

City Council Minutes
Tuesday, February 14, 2023

Regular Meeting
City Hall Council Chambers

Tuesday, February 14, 2023
6:00 p.m.

Councilor Ferris-present
Councilor Daniels-present
Mayor Phanthay-present

Councilor Goss-present
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, February 14, 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	Cummings	Off.	02/10/2023	19:03
Jerry Goss	Tardiff	Sgt.	02/10/2023	18:49
Michele Daniels	Cummings	Off.	02/10/2023	18:54
Jenn Morin	Tardiff	Sgt.	02/10/2023	18:54
Soubanh Phanthay	Tardiff	Sgt.	02/10/2023	18:46

CITY COUNCIL REGULAR MEETING
Tuesday, February 14, 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 January 10, 2023 Regular Meeting** (Councilor Ferris)
- B. Awards, Petitions and Public Comments**
 - 1. (2023-B004) RESOLVE Resolution of Respect for Stanley White.
(Councilor Goss)
 - 2. (2023-B005) RESOLVE Recognize Mary Stuart for 36 years of service to the City of Brewer. (Councilor Daniels)
 - 3. Presentation: Fiscal Year 2022 Audit Report, City of Brewer Finance Director Karen Fussell
 - 4. Presentation: Information on Upcoming Proposed Legislation, City of Brewer Deputy Police Chief Chris Martin.
 - 5. Public Comments
- C. Consent Calendar**
 - 1. (2023-A008) ORDER Accept Forest firefighting grant funds.
(Councilor Morin)
 - 2. (2023-A009) ORDER Tax Release Deed, Map 35, Lot 82, land and buildings on 15 Jefferson Street. (Councilor Ferris)
 - 3. (2023-A010) ORDER Accept donation to the Brewer Public Library from the Kiwanis Club of Brewer. (Councilor Goss)
 - 4. (2023-A011) ORDER Accept grant from Walmart for Public Safety.
(Councilor Daniels)
 - 5. (2023-A012) ORDER Accept wellness funds from Maine Municipal Employees Health Trust. (Councilor Morin)
- D. Monthly Reports** (Councilor Ferris)
- E. Nominations, Appointments, Elections** (None)
- F. Unfinished Business** (None)
- G. New Business**
 - Consent Calendar**
 - 1. (2023-C001) ORDER Amend Chapter 5 of the Charter, Codes and Ordinances of the City of Brewer, entitled “Assessor”, Article 2 “The Board of Assessment Review”, Section 202, “Composition of the Board”. (Councilor Goss)
 - 2. (2023-C002) ORDER Amend Chapter 33 of the Charter, Codes and Ordinances of the City of Brewer, entitled “Library Department”, Article 3 “Board of Trustees”, Section 301, “Establishment”.
(Councilor Daniels)
 - 3. (2023-C003) ORDER Amend Chapter 20 of the Charter, Codes and Ordinances of the City of Brewer, entitled “Licenses and Permits”, Article 1, Section 101, “Application Required”. (Councilor Morin)

City Council Minutes
Tuesday, February 14, 2023

4. (2023-C004) ORDER Amend Chapter 34 of the Charter, Codes and Ordinances of the City of Brewer, entitled “Board of Appeals of the City of Brewer”, Article 1. (Councilor Ferris)

H. New Items with Leave of Council
I. ADJOURN

A. Minutes of the January 10, 2023 Regular Meeting

ACTION: Councilor Ferris moved that the minutes to the January 10, 2023 regular meeting be accepted and placed on file. Councilor Goss seconded the motion. The motion passed with a unanimous vote.

B. Awards, Petitions and Public Comments

2023-B004

February 14, 2023

TITLE: RESOLVE, RESOLUTION OF RESPECT FOR STANLEY WHITE.

Filed December 19, 2022

By Jerry Goss

WHEREAS, on the 19th day of December 2022 death brought to a close the full and active life of Stanley H. White; and

WHEREAS, Stanley was born in 1942 and was a lifelong resident of Brewer; and

WHEREAS, Stanley married the love of his life Jerri Gonyer in 1964, and they shared fifty-eight years of marriage together; and

WHEREAS, Stanley and Jerri owned and operated Enchanted Gardens & Greenhouse in Brewer for many years; and

WHEREAS, Stanley was elected to the Brewer City Council in November of 1982 and served a three-year term; and

WHEREAS, Stanley was a longtime active member of Brewer Kiwanis and was a member and Past Master with Rising Virtue Lodge of Bangor; and

WHEREAS, Stanley volunteered at Furry Friends Food Bank in Brewer and also at Curran Homestead in Orrington.

City Council Minutes
Tuesday, February 14, 2023

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

ACTION: Councilor Goss moved that the resolve be adopted. Councilor Ferris seconded the motion. Councilor Goss read the resolution and presented Brewer Challenge Coins to the family of Stanley White. Councilor Goss recalled fond memories of frequenting Enchanted Gardens. Past Brewer City Councilor and former Mayor Irvine Marsters thanked the Councilors, and praised the volunteerism of Stanley and his family noting that Stanley had left a fine legacy. Councilor Ferris said that Stanley was a nice man, and that he would be missed. Councilor Daniels admired Stanley’s heart for the City. Mayor Phanthay praised Stanley for his love of animals. The motion passed with a unanimous vote.

2023-B005

February 14, 2023

TITLE: RESOLVE, RECOGNIZE MARY STUART FOR 36 YEARS OF SERVICE TO THE CITY OF BREWER.

