

City Council Minutes
Tuesday, January 10, 2023

Regular Meeting
City Hall Council Chambers

Tuesday, January 10, 2023
6:00 p.m.

Note: This was a hybrid meeting of the Brewer City Council combining both in-person and remote participation in accordance with the City Council’s remote participation policy.

Councilor Ferris-connected telephonically
Councilor Daniels-present
Mayor Phanthay-present
Councilor Goss-absent
Councilor Morin-present

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

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

Mayor Phanthay read the notice for the regular meeting.

TO: Joseph Ferris, Jerry Goss, Michele Daniels, Jenn Morin, and Soubanh Phanthay; 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, January 10, 2023 at 6:00 p.m., at 80 North Main Street, to consider and act on the items on the attached agenda.

s/ Soubanh Phanthay
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 Jerry Goss	T. Favreau	Off.	1/6/2023	14:14
Michele Daniels	T. Favreau	Off.	1/6/2023	14:27
Jenn Morin	T. Favreau	Off.	1/6/2023	13:58
Soubanh Phanthay	T. Favreau	Off.	1/6/2023	13:43

CITY COUNCIL REGULAR MEETING
Tuesday, January 10, 2023 6:00 P.M.
Brewer City Hall Council Chambers

- I. Call to Order** (Mayor Phanthay)
- II. Roll Call** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America** (Mayor Phanthay)
- A. Minutes of the December 13, 2022 Regular Meeting** (Councilor Ferris)
- B. Awards, Petitions and Public Comments**
 - 1. (2023-B001) RESOLVE Resolution of Respect for Richard Hart Sr.
(Councilor Daniels)
 - 2. (2023-B002) RESOLVE Resolution of Respect for Clayton Rogers.
(Councilor Daniels)
 - 3. Presentation: Designated Bus Stop Presentation, Maddie Jensen, Bangor
Area Comprehensive Transportation System
 - 4. Public Comments
- C. Consent Calendar**
 - 1. (2023-A001) ORDER Accept asset forfeiture funds.
(Councilor Morin)
 - 2. (2023-B003) RESOLVE Approve transfer to School Capital Fund Reserve Account.
(Councilor Ferris)
 - 3. (2023-A002) ORDER Authorize purchase of replacement wheeled excavator for
Public Works. (Councilor Daniels)
 - 4. (2023-A003) ORDER Award contract for LIDAR imaging of Tannery Brook
storm drain pipe. (Councilor Morin)
 - 5. (2023-A004) ORDER Accept law enforcement grant funds from Maine Municipal
Association. (Councilor Ferris)
 - 6. (2023-A005) ORDER Tax Release Deed, Map 8 Lot 22, land and buildings on
220 Pierce Road. (Councilor Daniels)
 - 7. (2023-A006) ORDER Authorize funding to support Retire In Place Employee
Retention Program in the Brewer Police Department.
(Councilor Morin and Councilor Ferris)
- D. Monthly Reports** (Councilor Morin)
- E. Nominations, Appointments, Elections**
 - 1. (2023-A007) ORDER Reappoint Registrar of Voters.
(Councilor Ferris)
- F. Unfinished Business**
- G. New Business**
- H. New Items with Leave of Council**
- I. ADJOURN**

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A. Minutes of the December 13, 2022 Regular Meeting

ACTION: Councilor Morin moved that the minutes to the December 13, 2022 regular meeting be accepted and placed on file. Councilor Daniels seconded the motion. The motion passed with a vote of 4 to 0.

B. Awards, Petitions and Public Comments

2023-B001

January 10, 2023

TITLE: RESOLVE, RESOLUTION OF RESPECT FOR RICHARD HART SR.

Filed December 5, 2022
By Michele Daniels

WHEREAS, on the 27th day of November 2022 death brought to a close the full and active life of Richard Allen Hart Sr.; and

WHEREAS, Richard was born in Beverly, Massachusetts in 1940; and

WHEREAS, Richard was a hard worker and grew up stacking bricks at Brooks Bricks in Brewer; and

WHEREAS, Richard worked for the Brewer Water District for fifteen years and volunteered as a Call-Fireman for the Brewer Fire Department; and

WHEREAS, Richard married the love of his life Sharon Clough in 1961, and they shared sixty-one years of marriage together and raised five boys; and

WHEREAS, Richard and Sharon purchased the Colony Motel in 1973, and ran the family business for over 35 years; and

WHEREAS, Richard enjoyed playing cards, taking cross-country trips, and watching his children and grandchildren at their sporting events.

NOW, THEREFORE BE IT RESOLVED, that the Brewer City Council does by this resolution and public pronouncement, recognize the positive influence of Richard Allen Hart Sr. 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 Richard Hart Sr. by the citizens and officials of the City of Brewer, Maine.

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ACTION: Councilor Daniels moved that the resolve be adopted. Councilor Ferris seconded the motion. Councilor Daniels expressed her long appreciation for the Hart family. Mayor Phanthay praised the Hart family’s support of youth sports. The motion passed with a vote of 4 to 0.

2023-B002

January 10, 2023

TITLE: RESOLVE, RESOLUTION OF RESPECT FOR CLAYTON ROGERS.

Filed December 5, 2022

By Michele Daniels

WHEREAS, on the 3rd day of December 2022 death brought to a close the full and active life of Clayton A. “Moxie” Rogers; and

WHEREAS, Clayton was born in December 1927, and graduated from Brewer High School with the class of 1946; and

WHEREAS, Clayton served in the U.S. Navy from 1946 to 1948; and

WHEREAS, Clayton studied at the New England Conservatory of Music in Boston, Massachusetts, and went on to graduate from Husson College and the University of Maine, earning a Bachelor of Arts in Education; and

WHEREAS, Clayton married the love of his life Ruth Esther Burton in 1950, and they shared sixty-two years of marriage together and raised three boys; and

WHEREAS, Clayton taught at Pemetie High School in Southwest Harbor, taught at Bangor Adult Evening School for nine years, and taught at Brewer High School for twenty-five years; and

WHEREAS, Clayton worked several summers at Camp Kennebec Junior in North Belgrade, where he was known to campers as “Uncle Moxie”, and served as Director of Evening Assembly Activities and a mentor to many young men; and

WHEREAS, Clayton became the Organist for Columbia Street Baptist Church in 1955 and continued as organist there until 2022, serving for sixty-seven years; and

WHEREAS, Clayton was active in the community, and was involved with the Bangor Chapter of the American Guild of Organists, the Eastern Maine Camera Club, the National and Maine Education Associations, the Brewer and Orrington Historical Societies, and the Retired Teachers Association of Penobscot County; and

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WHEREAS, Clayton volunteered thousands of hours sharing his gifts as he entertained many people in various retirement homes throughout the area, playing piano or organ and singing the old songs and hymns that they cherished.

NOW, THEREFORE BE IT RESOLVED, that the Brewer City Council does by this resolution and public pronouncement, recognize the positive influence of Clayton A. Rogers 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 Clayton Rogers by the citizens and officials of the City of Brewer, Maine.

ACTION: Councilor Daniels moved that the resolve be adopted. Councilor Morin seconded the motion. Councilor Daniels praised Clayton’s volunteerism and his involvement with the Brewer Historical Society. Mayor Phanthay noted personal connections with Clayton’s work. Councilor Ferris reminisced about his mother’s time living at the Ellen Leach Home, and fond memories of Clayton playing piano concerts there. Councilor Ferris thanked Clayton for entertaining his mother. The motion passed with a vote of 4 to 0.

3. Presentation: Designated Bus Stop Presentation, Maddie Jensen, Bangor Area Comprehensive Transportation System

Maddie Jensen Planner for the Bangor Area Comprehensive Transportation System (BACTS) made a presentation on designated bus stops. Ms. Jensen also introduced Sara Devlin, Executive Director of BACTS, Courtney O’Donnell, Assistant City Manager of the City of Bangor, and Laurie Linscott, Superintendent of the Community Connector. Ms. Jensen said that BACTS had identified 62 bus stops for the City of Brewer. Councilor Morin asked where people with suggestions or feedback for this project should be referred, Ms. Jensen said there had been a public comment period, but that comments should be directed to the Community Connector. Councilor Daniels asked what could be done for riders that had a hard time getting to bus stops, Ms. Devlin noted that an Americans with Disabilities Act (ADA) transit service was also available. Councilor Daniels asked if Brewer would be responsible for upkeep and maintenance for the bus stops, Ms. Jensen noted that the Federal Transit Administration had requirements for bus stop management which would need to be taken care of. Ms. Jensen said that the City of Bangor would hire a third-party contractor to handle all of the maintenance and management including replacing damaged signs, and that partner municipalities could join with the third-party contractor for an additional cost, or that Brewer could choose to maintain the bus stops internally with its Public Works Department. Ms. Jensen said that BACTS representatives would be revisiting all of the municipal councils in the upcoming weeks for endorsements which would then go before the Bangor City Council for final approval.

Public Comments

There were no public comments.

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C. Consent Calendar

2023-A001

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TITLE: ORDER, ACCEPT ASSET FORFEITURE FUNDS.

Filed December 5, 2022

By Jenn M. Morin

WHEREAS, the Brewer Police Department has conducted an investigation where a sum of money was seized and forfeited by a defendant involved in the investigation; and

WHEREAS, this sum of money was offered to the City of Brewer in recognition of the Brewer Police Department's valuable assistance in the successful completion of the investigation; and

WHEREAS, under Maine Law, Title 15 M.R.S.A., §5824 (3) the City Council must take a public vote before any forfeited assets or money can be transferred to the City.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, Maine, by vote of its City Council, does herewith approve the transfer of the following sum of money and assets forfeited as a result of the recent criminal investigation cited:

Penobscot Unified Court Docket Number

Assets

21-3381

\$4,370 US Currency

; and

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

Statement of Fact: The Brewer Police Department was awarded \$4,370 in asset forfeiture funds as a result of a successful criminal drug prosecution. These assets have been ordered by the court to be turned over to the Brewer Police Department.

2023-B003

January 10, 2023

TITLE: RESOLVE, APPROVE TRANSFER TO SCHOOL CAPITAL FUND RESERVE ACCOUNT.

Filed December 20, 2022

By Joseph L. Ferris

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WHEREAS, in June 2021, the Brewer City Council adopted 2021-B006 approving the Brewer School Department’s establishment of a capital reserve account for major maintenance and improvements to school facilities; and

WHEREAS, on December 5, 2022, the Brewer School Committee approved the transfer of \$500,000 from Unrestricted School Fund Balance to School Capital Reserve Fund, given that the Brewer School Committee expects to have a sufficient fund balance to support Fiscal Year 2024 and future needs; and

WHEREAS, expenditures from the School Capital Reserve Fund shall be approved by the Brewer School Committee, subject to final review and approval by the Brewer City Council.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby approves the Brewer School Department’s transfer of \$500,000 from Unrestricted School Fund Balance to School Capital Reserve Fund.

Audited fund balance 6.30.22	\$ 4,819,012
Anticipated FY23 use of fund balance	(200,000)
July 2022 transfer to capital reserve fund	(400,000)
Proposed new transfer to capital reserve fund	(500,000)
Anticipated FY24 use to balance budget	(1,800,000)
	\$ 1,919,012
FY24 fund balance limit @ 9%	\$ 2,355,004

Statement of Fact: This order approves the Brewer School Department’s transfer of \$500,000 in available School fund balance to the capital reserve account established in 2021. In addition to being fiscally prudent, this transfer helps keep the School below its statutory maximum fund balance level.

2023-A002

January 10, 2023

TITLE: ORDER, AUTHORIZE PURCHASE OF REPLACEMENT WHEELED EXCAVATOR FOR PUBLIC WORKS.

Filed December 30, 2022
By Michele Daniels

WHEREAS, bids were solicited, received and evaluated for the purchase of a new wheeled excavator which would replace the Brewer Public Works Department’s 2007 Hyundai tracked excavator (Unit #450), as approved as part of the City’s Fiscal Year 2023 (FY23) Capital Improvement Program (CIP); and

WHEREAS, Chadwick-BaRoss, Inc. of Bangor, Maine has provided the City of Brewer with the lowest bid of the four bids received on a wheeled excavator that satisfied the desired specifications; and

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WHEREAS, all four bids received came in over the \$210,000 budgeted in the FY23 CIP for this purchase, reflecting the substantial price inflation experienced this past year; and

WHEREAS, given the critical nature of this piece of equipment and the need for its replacement, it is recommended that the fund balance be used to cover the difference.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to sign a purchase order and finalize all sales to Chadwick-BaRoss, Inc. for an amount no greater than \$285,972 for the purchase of a 2023 Volvo EW180E wheeled excavator; and

BE IT FURTHER ORDERED, that Public Works Unit #450, the 2007 Hyundai tracked excavator with all attachments and buckets, as part of the bid package, be transferred ownership to Chadwick-BaRoss, Inc. once the replacement Volvo wheeled excavator has been delivered to the City of Brewer; and

BE IT FURTHER ORDERED, that the Brewer City Council hereby authorizes the appropriation and expenditure of \$75,972 of Unassigned Fund Balance (0119903-509130) toward this purchase; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to the CIP 0510133-551364 titled “#450 Excavator Replacement”.

Statement of Fact: The tracked excavator owned by the City has logged over 7,000 hours and is due for replacement. Replacing with a wheeled excavator will add versatility and improve site-to-site transport. Bids for this purchase came in over budget due higher prices from suppliers and a lack of confidence for timely deliveries that could result in higher costs. The order authorizes the use of \$75,972 in Unassigned Fund Balance to supplement the \$210,000 approved as part of the FY23 CIP.

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BREWER PUBLIC WORKS Wheeled Excavator BID CANVASS					
Bids opened December 21, 2022 at 1:00pm					
1	VENDOR	Milton Cat	Milton Cat	UNITED CONSTRUCTION	CHADWICK BARROS
	MAKE	Caterpillar	Caterpillar	JOHN DEERE	VOLVO
	MODEL	M320	M318	190GW	EW180E
	YEAR	2022	2022	2022	2023
2	Purchase Price	\$385,500.00	\$359,500.00	\$323,000.00	\$303,537.00
3	Trade-in Value	\$25,000.00	\$25,000.00	\$30,000.00	\$34,000.00
	Total base bid w/trade	\$360,500.00	\$334,500.00	\$293,000.00	\$269,537.00
	ADD ON VALUES				
1	Hydraulic Thumb	\$13,000.00	\$13,000.00	Included in bid	\$11,500.00
2	Extended Warranty	Included in bid	Included in bid	Included in bid	\$4,935.00
3	3 year service contract	Included in bid	Included in bid	N/A	\$6,217.00
	Total bid with add on	\$373,500.00	\$347,500.00	\$293,000.00	\$292,189.00
				Total minus service contract	\$285,972.00

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2023-A003

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TITLE: ORDER, AWARD CONTRACT FOR LIDAR IMAGING OF TANNERY BROOK
STORM DRAIN PIPE.

Filed January 3, 2023

By Jenn M. Morin

WHEREAS, a 6' tall brick, hand-built, combined sewer line that outlets to the Penobscot River was installed in the City of Brewer over one-hundred years ago; and

WHEREAS, after several sewer separation projects, this line became a stormwater only pipe some years later; and

WHEREAS, after entering the storm drain and evaluating the pipe, it was determined that the pipe was still in good enough condition to complete a slipline of the first 550' (approximately) to get beyond major obstacles; and

WHEREAS, the pipe is in a heavily developed area of the City which includes Mason's Brewing, the Dirigo School building, and runs under a busy section of South Main Street; and

WHEREAS, the slipline alternative will save hundreds of thousands of dollars in construction costs and significantly reduce traffic delays and issues; and

WHEREAS, a project to slipline this section of storm drain was previously identified and approved in the Fiscal Year 2023 Capital Improvement Program; and

WHEREAS, Everett J. Prescott, Inc. (EJP) has been working with the City of Brewer Engineering Department in its investigations for over a year and has intricate knowledge of the pipe and all of the obstacles that potentially exist with this project; and

WHEREAS, City staff have worked with EJP on numerous projects in the past; and

WHEREAS, EJP and City staff have determined that the most efficient course of action is to perform a Laser Imaging Detection and Ranging (LIDAR) scan of the inside of the pipe to determine the exact pipe shape throughout the run and material that can be used to make the bends and overcome other irregularities within the pipe, reducing variability concerns for construction.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to execute a contract with Everett J. Prescott, Inc. in the amount not to exceed \$50,000 (\$46,700 quoted price plus approximately 10% contingency) to complete the LIDAR imaging for the Tannery Brook storm drain pipe reline project; and

BE IT FURTHER ORDERED, that the Brewer City Council herewith exercises its authority under Chapter 36, Section 404 of the City's Purchasing Ordinance for the provision of these specialty services; and

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BE IT FURTHER ORDERED, that the cost of this project shall be charged to 0510113-551600-66509.

Statement of Fact: This order authorizes a contract with Everett J. Prescott, Inc. to complete LIDAR imaging of the 6' tall brick line that outlets near the Hardy Street pump station. This project addresses a major storm drain that runs under a busy section of South Main Street which would create a severe interruption to the surrounding area and the general public if a failure ever occurred. This step will complete the collection of preliminary data on the hand-built pipe and confirm several variables before construction.

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From: E. J. Prescott, Inc.
P.O. Box 600
Gardiner, ME 04345

Date: 1/6/23
Job #24460-2236

City of Brewer, Maine
Jeremy Caron
Jcaron@brewermaine.gov
207-989-7800/207-478-2208

Project: The Tannery Brook Culvert Rehabilitation project is located at the intersection of Main Street and Maple Street in Brewer, Maine. The project involves inspecting, repairing the existing culvert, which is a structure that allows water to flow under the road at this location. The specific work needed for the rehabilitation will be determined by the inspection results. The project also involves site preparation and restoration work to return the area to its original condition after the project is complete.

Scope: RedZone shall provide their large diameter pipe Multi-Sensor inspection systems, trained operating crews, data analysts, and the necessary appurtenances to access and collect data for approximately 500 LF of 72-inch diameter sewer culvert utilizing various MSI Multi-Sensor Inspection technology including SONAR technology below the flow line, DIGITAL CCTV, 3D Lidar/LASER, H2S Gas/Temp. sensor above the flow and SONAR below the flow.

Items in Estimate:

1. Inspection of a large diameter pipe using multi-sensors and preparation of a final report.
2. Transportation of personnel and equipment to and from the project site.

Sale Terms & Conditions:

1. This quote is subject to the completion of a feasibility analysis. Should the analysis reveal any unforeseen circumstances or requirements that would necessitate a modification of the scope of work or the quoted price, the Company reserves the right to adjust the quote accordingly. If the feasibility analysis determines that the project is not feasible, the Company reserves the right to withdraw the quote entirely.
2. Pass Through Agreements will be required for all EJP Subcontractors.
3. Proper permitting must be in place prior to PPF arriving on site. PPF will not perform any work until proper permitting is obtained by customer.
4. The estimate for dewatering the site during installation is based on the use of standard equipment under normal conditions. If additional pumps or other specialized equipment are required to complete the dewatering process, we will provide a separate quote for these costs. This will ensure that the city is only charged for the resources necessary to complete the work.

WIN# 24460-2236

Estimate for Lidar Imaging Inspection and Report:
\$46,700.00- Forty-Six thousand, Seven hundred dollars
and Zero cents.

General Terms and Conditions:

1. General Conditions: These general conditions are incorporated by reference into the proposal and are part of the Agreement under which services are to be performed by the Contractor for the Customer.

2. Terms: Net 30 days. EJP Open Credit accounts are established for commercial, non-consumer use only. Unless an approved commercial Open Credit account is established, payment in good funds or approved check must be made before or at time of delivery. Commercial Credit terms are Net 30 days, no cash discounts allowed, and no retainage is to be held. Service Charges commence after 30 days and are calculated on the last day of the month in which the 30th day falls. Service charge is 1 ½ % per month (18% a.p.r.) on the balance over 30 days of age. The buyer agrees to pay all costs and expenses of collection, including reasonable attorney's fees, and EJP claims a mechanic's lien under applicable state law. Interest will be charged at the rate of 1% per month – 18% per year on all balances over 30 days. The customer agrees to pay all costs and expenses of collection including attorney and court costs relating to the collection of this invoice. EJ Prescott general terms and conditions shall apply. Subject to the Channel Line Pipe Advance and Balance Due requirements as specified above.”

3. Warranty: The buyer's sole and exclusive warranty, if any, is that provided by the product's manufacturer. EJP makes no express or implied warranties. EJP hereby disclaims all express or implied warranties, whether implied by operation of law or otherwise, including, without limitation, all implied warranties of merchantability and fitness or fitness for a particular purpose. Under no circumstances, and in no event, will EJP be liable for personal injury or property damage or any other loss, damage, cost or repairs or incidental, punitive, special, consequential, or liquidated damages of any kind, whether based upon warranty, contract, strict liability, negligence or any other cause of action arising in connection with the design, manufacture, sale, transportation, installation, or repair of the products sold by EJP. Buyer acknowledges and agrees that under no circumstances, and in no event, shall EJP's liability, if any, exceed the net sales price of the defective product(s).

4. Labor: On time plus material quotes, all labor is figured on straight time. Any overtime required will be at the expense of the customer.

5. Site Conditions: Unless specifically addressed above, this proposal does not include permitting or traffic control if necessary. Access to the worksite for crew and equipment must be provided by others. Water supply must be supplied by others. Any alteration or deviation from above specification involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements are contingent upon strikes, accidents or delays beyond our control.

6. Insurance: Owner to carry fire, tornado and other necessary insurance upon above work. Workmen's compensation and Public Liability Insurance on above work to be taken out by E. J. Prescott, Inc.

7. Indemnification: The Customer, Contractor and Owner will each indemnify the other for liability, loss and expense incurred by the other party resulting from a negligent act or omission in performance of work under this Agreement. If both parties are jointly at fault, each will indemnify the other in

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proportion to their relative fault. The Customer will also indemnify the Contractor for liability, loss and expense resulting from the Contractor's services if the Contractor is acting at the direction or instruction of the Customer. or where the primary cause of damages is due to information provided by the Customer.

8. Customer Supplied Labor: Where the Customer supplies labor for the Contractor, the Customer will indemnify the Contractor for liability, loss or expense for work related injuries to the Customer's employees. The Customer agrees to waive all rights of subrogation against the Contractor arising out of work in this Agreement.

9. Preexisting Conditions: The Contractor will not be responsible for liability, loss or expense where the primary cause of claim or damage is preexisting conditions including faulty, inadequate, or defective design, construction, maintenance, or repair of property, or contamination of the subsurface where the condition existed prior to the start of the Contractor's work. Customer is responsible for loss of service caused by the preexisting conditions at the jobsite.

10. Environmental Conditions: Any debris at the site is represented to Contractor to be non-hazardous requiring no manifesting or special permitting. The Customer will be responsible for any additional costs or claims associated with the treatment, storage, disposal of removed debris, or breach of the above representation, at any time during or after the completion of the project.

Respectfully submitted by:

Reginald Cooley

Plastic Pipe Fabrication, A Division of E.J. Prescott
Reggiec.cooley@ejprescott.com
Cell-(207)689-8616
Office-(207)582-4795
Fax-(207)582-4683

Note: This proposal may be withdrawn by us if not accepted within 30 days.

ACCEPTANCE OF ESTIMATE

Accepted: _____ Signature: _____

Date: _____ Signature: _____

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2023-A004

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TITLE: ORDER, ACCEPT LAW ENFORCEMENT GRANT FUNDS FROM MAINE
MUNICIPAL ASSOCIATION.

Filed January 3, 2023
By Joseph L. Ferris

WHEREAS, the Brewer Police Department has received a grant of \$5,000 from the Maine Municipal Association to support the department's efforts to improve policy management and officer training and to achieve certification under the Maine Law Enforcement Accreditation Program (MLEAP).

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith accepts this grant and authorizes its deposit into account 0600058-360000-58061 (Grant Proceeds Law Enforcement Accreditation); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0600058-560000-58061 (Grant Exp Law Enforcement Accreditation).

Statement of Fact: The City of Brewer Police Department received a \$5,000 grant to assist it in its accreditation and officer training efforts.

2023-A005

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TITLE: ORDER, TAX RELEASE DEED, MAP 8 LOT 22, LAND AND BUILDINGS ON
220 PIERCE ROAD.

Filed January 4, 2023
By Michele Daniels

BE IT ORDERED, that a municipal Release Deed be issued to Clifford R. Morneau and Erica R. Morneau of Brewer, County of Penobscot, releasing all interest that the City of Brewer may have acquired by virtue of sewer liens on the property; and

BE IT FURTHER ORDERED, that the City Manager be herewith authorized to execute this Release Deed on behalf of the City of Brewer.

Statement of Fact: This order authorizes the release of interest in 220 Pierce Road that the City acquired by virtue of foreclosed sewer lien, which has now been paid in full. A total of \$1,772.85 was collected, \$1,530.33 along with \$113.52 in interest and \$129.00 in costs.

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RELEASE DEED
Clifford R. Morneau and Erica R. Morneau

City of Brewer, a body politic located in the County of Penobscot, State of Maine, for consideration paid, **releases to Clifford R. Morneau and Erica R. Morneau against whom taxes were assessed**, of Brewer, County of PENOBSOT, State of Maine, the land in Brewer, County of Penobscot, State of Maine as follows:

Map 8, Lot 22 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>
15710	284
15975	50
16224	190

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 17 day of January AD 2023

WITNESS:

CITY OF BREWER

Stephen Bost
City Manager
Duly authorized

STATE OF MAINE

PENOBSOT, ss

DATE January 17, 2023

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

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2023-A006

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TITLE: ORDER, AUTHORIZE FUNDING TO SUPPORT THE RETIRE IN PLACE
EMPLOYEE RETENTION PROGRAM IN THE BREWER POLICE
DEPARTMENT.

Filed January 5, 2023
By Jenn M. Morin and
Joseph L. Ferris

WHEREAS, the Brewer Police Department has a number of experienced staff who are, or will soon be, eligible to retire under the Maine Public Employees Retirement System (MPERS); and

WHEREAS, retention of seasoned, productive police officers is critical to maintaining continuity in the department and to mentoring newer staff, particularly given that 35% of our union officers were hired within the last two years; and

WHEREAS, in recognition of the importance of retaining these highly skilled and senior officers, the Brewer Police Command and Patrol unions have agreed to add to the Retirement Benefits section of their contracts a Retire in Place Program provision, which would allow eligible officers to retire under MPERS, begin collecting their retirement pay, and then be re-hired by the City of Brewer, thus providing financial incentive for officers to stay longer than they may have otherwise; and

WHEREAS, MPERS requires officers to completely separate from the City before being re-hired, and this includes liquidating and paying out all eligible accrued leave time; and

WHEREAS, the one-time cost of such final pays for the several officers who will be eligible to retire this coming year is estimated to be approximately \$75,000; and

WHEREAS, we recommend the City set aside this funding in the existing Police Officer Academy Cost and Recruitment Reserve and to update the title of the reserve account to reflect the addition of officer retention to its mission.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the appropriation and expenditure of \$75,000 in Unassigned Fund Balance (0119904-590010) to supplement funding the police officer reserve (0200000-300893-58035); and

BE IT FURTHER ORDERED, that the Police Officer Academy Cost and Recruitment Reserve be renamed as the Police Officer Academy Cost, Recruitment, and Retention Reserve.

Statement of Fact: This order authorizes \$75,000 in funding to support a new employee retention program being implemented by the Brewer Police Department. The Retire in Place Program will encourage officers eligible for retirement to extend their stay with the department since they will draw their retirement pay in addition to re-hire salary from the City.

City Council Minutes
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ACTION: Councilor Morin moved that the orders on the consent calendar have passage and that the resolve be adopted. Councilor Daniels seconded the motion. The motion passed with a vote of 4 to 0.

D. Monthly Reports

ACTION: Councilor Morin moved that the monthly reports from department heads be accepted and placed on file. Councilor Daniels seconded the motion. The motion passed with a vote of 4 to 0.

E. Nominations, Appointments, Elections

2023-A007

January 10, 2023

TITLE: ORDER, REAPPOINT REGISTRAR OF VOTERS.

Filed December 30, 2022
By Joseph L. Ferris

WHEREAS, Title 21-A M.R.S.A. §101(2) states that, “The municipal officers of each municipality shall appoint in writing a qualified registrar of voters ... each odd-numbered year.”

NOW, THEREFORE, BE IT ORDERED, that Vincent P. Migliore is herewith reappointed to the position of Registrar of Voters for the City of Brewer; and

BE IT FURTHER ORDERED, that Mr. Migliore’s term began on January 1, 2023 and shall expire on December 31, 2024.

Statement of Fact: State election laws require that Registrars of Voters be appointed each odd-numbered year.

ACTION: Councilor Daniels moved that the order have passage. Councilor Morin seconded the motion. The motion passed with a vote of 4 to 0.

F. Unfinished Business

There was no unfinished business.

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.

I. ADJOURN

ACTION: Councilor Daniels moved that the meeting be adjourned. Councilor Morin seconded the motion. Mayor Phanthay declared the meeting adjourned, unless doubted, at 6:31 P.M.

ADJOURNED, ATTEST: _____ Vincent P. Migliore
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine