAIN IMPROVEMENTS ON ADAMS COURT.

Filed August 1, 2022  
By Jerry Goss

City Council Minutes  
Tuesday, August 9, 2022

WHEREAS, bids were solicited from three reputable local contractors for storm drain work on Adams Court that needs to be completed before this section of road can be resurfaced; and

WHEREAS, the low bidder for the work on Adams Court was Lou Silver, Inc. with a bid amount of \$78,602.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to execute a contract with Lou Silver, Inc., the lowest acceptable bidder, in an amount not to exceed \$85,000 (bid amount plus contingency); and

BE IT FURTHER ORDERED, that expenses associated with this contract be charged to Capital Improvement Program account 0510113-551600-66504 (Storm Drain Improvements – Adams Court).

BE IT FURTHER ORDERED, that the Brewer City Council hereby authorizes the appropriation and expenditure of \$60,000 of City unassigned fund balance to supplement the \$25,000 in funding approved in Fiscal Year 2022 for this project; 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 supplies and contractor services for this project.

**Statement of Fact:** This order awards a contract to Lou Silver, Inc. to complete storm drain improvements on Adams Court that need to be completed before the road can be resurfaced in the future. It also appropriates \$60,000 of City fund balance to cover the unanticipated expense of contracting out the work. The Public Works Department contributed over \$100,000 to fund balance in Fiscal Year 2022, by coming in under budget, in large part due to salary savings from multiple vacancies.

2022-A133

August 8, 2022

TITLE: ORDER, AWARD CONTRACT FOR STORM DRAIN IMPROVEMENTS ON  
MADISON AVENUE.

Filed August 1, 2022  
By Joseph L. Ferris

WHEREAS, bids were solicited from three reputable local contractors for storm drain work on Madison Avenue that needs to be completed before this section of road can be resurfaced; and

WHEREAS, the low bidder for the work on Madison Avenue was Whitmore Contracting with a bid amount of \$40,560.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is

City Council Minutes  
Tuesday, August 9, 2022

authorized to execute a contract with Whitmore Contracting, the lowest acceptable bidder, in an amount not to exceed \$45,000 (bid amount plus contingency); and

BE IT FURTHER ORDERED, that expenses associated with this contract be charged to Capital Improvement Program (CIP) account 0510113-551600-66508 (Storm Drain Improvements – Madison Avenue); and

BE IT FURTHER ORDERED, that the Brewer City Council hereby authorizes the appropriation and expenditure of \$25,000 of City unassigned fund balance to supplement the \$20,000 in Fiscal Year 2023 CIP funding approved for this project; 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 supplies and contractor services for this project.

**Statement of Fact:** This order awards a contract to Whitmore Contracting to complete storm drain improvements on Madison Avenue that need to be completed before the road can be resurfaced in the future. It also appropriates \$25,000 of City fund balance to cover the unanticipated expense of contracting out the work. The Public Works Department contributed over \$100,000 to fund balance in Fiscal Year 2022, by coming in under budget, in large part due to salary savings from multiple vacancies.

2022-A134

August 8, 2022

TITLE: ORDER, AMEND ECONOMIC DEVELOPMENT REVOLVING LOAN FUND GUIDELINES.

Filed August 2, 2022  
By Jenn M. Morin

WHEREAS, the City of Brewer's Economic Development Revolving Loan Fund (ED-RLF) was established in November of 2013 to support and promote business development in the City of Brewer; and

WHEREAS, the ED-RLF program is governed by guidelines, which may be amended from time to time; and

WHEREAS, the City desires to more clearly state that all grants made from this program will be in accordance with the Tax Increment Financing statute.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby amends the Economic Development Revolving Loan Fund Guidelines as follows:

## **City of Brewer**

### **Economic Development Revolving Loan Fund Guidelines**

The City of Brewer Economic Development Revolving Loan Fund (ED- RLF) provides gap financing for the development and expansion of small businesses.<sup>1</sup> It is intended to be a self-replenishing pool of money, utilizing interest and principal payments on old loans to issue new ones.

#### Purpose

The ED-RLF is meant to bridge the gap between the amount a borrower can obtain on their own from the private market or other sources and the amount needed to start or grow a business; it is not intended to provide full project funding. (For example, typical borrowers will obtain 60 to 80 percent of project financing from other sources.) Grants may also be made to non-profit entities for projects for which the purpose is general economic development in the City of Brewer.

#### Goals and Objectives

1. Stimulate economic growth in the City of Brewer by assisting with the retention and growth of the existing industrial and commercial base, providing needed equity to new start-up businesses, and providing an incentive for established businesses to relocate to Brewer.
2. Assist new or existing Brewer businesses in the creation and retention of jobs.
3. Increase the City's property tax base.
4. Provide businesses with the opportunity to expand.
5. Encourage and leverage loans to businesses by area private financial institutions.
  - Encourage improvements in public infrastructure that will support and foster economic growth.
  - Encourage the cleanup and/or removal of slum and blight conditions, as well as subsequent development.
6. Encourage beneficial redevelopment of underutilized commercial/industrial sites.

#### Eligibility

Eligible uses for ED-RLF funding include, without limitation:

- Acquisition of land, buildings
- New construction
- Façade and building renovation
- Landscape and property improvements
- Machinery and equipment
- Inventory
- Operating capital
- Infrastructure improvements (such as water, sewer, fiber, or gas lines)
- ED-RLF funds may not be used to service or refinance existing debt.
- ED-RLF funds may be used to provide low-interest loans to assist for-profit organizations in carrying out economic development projects.

City Council Minutes  
Tuesday, August 9, 2022

- Non-profit organizations will only be considered if their primary purpose includes broadening the City's tax base, creating jobs, or improving the overall economy of the State, region, or City.

Loan Requirements

1. All project financing must be approved by a lender institution.
2. A Letter of Commitment on the lender's stationery stipulating the equity by the borrower, the extent of the lender's participation, the terms of the loan, the rate of interest to be charged by the lender, and the amount of gap financing required from the ED- RLF.
3. A Letter of Commitment from the firm, on the applicant's stationery, stating how the RLF money will be used and how it will benefit both the company and the greater community beyond their own organization, in addition to other requirements as detailed below.
4. A business plan containing management information and business experience.
5. Sufficient collateral to repay lender and ED-RLF funding.
6. Personal or corporate guarantees on the project.
7. Credit history and financial statements.
8. Cash flow projections.
9. All loans are predicated upon financial feasibility. The applicant's lender will make the first determination of feasibility. After approval by the applicant's lender, the ED-RLF loan review committee will make the final determination of feasibility for an ED-RLF loan.

Loan Terms

The maximum term for real estate and infrastructure loans will be 15 years. The maximum term for machinery and equipment loans will be 10 years. All other loans will be for a maximum term of 5 years.

Interest rates will vary from one to four percent.

The maximum loan will be 40% of the project total, not to exceed \$100,000, and shall be subject to the availability of ED-RLF funds.

The City of Brewer reserves the right to negotiate all terms of all loans, based on the size and scope of the proposed project and its financial impact on the local economy.

Grants

In addition to using funds for low-interest loans, ED-RLF funds may be used in partnership with a non-profit organization to finance projects that involve public facilities and improvements and/or support in support of economic development in the City – all and in accordance with Tax Increment Financing statute (such as a water system upgrade to serve an expanding business). Grants require a minimum match of 25% (unless waived by the loan committee) and City Council approval.



City Council Minutes  
Tuesday, August 9, 2022

Grant Requirements

1. A Letter of Commitment from the non-profit organization, on the applicant's stationery, stating how the RLF money will be used and how it will benefit the broader community.
2. Demonstration by the non-profit that they are financially able to complete the 25% match requirement.
3. The match requirement may be waived upon request by the applicant if the loan committee deems that the project's primary purpose is to support general economic development in the City of Brewer.
4. If approved, compliance by the applicant/grantee with all other terms and conditions in the grant offer/agreement.

ED-RLF Management Plan

1. The ED-RLF program will be administered through the Economic Development (ED) Office. The ED Office will meet the applicant, meet with a representative of the participating lending institution, visit the site (if necessary), negotiate terms, length, security of loan, and compliance with the ED-RLF goals and objectives. The ED Office will make available to the loan review committee all necessary information as required to evaluate each request.
2. A loan review committee consisting of at least the Economic Development Office and the City Manager shall be responsible for reviewing each submission and formally approving or denying applications.
3. The loan/grant documents including commitment agreements, liens, title policies, security recordings, transfer tax declaration, amortization schedules and security releases shall be obtained and completed by the City Solicitor. The City Finance Office (or a paid consultant/contractor) shall monitor payments of the loan and monitor any special conditions required by the loan or grant.
4. Delinquent Loans: When an ED-RLF payment becomes 10 days past due, the fund administrator will place a telephone call to the borrower and request payment. At 30 days past due the City will send a formal letter requesting payment. Should the payment become 45 days past due the matter will be turned over to the City Solicitor to pursue. All legal rights will be exercised by the City to reclaim funds. Legal counsel will be consulted during foreclosure and liquidation proceedings, if events warrant.

Guide to Preparation of Borrower's Letter of Commitment

The Borrower's Letter of Commitment should be on company letterhead and should be signed by the chief executive officer of the company. The purpose of the letter is to acknowledge and to verify the information presented in the loan application and to verify that the project will go forward if the ED-RLF loan is approved. The Borrower's letter should:

- Describe the project (plant expansion, open a business, etc.).
- Provide total project cost.
- Verify the total jobs to be created or retained and the types of jobs to be available (if any).
- Provide the total dollar amount of leverage that will occur if the

City Council Minutes  
Tuesday, August 9, 2022

ED-RLF loan is approved.

- Describe the sources of financing that are committed to the project and provide commitment letters as attachments.
- If applicable, describe the amount of equity or down-payment that the company or principals are providing. Briefly describe why the borrower or the principals cannot or will not provide additional funds from their own sources (satisfactory reasons include the need to reserve cash for working capital or the exhaustion of resources).
- Certify that the project is ready to go and will only go forward if the ED-RLF loan is approved. Include anticipated start and completion dates and a statement that the project is ready to begin.
- Describe collateral/security offered.

Guide to Preparation of Lending Institution's Letter of Commitment

A firm commitment letter from a financial institution must contain the following:

- Language indicating that the loan has been approved by individuals or committees empowered to do so and that the institution will lend subject to certain conditions
- A specific dollar amount
- A specific term in years
- A specific interest rate
- Specific collateral or security
- Specific conditions attendant to the loan

The letter should also clearly state why the lender will not provide additional funds to the project.

[<sup>1</sup>The ED-RLF may, on a case-by-case basis, be utilized for other purposes if approved by the City consistent with these Guidelines.](#)

**Statement of Fact:** This order updates Economic Development Revolving Loan Fund Guidelines.

2022-A135

August 8, 2022

TITLE: ORDER, AUTHORIZING ISSUANCE OF THE CITY'S GENERAL OBLIGATION BONDS TO FINANCE THE CITY'S FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN AND A TAX LEVY THEREFOR.

Filed August 2, 2022  
By Jerry Goss

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

THAT the City Treasurer/Finance Director be and hereby is authorized, in the name of and on behalf of the City, to borrow up to Two Million Four Hundred Ninety Thousand Dollars (\$2,490,000) to finance costs related to the City's Fiscal Year 2023 (FY23) Capital Improvement Plan (CIP) as more

City Council Minutes  
Tuesday, August 9, 2022

specifically listed on Attachment A hereto (the “Projects”).

THAT pursuant to 30-A M.R.S.A. §5772 and all other authority thereto enabling, to evidence such borrowing, there is hereby authorized the issue and sale of the City’s general obligation bonds at one time and from time to time in an amount not to exceed \$2,490,000 aggregate principal amount, the proceeds of which, including premium, if any, and investment earnings thereon, may be used and are hereby appropriated to pay the costs of the Projects.

THAT pursuant to 30-A M.R.S.A. §5772, Article VI, Section 7 of the City Charter and any other authority thereto enabling, the City Treasurer/Finance Director is hereby authorized to issue temporary notes of the City in anticipation of the forgoing bond issue.

THAT said bonds and notes shall be signed by the City Treasurer/Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk.

THAT any issue of bonds may be consolidated with and issued at the same time as any other issue of bonds authorized prior to their issuance, and the bonds may be divided into multiple series and issued in separate plans of financing.

THAT the bonds hereby authorized may be made subject to call for redemption, with or without a premium, before the date fixed for final payment of the bonds, as provided in 30-A M.R.S.A. §5772(6), as amended, as shall be determined by the City Treasurer/Finance Director.

THAT the City Treasurer/Finance Director shall determine the form, date(s), maturities (not to exceed the maximum term permitted by law), denominations, interest rate or rates, place of payment, and other details of said bonds and notes, including the timing and provision for their sale and award, her approval to be conclusively evidenced by the execution thereof.

THAT in each of the years during which any of the bonds are outstanding, there shall be levied a tax in an amount that, with other revenues, if any, available for that purpose, shall be sufficient to pay the interest on said bonds, payable in such year, and the principal of such bonds maturing in such year.

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

THAT the City Treasurer/Finance Director and Chair of the City Council from time to time shall execute such bonds or notes as may be required to provide for exchanges or transfers of bonds or notes as heretofore authorized, all such bonds or notes to bear the original signature of the City Treasurer/Finance Director and Chair of the City Council, and in case any officer of the City whose signature appears on any bond or note shall cease to be such officer before the delivery of said bond or

City Council Minutes  
Tuesday, August 9, 2022

note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof.

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

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

THAT the City Treasurer/Finance Director be and hereby is authorized and directed to covenant and certify in the name of and on behalf of the City that no part of the proceeds of the issue and sale of the bonds or notes authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such bonds or notes to be "private activity bonds" or "arbitrage bonds" within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986, as amended (the "Code").

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

THAT the City Treasurer/Finance Director be and hereby is authorized and empowered to take all such action as may be necessary to designate the bonds or notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code; it being the City Council's intention that, to the extent permitted under the Code, the bonds or notes be Section 265(b) designated and that the City Treasurer/Finance Director with advice of bond counsel, make the required Section 265(b) election with respect to such bonds to the extent that the election may be available and advisable as determined by the City Treasurer/Finance Director.

THAT the City Treasurer/Finance Director be and hereby is authorized to covenant, certify, and agree, in the name of and on behalf of the City, for the benefit of the holders of such bonds or notes, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by Rule 15c2

City Council Minutes  
Tuesday, August 9, 2022

12 of the Securities and Exchange Commission, if applicable, are met.

THAT the term “cost” or “costs” as used herein and applied to the Projects, or any portion thereof, includes, but is not limited to: (1) the cost to design, construct, renovate, refurbish, improve, acquire, replace, furnish and equip the Projects; (2) the cost of land, easements and other real property interests, landscaping and site preparation, utility extensions, all appurtenances and other fixtures, facilities, buildings and structures either on, above, or under the ground which are used or usable in connection with the Projects; (3) the cost of feasibility studies, surveys, environmental studies and assessments, engineering, plans and specifications, legal and other professional services associated with the Projects; (4) issuance costs, including premiums for insurance, capitalized interest and other financing charges, fees and expenses relating to the financing transaction.

THAT the investment earnings on the proceeds of the bonds and notes, if any, and the excess proceeds of the bonds and notes (including premium), if any, be and hereby are appropriated for the following purposes, to be selected by the City Treasurer/Finance Director:

1. To the cost of any Project listed on Attachment A;
2. If the bonds or notes are issued on a tax-exempt basis, in accordance with applicable terms and provisions of the Arbitrage and Use of Proceeds Certificate delivered in connection with the sale of the bonds or notes including, to the extent permitted thereunder, to the City’s General Fund;
3. To pay debt service on the bonds or notes.

THAT if the actual cost of any Project differs from the estimated cost listed on Attachment A, whether due to completion, delay or abandonment of the Project, or for any other reason, the City Treasurer/Finance Director is authorized, in her discretion, to reallocate proceeds of the bonds or notes to any other listed Project or to any other project or improvement that the City Council has approved or may in the future approve as part of the City’s annual capital improvement plan.

THAT the City Treasurer/Finance Director, Chair of the City Council, Clerk, and other proper officials of the City be and hereby are authorized and empowered in in the name of and on behalf of the City to do or cause to be done all such acts and things to carry out the provisions of this Order, and the City Treasurer/Finance Director and Chair of the City Council be and hereby are each individually further authorized and empowered in the name of and on behalf of the City to approve, execute and deliver such contracts, agreements, investment agreements, certificates, instruments and other documents as may be necessary or advisable, with the advice of counsel for the City, including but not limited to a bond purchase agreement, a preliminary official statement and official statement if the bonds or notes are underwritten in a public sale, a loan agreement with the Maine Municipal Bond Bank in usual and customary form, if the bonds or notes are issued to or through the Maine Municipal Bond Bank, in connection with the financing of the Projects and the issuance delivery by the City of the bonds and notes, and the investment of the proceeds thereof (the “ Bond Documents”), which Bond Documents may be in such form and contain such terms and provisions including, without limitation, the waiving of the City’s sovereign or governmental immunity with respect to the enforceability of any of the forgoing, and such other details as she shall approve, her approval to be conclusively evidenced by her execution thereof.

City Council Minutes  
Tuesday, August 9, 2022

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

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

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

THAT during the term any of the bonds are outstanding, the City Treasurer/Finance Director is hereby authorized, in the name and in the name of and on behalf of the City, to issue and deliver refunding bonds on either a current or advance refunding basis, to refund some or all of the bonds then outstanding, and to determine the date, form, interest rate, maturities (not to exceed 30 years from the date of issuance of the original bonds) and all other details of such refunding bonds, including the form and manner of their sale and award. The City Treasurer/Finance Director is hereby further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the City Treasurer/Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk.

City Council Minutes  
Tuesday, August 9, 2022

Attachment A

<b>FY2023 Capital Improvement Program</b>	
POLICE CRUISER	\$53,000
#422 WESTERN STAR 4700 WHEELER	150,000
#434 STERLING SL7500 PLOW/SANDER	130,000
#450 HYUNDAI EXCAVATOR R210LC-7	210,000
60" RIDING MOWER - KUBOTA (622)	14,000
PAVING	213,000
STATE STREET RESURFACE AND SIDEWALK REPAVE MPI (EASTERN TO MULLEN WAY)	300,000
UPPER PARKER STREET RECONSTRUCTION	200,000
NORTH MAIN ST (WILSON TO STATE)	145,000
PAVING-DIRIGO, SPARKS, GRNTPT (PART), BARTLETT RESURFACE	350,000
STORM DRAIN - CITY WIDE EVALUATION	25,000
STORM DRAIN SLIPLINE-S MAIN AT DIRIGO SCHOOL	700,000
<b>Total</b>	<b>\$2,490,000</b>

2022-A136

August 8, 2022

TITLE: ORDER, DECLARE CITY PROPERTY SURPLUS AND AUTHORIZE DISPOSAL OF SAID PROPERTY.

Filed August 2, 2022  
By Joseph L. Ferris

WHEREAS, the Brewer Parks & Recreation Department has recently purchased a new 15 HP Pentair EQK1500 pump for the Municipal Pool approved as part of the Municipal Pool Rehabilitation budget; and

WHEREAS, the Parks & Recreation Department will have no further use for three Hayward 3HP Super Pump II pumps once the new pump is installed.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby declares three Hayward 3HP Super Pump II pumps as surplus property; and authorizes the disposal of this surplus property by competitive sale or other means as is in the best interest of the citizens of Brewer with proceeds of the disposal, if any, being deposited to 0510124 – 551432 (CIP Pool Rehabilitation).

**Statement of Fact:** Three pool pumps are no longer serviceable and no longer meet the needs of the Parks & Recreation Department. This order declares the pumps surplus property and allows for their disposal.

City Council Minutes  
Tuesday, August 9, 2022

2022-A137

August 8, 2022

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

Filed August 3, 2022  
By Jenn M. Morin

WHEREAS, the Fiscal Year 2023 (FY23) approved Capital Improvement Program (CIP) included funding for replacement of an unmarked police vehicle; and

WHEREAS, a bid was solicited for a new vehicle to be placed in service from Down East Toyota-Scion in Brewer; and

WHEREAS, the bid consisted of a 2022 Toyota Tundra CrewMax SR5 TRD 4X4 truck, at a cost of \$52,982 with a trade-in allowance of \$8,000 for a 2010 GMC Yukon for a total purchase price of \$44,982; and

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

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the City Manager or his designee to sign a purchase order with Down East Toyota-Scion of Brewer for the amount of \$44,982 and authorizes the appropriation and expenditure of this amount from capital account 0510132-511205 (Police Unmarked Vehicles) to fund the purchase of the 2022 Toyota Tundra CrewMax SR5 TRD 4X4; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure from CIP account 0510132-511205 (Police Unmarked Vehicles) the funding necessary to cover the cost of equipping the vehicle (however, such expenditures shall not exceed funding available as approved in the FY23 CIP); and

BE IT FURTHER ORDERED, the City Council hereby declares the Police Department's 2010 GMC Yukon (VIN#1GKUAE06AR190818), surplus and authorizes the City Manager or his designee to dispose of the vehicles by allowing for a trade-in to offset the purchase price of the new police vehicle; and

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

**Statement of Fact:** This order authorizes the purchase of a police vehicle and authorizes the trade-in of a vehicle from the Police Department fleet to off-set the purchase price of the new vehicle. The Manufacturer's Suggested Retail Price (MSRP) for a 2022 Toyota Tundra CrewMax SR5 TRD 4X4 truck is \$52,723. Down East Toyota-Scion is a Brewer based business that has offered an excellent purchase price on a top-rated truck. The Toyota Tundra is known for its reliability and durability as well as its resale value.



City Council Minutes  
Tuesday, August 9, 2022

2022-A138

August 8, 2022

TITLE: ORDER, AUTHORIZE PURCHASE OF A REPLACEMENT 2-TON DUMP TRUCK/PLOW FOR PUBLIC WORKS.

Filed August 3, 2022  
By Jerry Goss

WHEREAS, bids were solicited, received and evaluated for the purchase of a 2-ton dump truck/snowplow to replace Public Works Unit #426 a 2014 Ford F450 2-ton plow truck; and

WHEREAS, Daigle & Houghton of Bangor, Maine provided the City of Brewer with the only bid in the amount of \$117,344 for a 2023 International CV515.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to sign a purchase order to Daigle & Houghton, for an amount up to \$117,344 for the purchase of a 2023 International CV515 SFA dump truck with plow and wing; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to Capital Improvement Program (CIP) account 0510133-551352; and

BE IT FURTHER ORDERED, that the Brewer City Council hereby authorizes the reallocation of \$47,334 from Fiscal Year 2022 (FY22) CIP account 0510133- 551398 to 0510133-551332 to support this purchase; and

BE IT FURTHER ORDERED, that the current Public Works Unit #426, the 2014 Ford F450 dump truck, with a plow and wing, (VIN 2716) be declared surplus once the new truck has been delivered to the City and that the City Manager, or his designee, be authorized to dispose of it by means that would be in the best interest of the City; and

BE IT FURTHER ORDERED, that the City Council authorizes the proceeds from any disposal of Unit #426 be appropriated for expenditure from FY22 CIP account #0510133-551398 to support the rehabilitation of plow truck Unit #425.

**Statement of Fact:** Funds were approved in the FY22 budget to replace both a 2-ton plow truck and a 1-ton plow truck. Current market conditions have resulted in limited bidders and higher pricing. This order combines funds to purchase a replacement 2-ton plow truck, evaluated to be in greater need of replacement, with plans to use remaining funds including the proceeds from the sale of Unit #426 to rehab the 1-ton plow truck, Unit #425.

City Council Minutes  
Tuesday, August 9, 2022

2022-A139

August 8, 2022

TITLE: ORDER, AUTHORIZE USE OF APPROVED FUNDS TO REHABILITATE  
1-TON PLOW FOR PUBLIC WORKS.

Filed August 3, 2022  
By Joseph L. Ferris

WHEREAS, bids were solicited, received and evaluated for the purchase of a 1-ton dump truck to replace Public Works Unit #425 a 2014 1-ton Ford F350; and

WHEREAS, due to high current market prices and lack of bid competition, it is recommended that the bid be refused, and funds be redirected to rehabilitate Unit #425.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, be authorized to sign purchase orders related to the rehabilitation of Public Works Unit #425, including the purchase of a new poly sander unit, up to the amount of \$27,000; and

BE IT FURTHER ORDERED, that funds for these purchases shall be charged to the Fiscal Year 2022 (FY22) Capital Improvement Program (CIP) account 0510133-551398, titled "1T Dump/Plow/Sander".

**Statement of Fact:** Funds were approved in the FY22 budget to replace both a 2-ton plow truck and a 1-ton plow truck. Due to changing market conditions, there were insufficient funds to do both purchases. This order reallocates funds to rehabilitate Unit #425, the truck that is in better condition. Rehabilitation could add another 5 to 8 years to the life of Unit #425.

2022-A140

August 8, 2022

TITLE: ORDER, ACCEPT FUNDS FROM INTERNATIONAL ASSOCIATION OF  
ASSESSING OFFICERS SCHOLARSHIP FUND.

Filed August 3, 2022  
By Jenn M. Morin

WHEREAS, the Brewer Assessing Department has been awarded up to \$1,250 through the International Association of Assessing Officers (IAAO) Scholarship Fund Program to defray the cost of attending training out of state; and

WHEREAS, this scholarship will cover thirty percent of the City's cost up to \$1,250; and

WHEREAS, matching funds will be taken from an existing Assessing Department training and travel account.

City Council Minutes  
Tuesday, August 9, 2022

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts \$1,250 in scholarship funds and directs the funds be deposited in account -0105204-300490 Assessing Miscellaneous Revenue; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of these grant funds from accounts 0115201-500860 (\$750.00) Training, Conferences and Meetings, and 0115201-500862(\$500.00) Travel.

**Statement of Fact:** The Brewer Assessing Department has been awarded \$1,250 in scholarship funds to offset the cost of the Assessor attending an IAAO course in Alabama. This order accepts the funds and authorizes their expenditure.

2022-A141

August 8, 2022

TITLE: ORDER, AUTHORIZE PURCHASE OF REPLACEMENT PATROL VEHICLE  
FOR POLICE DEPARTMENT.

Filed August 4, 2022  
By Jerry Goss and  
Joseph L. Ferris

WHEREAS, the Fiscal Year 2023 (FY23) approved Capital Improvement Program (CIP) included funding for replacement of a police vehicle for primary patrol use; and

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

WHEREAS, the bid for the primary patrol vehicle consisted of a 2022 Ford F150 Police Responder, at a cost of \$36,880 with a trade-in allowance of \$2,400 for a 2016 Ford Utility Police Interceptor for a total purchase price of \$34,560; and

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

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the City Manager or his designee to sign a purchase order with Darling's Ford of Bangor for the amount of \$34,560 and authorizes the appropriation and expenditure of this amount from capital account 0510132-511200 (Police Cruiser) to fund the purchase of the 2022 Ford F150 Police Responder; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure from CIP account 0510132-511200 (Police Vehicles) the funding necessary to cover the cost of equipping the vehicle (however, such expenditures shall not exceed funding available as approved in the FY23 CIP); and

City Council Minutes  
Tuesday, August 9, 2022

BE IT FURTHER ORDERED, the City Council hereby declares the Police Department's 2016 Ford Utility Police Interceptor (VIN#1FM5K8AR2GGC73532) surplus and authorizes the City Manager or his designee to dispose of the vehicles by allowing for trade-in to offset the purchase price of the new police vehicle; and

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

**Statement of Fact:** This order authorizes the purchase of one marked police vehicle as authorized in the FY23 CIP. One vehicle from the Police Department fleet will be used for trade-in to offset the purchase price of the new vehicle. The Manufacturer's Suggested Retail Price (MSRP) for a 2020 Ford Utility Police Interceptor is \$48,215. Darlings has been awarded the bid for all Brewer Ford Utility Police Interceptors (6 purchased to date) as having the most competitive pricing with immediate availability of the "ready for road" emergency lighting and siren package. Bids were also solicited from Rockland Ford, Casco Bay Ford, and Quirk Ford; none of these dealerships have responded with bids or to inquiries about purchasing new cruisers.

2022-A142

August 8, 2022

TITLE: ORDER, USE INSURANCE REFUND FROM MAINE MUNICIPAL ASSOCIATION TO FUND ASSESSMENT AND REMEDIATION OF HAZERDOUS MATERIALS FROM A TAX ACQUIRED BUILDING AT 361 NORTH MAIN STREET.

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

WHEREAS, the City has received a total of \$21,793 in dividends from the Maine Municipal Association's Risk Management Program (\$8,431 from the Property and Casualty insurance pool and \$13,362 from the Workers Compensation pool) in recognition of the fund's and the City's positive performance in 2021; and

WHEREAS, the City expects to incur approximately \$30,000 in unanticipated expense related to the environmental assessment and hazardous material remediation of the tax acquired structure at 361 North Main Street.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby accepts the \$21,793 in insurance dividends and directs that they be deposited into the City's Miscellaneous Revenue account (0106904-300490); and

City Council Minutes  
Tuesday, August 9, 2022

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of this \$21,793, along with \$8,207 in unassigned fund balance (0109800-300901), from the Code Contracted Services account (0116001-501040) for unanticipated expenses associated with removal of the dilapidated tax acquired structure at 361 North Main Street.

**Statement of fact:** This order accepts \$21,793 in insurance dividends and authorizes their use to cover an estimated \$30,000 in unanticipated expenses associated with the removal of the dilapidated tax acquired structure at 361 North Main Street. The remaining \$8,207 in funding needed will come from undesignated fund balance.

**ACTION:** Councilor Morin moved that the orders on the consent calendar have passage. Councilor Goss seconded the motion. The motion passed with a vote of 3-0.  
\*\*\*

**D. Monthly Reports**

**ACTION:** Councilor Goss moved that the monthly reports from department heads be accepted and placed on file. Councilor Morin seconded the motion. The motion passed with a vote of 3-0.  
\*\*\*

**E. Nominations, Appointments, Elections**

2022-A143

August 8, 2022

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

Filed August 3, 2022

By Jenn Morin

BE IT ORDERED, that Loriann Hall, of 45 Day Road, is herewith appointed to the Brewer Planning Board of the City of Brewer as an associate member to fill a vacancy; and

BE IT FURTHER ORDERED, that Ms. Hall's term will commence August 14, 2022 and expire March 31, 2023.

**ACTION:** Councilor Morin moved that the order have passage. Councilor Goss seconded the motion. The motion passed with a vote of 3-0.  
\*\*\*

**F. Unfinished Business**

2022-C009

July 12, 2022

TITLE: ORDER, AMEND CHAPTER 31 OF THE CHARTER, CODES AND

City Council Minutes  
Tuesday, August 9, 2022

ORDINANCES OF THE CITY OF BREWER, ENTITLED "SEWER  
AND PRE-TREATMENT ORDINANCE", ARTICLE 12, SECTION  
1200, "METER RATES".

Filed July 6, 2022  
By Jerry Goss

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 12, Schedule of Sewer Rates, Section 1200, "Meter Rates", shall be amended as follows:

**ARTICLE 12 - SCHEDULE OF SEWER RATES**

**SECTION 1200. METER RATES**

Rates based on water meter readings for the use of and for the services furnished, or to be furnished by the municipal sewer facility on property having water metered service, not including meters used exclusively for water not draining into sewers:

QUARTERLY

Effective beginning with and retroactive, the period covered by the September, ~~2021~~ 2022 billing, the following rates shall apply:

For the first 1,000 cu. ft. per quarter: ~~\$96.70~~ \$102.70 minimum charge for Residential customers classified in the billing system as User Type 9.

For the first 1200 cu. ft. per quarter: ~~\$116.04~~ \$123.24 minimum charge for all other users not otherwise classified as a Residential customer.

Effective beginning with the period covered by the September, ~~2021~~ 2022 billing, the following rates shall apply:

For all in excess of 1,000 cu. ft. per quarter: ~~\$9.67~~ \$10.27 per 100 cu. ft.

**Statement of Fact:** The FY23 budget approved by the City Council includes an increase in the sewer rate of \$0.60 per 100 cubic feet, or about \$8.33 per quarter for the average residential sewer user. This order amends City Ordinance to reflect this change.

**ACTION:** Councilor Goss moved that the amendment be enacted. Councilor Morin seconded the motion. The motion passed with a vote of 3-0.

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City Council Minutes  
Tuesday, August 9, 2022

**G. New Business**

There was no new business.

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**H. New Items with Leave of Council**

There were no new items with leave of council.

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**I. ADJOURN**

**ACTION:** Councilor Goss moved that the meeting be adjourned. Councilor Morin seconded the motion. The motion passed with a vote of 3-0. The meeting was adjourned at 6:14 P.M.

ADJOURNED, ATTEST: \_\_\_\_\_ Vincent P. Migliore  
City Clerk

A TRUE COPY, ATTEST: \_\_\_\_\_ Brewer, Maine