Filed January 27, 2023
By Michele Daniels

WHEREAS, Mary Stuart began her career with the City of Brewer on October 6, 1986 as the Finance Department’s Data Processing Manager at a time when there were no computers in the Tax Office; and

WHEREAS, in 1990, Mary oversaw the installation of the first Gemini Financial mainframe for the City of Brewer; and

WHEREAS, in 1998, the Technology Director position was created for Mary to manage the first computer server and PCs in various departments; and

WHEREAS, in 2000, Mary oversaw the creation of the City’s fiber network, and the City installed its first antivirus software to prevent cyber-attacks; and

WHEREAS, in 2008, Mary became a Certified Government Chief Information Officer through the University of North Carolina at Chapel Hill; and

WHEREAS, Mary oversaw the City network which consisted of 100 plus computers, switches, firewalls, cell phones, laptops and users in every department; and

City Council Minutes
Tuesday, February 14, 2023

WHEREAS, Mary will be retiring as the City of Brewer Technology Director on February 24, 2023.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the citizens of the City of Brewer, Maine, herewith commends Mary Stuart for her dedication and excellent service to the City of Brewer; and

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

ACTION: Councilor Daniels moved that the resolve be adopted. Councilor Goss seconded the motion. Councilor Daniels read the resolve and presented a City of Brewer Challenge Coin to Mary Stuart. Mary thanked everyone for 36 wonderful years. Mary said she had worked with the best and brightest team of coworkers, had the greatest boss, and had enjoyed a challenging and rewarding career. Councilor Goss praised Mary for bringing the City from pens to computers. Councilor Ferris praised Mary and wished her a great retirement. Councilor Morin, Councilor Daniels, and Mayor Phanthay expressed their gratitude and well wishes. City Manager Steve Bost said that Mary would be greatly missed and praised her noting that she had endured many challenges over the years, and that she always seemed to emerge stronger. The motion passed with a unanimous vote.

3. Presentation: Fiscal Year 2022 Audit Report, City of Brewer Finance
Director Karen Fussell

City of Brewer Finance Director Karen Fussell made a presentation regarding the Fiscal Year 2022 Financial Audit for the City of Brewer. The Finance Director said that auditors Runyon, Kersteen & Ouellette gave the City of Brewer an unmodified opinion, finding no material weaknesses and no significant deficiencies with only minor recommendations for improvement. The Finance Director noted a couple minor issues the audit turned up including an error on a business equipment tax exemption filing which ultimately did not affect the tax calculation, and miscounts for the school lunch program, with a return to the school's point-of-sale system expected to eliminate further discrepancies. The Finance Director noted that Fiscal Year 2022 had added two million dollars to the fund balance due to increased revenue and less expenditures than anticipated. The Finance Director noted that as a good financial measure a community wants to have one to two months of operating expenses available in its fund balance for unanticipated expenditures and emergency situations, and that at the close of Fiscal Year 2022 the City had the equivalent of two months and four days in its fund balance. Councilor Morin thanked the Finance Director for working to maintain a responsible budget. Councilor Ferris asked when the Council would look at giving money back to the taxpayers (by lowering the mil rate). The Finance Director said that going into the Fiscal Year 2024 budget the City had the goal of lowering the mil rate, but it is unclear if efforts will result in a decreased tax rate. Councilor Daniels asked if going forward the City's goal would be to keep two months operating expenses in the fund balance, or if it will need to have more. The Finance Director said that two months is a good amount for the City at this time, and though circumstances could change, there is no plan to build the fund balance further. Councilor Goss

City Council Minutes
Tuesday, February 14, 2023

said that the positive audit happened because of the leadership of the Finance Director and the Department Heads that administer the budget. Councilor Goss thanked the Finance Director and the Department Heads for their efforts. Mayor Phanthay asked why there was a variance in the education budget versus actual expenses. The Finance Director said that was how the School Department had approached their budget, budgeting conservatively with expenses coming in well under budget, with much of the resulting fund balance going forward to the next year, adding flexibility to the School Budget.

4. Presentation: Information on Upcoming Proposed Legislation, City of Brewer Deputy Police Chief Chris Martin.

City of Brewer Deputy Police Chief Chris Martin made a presentation regarding upcoming proposed legislation.

Deputy Police Chief: In a nutshell, this whole initiative follows a national plan, and we first saw this come to Maine in 2018. There was a harm-reduction conference that was hosted at Jeff’s Catering in Brewer. Some of their speakers were from the Open Border Society/the Sorros Foundation... proponents of... drug decriminalization, safe injection sites, harm-reduction in general. That was also a launching platform for a group called the Maine Coalition for Sensible Drug Policy. Every item that they had suggested for legislation was immediately proposed in 2019. They followed through on every single thing. A lot of it had to do with criminal justice reform, all under the auspices of, “it’s a racially biased system”, “the war on drugs is a failed experiment”, “it disproportionately targets people of color” ... social justice has always been the impetus behind the necessity for this change. That narrative has been pretty consistent. I’ve tracked this very closely ever since that conference. Out of all those legislative pieces, some were successful, some weren’t successful. The groups have evolved that were pushing it. It’s the same players, but the groups have... different names. Over time there’s been a sense of apathy... you’re gaining it inch by inch by inch.

[This] started with... bills such as bail reform. Bail reform hurt us. That was following, again, a national platform. If you went to the Open Border Society [web]page, and... look under their social justice reform, you’re going to see the exact same bullet points almost word for word with things that they’re pushing right now. There’s not a single original idea in the bunch... We lost the bail reform thing. [Now it’s] catch and release: as fast as we put them in, sometimes they’re coming right back out even before the officer’s done the paperwork. That turns into “why bother with an arrest?” And... we’re coming on the heels of not even being able to take them to jail because of the issues we’ve had with the jail. It’s creating this permissive environment: all-carrot/no-stick.

City Council Minutes
Tuesday, February 14, 2023

[Then] we lost asset forfeiture for federal. For those of you that aren't aware, we had a very accomplished investigator, Fred Luce, who, on our dime, we assigned as a task force agent with the DEA task force at Bangor. He chased down cases to Costa Rica, to Alaska, all over the place. Terribly successful. We paid for his salary, and the only way we were able to back-fill after three years was as a result of Federal Asset Forfeiture. When we had serious federal penalties, there were companion federal adoptions. These traffickers had lots of resources, they had mansions, and they had houses, and they had planes, and they had stuff like that. Through this program, through federal asset forfeiture, we were able to back-fill and replace Fred, so now we're back up to two detectives. We were able to update our fleet. We were able to buy things for equipment and training for the police department that... changed the shape of our police department. The Maine Legislature passed a bill that said if there's anything under \$100,000, we can't participate with our federal partners. What that would have meant back in Fred Luce's time is that we wouldn't have been able to participate in this program. When we break the handshake with our federal partners, their mission at the federal level is to dismantle organized crime. The best that we can hope on our level is to disrupt it, displace it. They have the resources for the year-long-plus investigations, to actually dismantle, go beyond the state, go beyond the borders... and make a huge impact. Now Maine law enforcement has been pushed out of that. They said that it was being abused. Well, I think that [the City of Brewer Finance Director] can vouch for this, that we have to go through an auditing process for federal asset forfeiture, this is a very strictly controlled process. You have to have a case that meets certain elements, the manual that controls it is yay-thick, its handled by the U.S. Attorney's Office, and it's very difficult to get a case through it. There is no abuse with this system. That was all misinformation...

They went after, and they're going to come after again, pretextual stops... I'll give you a case in point. Somebody tells us that they think we have a drug trafficker on School Street, we have frequent visitors who only stay for short periods of time, seedy characters up and down, so we get the tip. What are we going to do? We are going to watch. Maybe we see a car pull up, the car's still running, somebody runs in the house, two minutes later they run back in the car, the car drives off, it has a headlight out. We're going to take that stop. Now, are we really interested in the headlight? No, we're interested in who's in the vehicle, and is there anything beyond the scope of that stop. Is there something more going on here? Can we develop intelligence? Can we confirm or dispute what that tip is on the drug house? That, in its essence, is a pretextual stop. They're going to try to go after [pretextual stops] again... Last year it passed in the House, it was narrowly defeated in the Senate.

Going to go back to the Maine Center for Sensible Drug Control Policy, back in 2019... one [of the authors] is now the head of the Maine Recovery Advocacy

City Council Minutes
Tuesday, February 14, 2023

Project, these are the people in your packet that are the driving force, they were able to get our Governor to expand the Good Samaritan Act. Expansion of the Good Samaritan Act... it sounds wonderful, you're helping people out, we don't want them to get in trouble. As long as you have a role in helping, you picked up the phone, or you have NARCAN in your hand, or you're holding somebody's hand who overdosed, you can have an AK-47 and 5 kilos on your table, and I can't touch you with a state charge. If you smuggled heroin or fentanyl into the jail and you supplied that fentanyl to somebody, and they overdose and they're dying and you're the supplier for it, but if you knock on the cell door and ask for help, you can't be touched under the expansion of this bill... That doesn't make much sense to me... the other... author is currently the Speaker of the House. This is a real possibility that this is going to go through. The person who is... proposing the bill is also the Chair of the Criminal Justice Committee. There's going to be some people with some juice behind them. Why is it happening? Use their words, not mine. The articles that were published from The Maine Beacon, use their quotes, that helps get inside their heads as to why it's important to them and what they're shooting for. You don't need my opinion, that tells you all you need to know...

What we need to focus on is, what are the results? If these things are to happen, have we already seen the results locally of permissiveness and not holding people accountable? Did we see that during COVID when the jails were shut down? Yeah. We were telling you all about it in the weekly reports. Have we seen it in the encampments? Yes, we've seen that, right. That is kind of a defacto [decriminalized drug] zone. The police are only going there when somebody's dying or something bad is happening. Other than that, anything goes... We've talked to the folks in Oregon. It's an unmitigated yet predictable outcome: it's a disaster. Now, interesting enough, [drug decriminalization] was a ballot measure [in Oregon], and the primary donor to that funding was The Sorros Foundation out of one of their outfits in New York. They were the biggest donor to that ballot initiative. It is a disaster out there. Crime is rampant. Homelessness has tripled. People flock... to [Oregon] because it is a permissive environment. Open-air drug use... The shopping experience has changed... everything is locked up whether its medication, whether its Tide, whether it's anything like that. Stores are closing because of theft loss. It's affected businesses, it's affected their tourism industry, there's not one single level that has not been adversely impacted by this. We sent a survey out [to Oregon] statewide. We have... close to 70/80 percent of the agencies, executives from all the law enforcement agencies respond back to us, and their messaging was all the same. The next step in this, I had private conversations with these folks and then we set up a ZOOM meeting with eight [Oregon] officials and members of Maine law enforcement. It was disheartening... I can't convey to you is the sense of defeat in their voices... whether it was the prosecutor, or the sheriff, or the investigator, just an utter sense of defeat. [Child endangerment] cases, a huge increase in that, and not much they

City Council Minutes
Tuesday, February 14, 2023

can do. It even tied the hands of the Child Protection Service workers, because it's now lawful to use drugs, so they didn't have the leverage to remove children from homes and they were having young children get into fentanyl and die. It increased the amount of drugs in the schools. Just bad... Can we learn from Oregon? Yes: predictable is preventable.

Let's talk about what's happening here. I'm going to start with a thousand-foot view, and I'm going to drill it down locally. The thousand-foot view is this: where are the drugs are coming from? It's coming from the Mexican trans-national drug organizations. I'm going to call them "The Cartel", we always call them "The Cartel". The Columbians aren't in the game anymore, the Columbian's are still producing cocaine, but they're turning it over to the Mexican Cartel to distribute. The Mexican Cartel control every major hub in the United States, and there is no other criminal organization that's posed a challenge to their dominance, and this has been true for the past decade. They have a presence in New England... It's cocaine, its heroin, its methamphetamine. They have a particular interest in legal weed because legal weed is more potent, it's stronger than the illicit weed that's made... they're taking that from the states where it's legal and they're taking it to the states where it's illegal and they're making a lot of money on it... How is it getting into the country? It's not coming by planes anymore. Very few boats... shipping containers, parasitic devices attached to the boats. [Illicit drugs are coming to the U.S] primarily across the southwest border. It just is what it is. It's coming from tunnels, its coming on people, its coming in vehicles, but it's a porous southwest border and this isn't a political statement, that's just a reality. The reason why we have some much methamphetamine in Maine right now is because when we had the border locked down during COVID they had overproduced methamphetamine. We were warned that the market was going to get flooded in the northeast because they were going to try and recoup their money back. And, sure enough, it's all Mexican meth. That's why you never hear about any one pot clan labs anymore, it doesn't exist. Everything that we have right now is Mexican Cartel meth. Why is it fentanyl? Why is it fentanyl not heroin anymore? Because, it's money... it's about economics. Drugs is a money business pure and simple, nothing more... If I'm going to make heroin, I have to go to plant opium poppies, I have to find an area that nobody's going to bother my crops. I have to wait for it to germinate and for it to grow, so what am I out? 45 days. I have to have workers go out and manually slice the pods and the pods have this tarry resin that comes out, they're going to collect it, they're going to chemically break it down and convert it to heroin, and now we've just begun the process. Think of how long that takes. Think about the labor and the logistics. Now, the Cartels already have their super labs that they've been using to make methamphetamine, they simply converted the labs for fentanyl. They get the precursor chemicals from China, Beijing, Shanghai, the same places that we're getting our bath salts from... The precursor comes from China, they make the fentanyl in a matter of days, a week, and they make it for pennies on the dollar.

City Council Minutes
Tuesday, February 14, 2023

Fentanyl has fifty times the potency of heroin. Money: it's a money maker. Plus, you're going to get people addicted quicker, and they're going to keep coming. Are they worried about killing people? No, because the ones that do survive, they're hooked, and they're going to keep wanting the product. Fentanyl is about money, that's why fentanyl is in every market in the United States, and its coming from the Mexican Cartel. From the Mexican Cartel it's going to the street gangs for distribution. From the street gangs then it goes down to your street level dealers. Back in the day, our people used to leave Maine to go get drugs in Lowell, Lawrence, Boston. They would come back with a week's worth of dope: whatever they're going to use, with a little bit to sell to cover their costs. What we have now in this Bangor region is we have members of street gangs that are bringing wholesale quantities of drugs here. When I say wholesale quantities, I'm talking about pounds and kilos, are coming to this market, and we have become a hub for points east, west, and north. Bangor has become a hub now. With the gangs comes the guns, then comes the violence. The whole game has changed. Because our demand is so good, that supply has now come to meet the demand.

One of the laws that they changed last year is that they upped what would be considered indicative possession for furnishing and trafficking. It used to be 2 grams: if you possessed 2 grams of fentanyl then it would be automatically assumed that you were a trafficker; 1 gram automatically assumed that you have an intent on furnishing. I want you to think about fentanyl: fifty times more potent than heroin. 1 gram of heroin versus 1 gram of fentanyl, fentanyl is going to kill a hell of a lot more people. What the Legislature did and what they passed last year is they took that 2 grams and they raised it to 4 [grams] to be a trafficker. They took that 1 gram and they raised it to 2 [grams]. So, if you're going to be a dealer and you're going to drive through this area what are you going to do? You're going to carry 1.9 grams, and the most that you're going to look at is possession, and they've changed the statute, you can't serve any jail for possession right now. You may get arrested, but nobody's arresting for possession because the restrictions we have at the jail. You get a ticket; you're not going to see any jailtime... It goes to the street gangs, then it goes to our street dealers. We have the street gangs here, we have the guns here, we have the wholesale quantities here.

Now we look at the user end. Back in the day, and it was even five years ago, law enforcement where the first people at the table saying, "We can't arrest our way out of this." That does not mean that this is not a criminal justice issue... When we looked at this solely through a law enforcement or criminal justice model, that model was ill-equipped to have a successful drug-control strategy. We needed to apply other models in place to balance this thing out. Punitive measures solely were not enough. We needed more. We asked for more. What has happened to that statement now, it's been politicized, it's been bastardized to now say, "this absolutely has nothing to do with criminal justice, criminal justice has a racist slant to it, this is solely a medical issue". If we look at it solely through a medical

City Council Minutes
Tuesday, February 14, 2023

lens, and you look at what's happened in the past couple years with the legislative changes, everything's been done to push law enforcement out of the criminal interdiction work... [All these] articles [in The Maine Beacon] tell you as much. Working for that big kahuna: the big kahuna is decriminalization. Every small inch that they gain was to push us out of interdiction work. So, we've been following a medical model. The State of Maine has invested more into access to treatment and recovery in the past four years than we ever have historically, we have more available now which was needed, but the pendulum swung all the way over there. And yet our overdoses are at record highs and our deaths are at record highs. It's getting worse, what does that tell you? It solely can't be the medical model either... We have to look at the economic model. The economic model is going to seek to influence the behaviors of the suppliers, the producers, and the consumers. How do we influence that human behavior? How do we disrupt supply chains? How do we reduce the demand? We're going to have to have education, we're going to have to have access to treatment and recovery, and we're going to have to have accountability and enforcement.

When you remove the impetus for change and you're all-carrot/no-stick, then predictable outcomes are there like in Oregon, and that is the path that Maine is on. When I listen to what happened in Oregon, all the boxes that got checked prior to legalization have already been checked in Maine. We're one step away from this, folks, and it's pretty serious. [The Brewer Public Safety Director] and I are just two voices, and we certainly need help in trying to educate people as to what the outcome of this could be, and how serious it could be. I'm open for any questions, and if you need extra information as we move down the road, I'm available any time.

Mayor Phanthay: Thank you, [Deputy Police Chief].

Councilor Daniels: I think in one of the things that was forwarded to [the Council] one of the district attorneys [from Oregon] had said that [drug decriminalization] was a horribly failed experiment. Everything that we've read makes it very clear. I know [Councilor Goss] has some things that he is going to bring up, but tell us what you need from us. We might not all be on the same page, but I read it, I understand it, I understand where we're going. Years ago, you gave a presentation to the neighborhood watch, and it was a precursor to this. You were already building up to what was coming, and... it just all clicked into place. This is what had been building up for the last five years. I appreciate you bringing it to us, and you tell us what you need.

Councilor Goss: I would like to recommend that we place an item on our March agenda for the Brewer City Council to take an official position in opposition to decriminalization of substances, and we make it clear what Brewer's position is and we share that directly with our representatives and our legislators. As an individual I would be

City Council Minutes
Tuesday, February 14, 2023

more than happy to go to Augusta to testify from my perspective and seeing what's happening. I think as a City Council we need to take a strong and clear position on this. Because if communities don't do it, the legislature is just going to run it down our throat. They have people in key positions as you have heard [the Deputy Police Chief] say, that are going to make it happen. We need to be a voice, and we need to be a strong, vocal voice in this issue. Because if we don't our neighborhoods are going to be in trouble. All of the programs that we invest in are going to be secondary because of the failure of the laws. So, I would like to have that placed on our March agenda for us to take that strong position, and I would ask, [Deputy Police Chief], if you might be involved with the City Manager and the city clerk to develop that strong position or statement.

Councilor Morin: Thank you, [Councilor Goss].

Mayor Phanthay: I don't know how it even got to this point. This is amazing to me that things can go through with so many lives at stake. I support what you said completely, [Councilor Goss].

Councilor Goss: I think one of the reasons that it's gotten to this position is that local communities haven't spoken up. They're leaving it in the hands of their elected officials in Augusta. As most things in Augusta, they follow the party line. Well, the party leadership is leading this effort, and we need to be heard. I think if we set a tone hopefully that will encourage some of our surrounding communities to do the same.

Councilor Daniels: When it comes about, for a [Legislative Document] that's being proposed, I would be more than glad to testify as well.

Deputy Police Chief: I think, in addition to committee testimony, I mean, if they want to ram something through, they're going to ram it through, but the power is going to be shining a bright light on it and educating people about it, and talking to people about it, raising awareness and promoting discussions. That's going to be what changes the force of this... it's going to start getting those conversations going, but organically it's going to be people talking...

Mayor Phanthay: So, are you suggesting something like a town [hall meeting] with the public?

Deputy Police Chief: I think we just walk from this tonight and just let the seeds germinate and think it through. I don't have all the answers. What I can tell you is I've looked at how things got pushed through last time, but I also know that there wasn't a lot of exposure to it. How do we raise awareness? Most of the people in the public, they have no idea that this has occurred. So, how do we get to that point? I don't have the answers to that, I'm simply here to try to educate you as to what we've seen coming. We've tried to get information from Oregon, I think that will be helpful

City Council Minutes
Tuesday, February 14, 2023

to us. We're doing what we can, but [the Public Safety Director and I] are just a couple people, and that's not enough.

Councilor Morin: I really like the idea of doing something in education to the community at-large about it. As I was out on the campaign trail last year running to represent Brewer in the [Maine House of Representatives], some of the statistics that I came across, the fact that, as a state, we have provided almost ninety-thousand doses of NARCAN last year, that our overdose deaths are at all-time highs, that we are going in the absolute opposite direction. When I was out knocking on doors one of the things that was brought to my attention was people wanting to understand: "What's happening with Bangor? Why do we have all these homeless encampments? Where is the lack of accountability? Why are there people standing on the corners asking for money? Do I give them money? I don't know if I should. Why doesn't that happen in Brewer?". There are more and more people who are interested in information. It's a lot to try to cram all the stuff that you need to have in one conversation, and if there's something that we can do as a community to provide some education around some of these topics I think this would be well warranted. I want to express my gratitude to you, [Deputy Police Chief], for all of the research, and due diligence, and taking the time to bring this to our attention, and your passion for the community: thank you!

Councilor Goss: Not only is it up to us to make a clear statement on this issue, but it's up to us to involve the media in understanding why we're doing this. That's how we educate our community. We need to involve the media in this, because they can be our benefactor rather than our opposition.

Councilor Daniels: If you need us to do something, tell us what you need...

Mayor Phanthay: ...I feel strongly about this myself. There's no need for it to go in this direction, and anything we can do to thwart passing this through...

Deputy Police Chief: [The Public Safety Director] and I will coordinate and use the City Manager as a sounding-board, because he is a good guide through these types of waters. This will be tricky navigation, rest assured, remember the terms that are being attached to this, and when you tackle these things, you're putting a light on yourself.

Councilor Daniels: In Oregon, did they have an estimated cost of what it would cost the cities to have this in place, the extra police work, not for the drug side of it but for all the rest of the crime that goes with it?

Deputy Police Chief: No, and the policymakers - nobody is listening. They're doubling down saying, "We haven't given it enough time." When you go to the authors of the idea, they're going to defend the idea. We wanted to see the direct impact. I will be trying to get some video of their public parks and what is it like, what does it feel

City Council Minutes
Tuesday, February 14, 2023

like, if you walk through a public space to see that. They don't have that information, and nobody is asking for it.

Councilor Daniels: I think it would be extremely high.

Deputy Police Chief: Well, they've lost a lot of businesses. Portland, [Oregon] is suffering right now because people between the ages of twenty-four and forty-four there's a mass-exodus from that city, and a lot of it has to do with perceptions of safety, and that's going to cost them.

City Manager: First of all, I wanted to acknowledge [the Deputy Police Chief] and the effort that he has made over years to become the person that is standing before us tonight, without notes, telling us and walking us through the variations and the layers and the depth of this crisis. I hear it all the time, [the Public Safety Director] and [the Deputy Police Chief] are either on the phone or in my office all the time... The Legislature has become very adept at masking, and if there were legislators here tonight, I would tell that to their face, at masking the real intent of many of these pieces of legislation. The Good Samaritan Act is a great one: who's going to oppose the Good Samaritan Act? You can use that as an example multiple times where the public, they don't have an opportunity to spend time in Augusta, they rely on the representatives, and if they don't hear anything but the feel-good stuff, and then the police department is crying "foul!", "Well what's in it for the police department?" I hear that, "Why are they so involved?" I wanted to acknowledge that. I also want to say, from my perspective over the years, this Council, through many iterations, has been very good in my estimation, about measuring what they get involved in. Federal issues, tend to be, "We'll leave that to the federal government", state issues, "We'll leave that to the state government." This issue however, in my estimation, is different in many respects because it has a direct impact all through this City, on our residents, on our citizens, the people that come into the City as visitors, our taxpayers, our staff, and its only getting worse. The weekly reports are astounding, and not everything gets into the weekly reports as you might imagine. I fully support and will do anything the Council asks to make this a coordinated public effort to educate. We will talk about a possible forum; we will talk about various things and get this thing off the ground. I just wanted to say, thank you, [Deputy Police Chief], for a great job.

Councilor Goss: I think we need to utilize the experience of our City Manager. He knows how Augusta operates, and he can give us a sense of direction of where we're going to get the most bang for the buck. We can develop our position, but I'm asking our City Manager to help us get it in the hands of the people that will make a difference, so it doesn't just turn into a fluff.

Mayor Phanthay: We definitely want to see our efforts work for us. Thank you, [Deputy Police Chief] for your presentation, that was very informative.

City Council Minutes
Tuesday, February 14, 2023

Public Comments

Councilor Goss thanked City Assessor Valerie Moon for her efforts in contesting a tax bill appeal that had come before the State Board of Property Tax Review, and winning the case. The City Assessor said that she could not have done it without the support of the City Manager and the expertise of the City Solicitor. City Manager Steve Bost acknowledged long-time City employee Lou Colburn who had recently stepped in as Interim Director of Environmental Services.

C. Consent Calendar

2023-A008

February 14, 2023

TITLE: ORDER, ACCEPT FOREST FIREFIGHTING GRANT FUNDS.

Filed January 11, 2023

By Jenn M. Morin

WHEREAS, the City of Brewer Fire Department has been awarded \$2,046.50 in 2023 Volunteer Fire Assistance grant funding from the United States Department of Agriculture (USDA) Forest Service administered by the Maine Forest Service Fire Chief's Forestry Committee; and

WHEREAS, the Brewer Fire Department will use the funding to purchase forest firefighting equipment including two Milwaukee battery-powered 16-inch chainsaws and five sets of True North Pro personal protective equipment, which include a helmet, goggles, leather gloves, Nomex shirt and pants, and a gear bag; and

WHEREAS, in addition to the grant funds, the Brewer Fire Department will use \$2,046.50 of its own funding to purchase the equipment, for a total cost of \$4,093; and

WHEREAS, the Brewer Fire Department's share of costs will come from its Minor Equipment account (0115911-503000).

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts these grant funds and directs that the funds be deposited in the Fiscal Year 2023 (FY23) Maine Forest Service Grant special revenue account (0600059-360000-59041) and the local cash match will be deposited to FY23 MFS – Cash Match (0600059-360010-59041); and

BE IT FURTHER ORDERED, that the Brewer City Council herewith authorizes the appropriation and expenditure of the grant funds, along with the City's required share, from the FY23 ME Forest Service Grant Expense special revenue account (0600059-560000-59041) to purchase the equipment specified above.

Statement of Fact: This order accepts \$2,046.50 in grant funds from the Maine Forest Service and

City Council Minutes
Tuesday, February 14, 2023

appropriates them, along with \$2,046.50 in City funds, for expenditure to purchase forest firefighting equipment.

2023-A009

February 14, 2023

TITLE: ORDER, TAX RELEASE DEED, MAP 35, LOT 82, LAND AND BUILDINGS
ON 15 JEFFERSON STREET.

Filed January 30, 2023

By Joseph L. Ferris

BE IT ORDERED THAT, a municipal Release Deed be issued to Kristi A. Dugal 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 the interest in 15 Jefferson Street that the City acquired by virtue of foreclosed Sewer lien, which has now been paid in full. A total of \$1,735.69 was collected, \$1,513.43 along with \$40.26 in interest and \$182.00 in costs.

City Council Minutes
Tuesday, February 14, 2023

RELEASE DEED
Kristi A. Dugal

City of Brewer, a body politic located in the County of Penobscot, State of Maine, for consideration paid, **releases to Kristi A. Dugal against whom taxes were assessed**, of Brewer, County of PENOBSBOT, State of Maine, the land in Brewer, County of Penobscot, State of Maine as follows:

Map 35, Lot 82 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>
15975	45	
16224	186	
16423	56	
16679	184	

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 22nd day of February AD 2023

WITNESS:

CITY OF BREWER

Stephen Bost
City Manager
Duly authorized

STATE OF MAINE

PENOBSBOT, ss

DATE February 22, 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

City Council Minutes
Tuesday, February 14, 2023

2023-A010

February 14, 2023

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PUBLIC LIBRARY FROM
THE KIWANIS CLUB OF BREWER.

Filed February 7, 2023
By Jerry Goss

WHEREAS, the City of Brewer Public Library has received a contribution of \$500 from the Kiwanis Club of Brewer; and

WHEREAS, it is the wish of the donor and the recommendation of the Library Director that these funds be used for the 2023 Summer Reading Program; and

WHEREAS, Kiwanis has faithfully supported children's reading and literacy efforts at the Brewer Public Library for many years, in particular the annual Summer Reading Program.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council accepts this contribution totaling \$500 from the Kiwanis Club of Brewer and authorizes its deposit in account 060072-360000-72011 (Kiwanis Grant Revenue) and expenditure from account 0600072-560000-72011 (Kiwanis Grant Expenses).

Statement of Fact: This order accepts a donation from the Kiwanis Club of Brewer to support the 2023 Summer Reading Program at the City of Brewer Public Library.

2023-A011

February 14, 2023

TITLE: ORDER, ACCEPT GRANT FROM WALMART FOR PUBLIC SAFETY.

Filed February 8, 2023
By Michele Daniels

WHEREAS, the Brewer Walmart donated \$1,860 from its Community Grant Program to the Brewer Public Safety Department in recognition of the important service it provides to the community; and

WHEREAS, these grant funds are designated to support and enhance public safety in Brewer.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the acceptance and deposit of these funds into account 0105904-300490 (Fire Misc Revenue); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of \$1,000 of these funds from account 0115921-500860 (Fire Training Expense) and \$860 from account 0115801-502900 (Police Misc Expense).

City Council Minutes
Tuesday, February 14, 2023

Statement of Fact: The City of Brewer Public Safety Department received \$1,860 in grant funds from the Brewer Walmart Community Grant Program to support and enhance public safety in the City.

2023-A012

February 14, 2023

TITLE: ORDER, ACCEPT WELLNESS FUNDS FROM MAINE MUNICIPAL
EMPLOYEES HEALTH TRUST.

Filed February 8, 2023

By Jenn M. Morin

WHEREAS, the City of Brewer is eligible to receive up to \$3,840 from the Maine Municipal Employees Health Trust to support wellness initiatives and expenses in Calendar Year 2023 (CY2023); and

WHEREAS, the City's Wellness Committee has wellness programs and initiatives planned for this coming year.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby accepts up to \$3,840 in wellness funds and directs that they be deposited into the City's CY2023 Wellness Grant Revenue account (0600501-360000-53024);

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of the wellness funds from the CY2023 Wellness Expense account (0600501-560000-53024) to promote the health and wellness of City employees.

Statement of Fact: This order accepts up to \$3,840 from the Maine Municipal Employees Health Trust to be used in Calendar Year 2023 to support City health and wellness initiatives and expenses.

ACTION: Councilor Morin moved that the orders on the consent calendar have passage. Councilor Daniels seconded the motion. The motion passed with a unanimous vote.

D. Monthly Reports

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

E. Nominations, Appointments, Elections

There were no nominations, appointments or elections.

City Council Minutes
Tuesday, February 14, 2023

F. Unfinished Business

There was no unfinished business.

**G. New Business
Consent Calendar**

2023-C001

February 14, 2023

TITLE: ORDER, AMEND CHAPTER 5 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “ASSESSOR”, ARTICLE 2 “THE BOARD OF ASSESMENT REVIEW”, SECTION 202 “COMPOSITION OF THE BOARD”.

Filed January 19, 2023
By Jerry Goss

BE IT ORDAINED, by the Brewer City Council that Chapter 5 of the Charter, Codes and Ordinances of the City of Brewer entitled “Assessor”, Article 2 “The Board of Assessment Review”, Section 202 “Composition of the Board”, shall be amended as follows:

SECTION 202 COMPOSITION OF THE BOARD

The Board shall consist of five (5) members who are appointed by the City Council and shall serve for a three (3) year term ending on ~~December 31st~~ March 31. The members appointed to the Board must be residents and voters in the City of Brewer.

Statement of Fact: This amendment reflects a term-cycle of April 1 to March 31 for members appointed to the Board of Assessment Review as has been the practice of the City Council in their appointments for many years.

2023-C002

February 14, 2023

TITLE: ORDER, AMEND CHAPTER 33 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “LIBRARY DEPARTMENT”, ARTICLE 3 “BOARD OF TRUSTEES”, SECTION 301 “ESTABLISHMENT”.

Filed January 19, 2023
By Michele Daniels

BE IT ORDAINED, by the Brewer City Council that Chapter 33 of the Charter, Codes and Ordinances of the City of Brewer entitled “Library Department”, Article 3 “Board of Trustees”, Section 301 “Establishment”, shall be amended as follows:

City Council Minutes
Tuesday, February 14, 2023

ARTICLE III. BOARD OF TRUSTEES.

SECTION 301. ESTABLISHMENT. There shall be a Board of Trustees of the Library Department who shall be five (5) in number. The Trustees shall be appointed by the City Council and each trustee shall serve for a term of ~~five (5) three (3) years, ending on December 31st, effective January 31, 2004, the terms of duly appointed Trustees whose terms expired on November 30, 2003 and who are continuing to serve, shall be extended to March 31, 2004, the terms of Trustees scheduled to expire November 30, 2004 shall be extended to March 31, 2005, and the terms of Trustees scheduled to expire November 30, 2005 shall be extended to expire March 31, 2006. Thereafter, the~~ The terms of all members of the Board of Trustees appointed by the City Council for full terms shall expire on March 31st of the third year following their ~~appoints~~ appointment. No member of the City Council shall be a member of the Board of Trustees. Vacancies on the Board of Trustees shall be filled by appointment made by the City Council for the un-expired term. (#1)

Statement of Fact: This amendment reflects a three-year term for members appointed to the Library Board of Trustees as has been the practice of the City Council in their appointments for many years.

2023-C003

February 14, 2023

TITLE: ORDER, AMEND CHAPTER 20 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED "LICENSES AND PERMITS", ARTICLE 1, SECTION 101 "APPLICATION REQUIRED".

Filed January 19, 2023

By Jenn M. Morin

BE IT ORDAINED, by the Brewer City Council that Chapter 20 of the Charter, Codes and Ordinances of the City of Brewer entitled "Licenses and Permits", Article 1, Section 101 "Application Required", shall be amended as follows:

SECTION 101. APPLICATION REQUIRED. (#15) Any person required by the provisions of this Chapter to obtain from the City, (1) a license to engage in the operation, conduct or carrying on of any trade, profession, business or privilege, or (2) a permit to commence, proceed or continue to perform any act, shall make a written application therefore over his or her signature to the City Clerk upon form provided by the City Clerk and shall be accompanied by the required fee, ~~which will be returned if the license or permit applied for is not issued.~~

City Council Minutes
Tuesday, February 14, 2023

Statement of Fact: The return of license and permit fees does not account for staff time and costs for the review and processing of applications in which the application is ultimately denied.

2023-C004

February 14, 2023

TITLE: ORDER, AMEND CHAPTER 34 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED "BOARD OF APPEALS OF THE CITY OF BREWER", ARTICLE 1.

Filed February 2, 2023

By Joseph L. Ferris

BE IT ORDAINED, by the Brewer City Council that Chapter 34 of the Charter, Codes and Ordinances of the City of Brewer entitled "Board of Appeals of the City of Brewer", Article 1, shall be amended as follows:

SECTION 100. BOARD OF APPEALS ESTABLISHED. A Board of Appeals is hereby established. The Board of Appeals shall consist of ~~seven (7)~~ five (5) members ~~and up to three (3) alternate members~~, appointed by the City Council for the City of Brewer, and each member and alternate member shall serve for a term of three (3) years. ~~All terms shall end on December 31st. Effective December 31, 2002, the terms of the present duly appointed and existing Board of Appeals members whose terms are scheduled to expire December 31, 2002 shall be extended to March 31, 2003, the terms of members and alternate members scheduled to expire December 31, 2003 shall be extended to March 31, 2004, and the terms of members and alternate members scheduled to expire December 31, 2004 shall be extended to March 31, 2005. Thereafter the~~ The terms of each member ~~and alternate member~~ shall expire on March 31st. (#1)

~~SECTION 106. In the event any member of the Board of Appeals is not present at a meeting of the Board, the Chairman, or in his or her absence the Vice Chairman, may appoint an alternate member to serve in the place of the absent member.~~

Statement of Fact: This amendment reduces the number of members for the Board of Appeals from seven to five, and reduces the number of alternates from three to zero. This reduction in seats brings the number of members on the Board of Appeals more in line with boards of neighboring municipalities, and helps to address long-standing vacancies on the Board.

City Council Minutes
Tuesday, February 14, 2023

ACTION: Councilor Goss moved that the amendments on the consent calendar be certified and filed with the city clerk for posting. Councilor Ferris seconded the motion. The motion passed with a unanimous vote.

H. New Items with Leave of Council

There were no new items with leave of council.

I. ADJOURN

ACTION: Mayor Phanthay declared the meeting adjourned, unless doubted, at 7:17 P.M.

ADJOURNED, ATTEST: _____ Vincent P. Migliore
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine