

City Council Minutes  
Tuesday, June 13, 2023

Regular Meeting  
City Hall Council Chambers

Tuesday, June 13, 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 Acting City Solicitor Andrew Hamilton 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, June 13, 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

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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	Lutz	Off.	06/09/2023	18:30
Jerry Goss	Jewel	Off.	06/09/2023	18:30
Michele Daniels	Johnston	Off.	06/09/2023	18:00
Jenn Morin	Johnston	Off.	06/09/2023	17:15
Soubanh Phanthay	Johnston	Off.	06/09/2023	18:30

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**CITY COUNCIL REGULAR MEETING**  
**Tuesday, June 13, 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 May 9, 2023 Regular Meeting and Minutes of the June 6, 2023 Special Meeting** (Councilor Goss)
- B. Awards, Petitions and Public Comments**
  - 1. Proclamation: Juneteenth Celebration Day.
  - 2. (2023-B016) RESOLVE Resolution of Respect for John Mackie.  
(Councilor Daniels)
  - 3. (2023-B017) RESOLVE Celebrate the ninetieth anniversary of the Brewer Garden and Bird Club. (Councilor Daniels)
  - 4. Public Comments
- IV. Recess for Public Hearing**
  - 1. To determine the building, or portion thereof, located at 361 North Main Street, Brewer, Maine (Tax Map 34, Lot 41) may be structurally unsafe, unsanitary; constitute a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment or is otherwise dangerous to life or property pursuant to Title 17 M.R.S.A., §2851, et seq.
- V. Adjourn Public Hearing and Continue Regular Meeting**
- C. Consent Calendar**
  - 1. (2023-A071) ORDER Accept \$1,500 donation from Elaine Albright to the Brewer Public Library. (Councilor Ferris)
  - 2. (2023-A072) ORDER Tax Release Deed, Tax Map 43 Lot 53, land and buildings on 229 Washington Street, Brewer, Maine.  
(Councilor Goss)
  - 3. (2023-A073) ORDER Commit Water Assessment to Treasurer for collection.  
(Councilor Daniels)
  - 4. (2023-A074) ORDER Commit Sewer Assessment to Treasurer for collection.  
(Councilor Morin)
  - 5. (2023-A075) ORDER Purchase property at 4 Hardy Street, Brewer, Maine (Map 28, Lot 176). (Councilor Ferris)
  - 6. (2023-A076) ORDER Purchase property at 6 Hardy Street, Brewer, Maine (Map 28, Lot 177). (Councilor Goss)
  - 7. (2023-B018) RESOLVE Approve City and School Budget appropriation for Fiscal Year 2024. (Councilor Daniels)
  - 8. (2023-B019) RESOLVE Approve Water Pollution Control Facility Budget for Fiscal Year 2024. (Councilor Morin)
  - 9. (2023-B020) RESOLVE Approve Water Department Budget for Fiscal Year 2024.  
(Councilor Ferris)

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10. (2023-A077) ORDER Set tax due date and interest rate.  
(Councilor Goss)
11. (2023-A078) ORDER Accept advance payments on Fiscal Year 2025 taxes.  
(Councilor Daniels)
12. (2023-A079) ORDER Set Fiscal Year 2024 interest rate for late payment of sewer bills. (Councilor Morin)
13. (2023-A080) ORDER Set interest rate paid on abatements and overpayment of taxes. (Councilor Ferris)
14. (2023-A081) ORDER Authorize set off against unpaid taxes.  
(Councilor Goss)
15. (2023-A082) ORDER Authorize application of interest earnings to reserve funds.  
(Councilor Daniels)
16. (2023-A083) ORDER Authorize funding of abatement expense.  
(Councilor Morin)
17. (2023-A084) ORDER Appropriate workers compensation reimbursements to fund unanticipated Public Safety staffing expense to provide coverage during extended absences. (Councilor Ferris)
18. (2023-A085) ORDER Accept donations in support of a future Ken Locke Stream Cleanup Event. (Councilor Goss)
19. (2023-A086) ORDER Authorize extension of US Cellular contract for City provided phones. (Councilor Daniels)
20. (2023-A087) ORDER Authorize purchase of replacement pickup truck for Environmental Services. (Councilor Morin)
21. (2023-B021) RESOLVE Approve School Budget appropriation for Fiscal Year 2024. (Councilor Ferris)
22. (2023-B022) RESOLVE Approve Regional Vocational High School operating budget. (Councilor Goss)
23. (2023-B023) RESOLVE Approve Regional Vocational High School budget on adult education. (Councilor Daniels)
24. (2023-A088) ORDER Authorize the Brewer School Department to expend such other funds that may be received from federal or state grants or programs. (Councilor Morin)

### **D. Monthly Reports** (Councilor Morin)

### **E. Nominations, Appointments, Elections**

### **F. Unfinished Business**

1. (2023-C008) ORDER Enact and add Chapter 51 of the Charter, Codes and Ordinances of the City of Brewer, entitled "City of Brewer Moratorium Ordinance on Certain Housing Regulations".  
(Councilor Goss and Mayor Phanthay)

### **G. New Business**

1. (2023-C009) ORDER Amend Chapter 24 of the Charter, Codes and Ordinances of the City of Brewer, entitled "Land Use Code", Article 4, "Performance Standards", Section 442.7.17.  
(Councilor Morin)

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2. (2023-C010) ORDER Amend Chapter 24 of the Charter, Codes and Ordinances of the City of Brewer, entitled “Land Use Code”, Article 4, “Performance Standards”, Sections 426 and 436, Article 6, “Site Plan Review”, Sections 605.1, 606 and 610, and Article 14, “Definitions”. (Councilor Ferris)

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

**I. ADJOURN**

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**A. Minutes of the May 9, 2023 Regular Meeting and Minutes of the June 6, 2023 Special Meeting**

**ACTION:** Councilor Goss moved that the minutes to the May 9, 2023 regular meeting and the June 6, 2023 special meeting be accepted and placed on file. Councilor Ferris seconded the motion. The motion passed with a unanimous vote.

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**B. Awards, Petitions and Public Comments**

1. Proclamation: Juneteenth Celebration Day.

Mayor Phanthay read the Juneteenth Celebration Day Proclamation.

**PROCLAMATION  
Juneteenth Celebration Day**

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

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

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

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

**NOW, THEREFORE, I, SOUBANH PHANTHAY**, Mayor of the City of Brewer, on behalf of the City Council and citizens of Brewer, do hereby proclaim the nineteenth day of June two-thousand-and-twenty-three as

## JUNETEENTH CELEBRATION DAY

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

*Signed this thirteenth day of June, 2023*  
**Soubanh Phanthay, Mayor**

Mayor Phanthay expressed his honor in reading the proclamation, and reflected on diverse cultures learning about each other, saying that when we speak to our neighbors, we find we have a lot in common and can appreciate each other's differences.

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2023-B016

June 13, 2023

TITLE: RESOLVE, RESOLUTION OF RESPECT FOR JOHN MACKIE.

Filed May 15, 2023  
By Michele Daniels and  
Jerry Goss

WHEREAS, on the 12th day of May 2023 death brought to a close the full and active life of John Fritts Mackie; and

WHEREAS, John was born in Bangor in 1948 and graduated from Brewer High School in 1966; and

WHEREAS, in 1980 John was hired as Parks Foreman for the Brewer Parks and Recreation Department and was later promoted to Parks Supervisor; and

WHEREAS, in 1984 John assumed the additional responsibilities of Cemeteries Supervisor; and

WHEREAS, during his time with Brewer Parks and Recreation, John met the challenges of a growing department, maintaining over seventy acres of parks, athletic facilities, municipal grounds, and cemeteries; and

WHEREAS, during his time as the Parks & Cemetery Supervisor, John supervised numerous young people from the Brewer area, serving as a role model and mentor as they began their working careers; and

WHEREAS, John served for many years on the City of Brewer Safety Committee, and worked

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closely with the Doyle Field Renovation Committee; and

WHEREAS, John retired from the City of Brewer in 2015 after 35 years of service; and

WHEREAS, John was a well-respected football coach for all levels, from youth to varsity football in Brewer, and touched many lives.

NOW, THEREFORE BE IT RESOLVED, that the Brewer City Council does by this resolution and public pronouncement, recognize the positive influence of John Mackie 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 John Mackie 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 praised John’s commitment to the kids he coached, continuing his support well beyond their high school years. Councilor Goss said that John “bled orange and black”, and he admired John’s humble dedication. Councilor Goss said that the City was planning a memorial in John’s honor to be placed at Woodlawn Cemetery. The motion passed with a unanimous vote.

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2023-B017

June 13, 2023

TITLE: RESOLVE, CELEBRATE THE NINETIETH ANNIVERSARY OF THE BREWER GARDEN AND BIRD CLUB.

Filed February 24, 2023  
By Michele Daniels

WHEREAS, in June of 1933 the Brewer Garden Club was founded and in 1934 became the Brewer Garden and Bird Club, which started as an organization to help residents of Brewer beautify their gardens and also to beautify the City; and

WHEREAS, the Brewer Garden and Bird Club is an active member of the Penobscot District, the Garden Club Federation of Maine, New England Region and National Garden Clubs, Inc.; and

WHEREAS, the Brewer Garden and Bird Club, through its fundraising activities and committee programs, has spearheaded numerous beautification projects, lead the Junior Gardeners Program with the Parks and Recreation Department, participated in Brewer Days, and organized many educational programs that have enhanced the City of Brewer; and

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WHEREAS, through 90 years of devotion to the City, the Brewer Garden and Bird Club has made numerous contributions, ranging from planting flowers and shrubs, to enhancing walking trails, to honoring members of the armed services with the installation of a Blue Star Marker on Wilson Street; and

WHEREAS, the Brewer Garden and Bird Club remains active, planting and maintaining six gardens across the City as well as flowers at the Brewer Boat Landing, and providing educational programs on flowers and birds of all kinds at their meetings; and

WHEREAS, many of the City Departments have greatly appreciated the annual delivery of holiday poinsettias, and flowers throughout the year.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith extends its best wishes as the Brewer Garden and Bird Club celebrates their 90th anniversary.

**ACTION:** Councilor Daniels moved that the resolve be adopted. Councilor Goss seconded the motion. The motion passed with a unanimous vote.

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**Public Comments**

There were no public comments.

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**IV. Recess for Public Hearing**

Mayor Phanthay said the City Council would recess for a public hearing and after the hearing the City Council would return to the regular meeting and take up the rest of the items on the agenda.

The public hearings were called to order by Mayor Phanthay.

The city clerk called the roll:

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 Acting City Solicitor Andrew Hamilton were also present.

Mayor Phanthay read the notice for the public hearing:

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**CITY OF BREWER  
PUBLIC NOTICE**

Notice is hereby given that the Brewer City Council will hold a public hearing on June 13, 2023 at 6:00 p.m. in the Council Chambers at Brewer City Hall to determine if any building or portions thereof, at the following address, may be structurally unsafe, unstable, unsanitary; constitute a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment or is otherwise dangerous to life or property pursuant to Title 17 M.R.S.A. §2851, *et seq.*

- 361 North Main Street, Brewer, Maine (Tax Map 34, Lot 41)

Any person may attend this public hearing and speak on this matter. The deadline for submission of written comments is 4:00 p.m. on the date of the hearing. Written comments should be addressed to Brewer City Council, c/o City Clerk, 80 No. Main Street, Brewer, Maine 04412 or emailed to [city-clerk-office@brewermaine.gov](mailto:city-clerk-office@brewermaine.gov).

Vincent P. Migliore  
City Clerk

published June 6  
in the BDN

Mayor Phanthay asked if there had been any written comments received from the public. The city clerk said there were none.

Mayor Phanthay invited the City of Brewer Code Enforcement Officer Kristie Rines to speak. The Code Enforcement Officer said that 361 North Main Street was a City-owned, tax acquired property that was in very poor condition. The Code Enforcement Officer said that several areas of the foundation that were failing, the foundation was crumbling and falling in, and that the house had additions that were sagging and falling off. The Code Enforcement Officer said the house was dilapidated and had been vacant for years.

Councilor Ferris asked why the City had acquired the property. City of Brewer Assistant City Manager James Smith said that the tax lien process was an automatic foreclosure and that the City would only prevent that process in certain circumstances. The Assistant City Manager said that after the foreclosure the City tried to work with the previous owner to address the conditions of the property, but the previous owner was unable to make the closing happen. The Assistant City Manager said that, in April, the previous owner wanted to discuss a repurchase agreement, but it was evident the previous owner didn't have the means or the intentions to address the level of repairs needed to make it a safe and habitable home. The Assistant City Manager said that the building needed to be addressed and that the previous owner was not interested in taking responsibility, and that the hearing could be a step toward demolition of the property if the Council was inclined to go in that direction.

Acting City Solicitor Andrew Hamilton asked if the City sought to exercise the remedies under the dangerous building statute to assure its authority. The Assistant City Manager confirmed that was the City's intention.



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Councilor Morin thanked the Assistant City Manager and the Code Enforcement Officer for seeking to address properties like 361 North Main Street, and said that Brewer was better for their efforts. Mayor Phanthay agreed with Councilor Morin.

Mayor Phanthay asked if there were any comments from the public present at the hearing. There were none.

Mayor Phanthay closed the public hearing.  
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**V. Adjourn Public Hearing and Continue Regular Meeting**

The regular meeting was called back to order by Mayor Phanthay. The city clerk called the roll:

Councilor Ferris-present	Councilor Goss-present
Councilor Daniels-present	Councilor Morin-present
Mayor Phanthay-present	

Mayor Phanthay declared that a quorum was present. City Manager Stephen Bost and Acting City Solicitor Andrew Hamilton were also present.  
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**C. Consent Calendar**

2023-A071 June 13, 2023

TITLE: ORDER, ACCEPT \$1,500 DONATION FROM ELAINE ALBRIGHT TO THE BREWER PUBLIC LIBRARY.

Filed May 23, 2023  
By Joseph L. Ferris

WHEREAS, the Brewer Public Library received a generous donation of \$1,500 donation from Elaine Albright; and

WHEREAS, Elaine Albright specified that the donation be used for purposes determined by the Library Director; and

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 \$1,500 donation from Elaine Albright to the City of Brewer Public Library, authorizes its deposit into account 0600072-360000-72034, and further authorizes its appropriation and expenditure from 0600072-560000-72034.

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**Statement of Fact:** This order accepts a \$1,500 donation from Elaine Albright 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.*

2023-A072

June 13, 2023

TITLE: ORDER, TAX RELEASE DEED, TAX MAP 43, LOT 53, LAND AND BUILDINGS ON 229 WASHINGTON STREET, BREWER, MAINE.

Filed May 25, 2023  
By Jerry Goss

BE IT ORDERED, that a municipal Release Deed be issued to Mark and Christine L Brochu, of Brewer, County of Penobscot, releasing all interest that the City of Brewer may have acquired by virtue of Tax liens on the property at 229 Washington Street, Brewer, Maine, Tax Map 43, Lot 53; and

BE IT FURTHER ORDERED that the Brewer City Manager is 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 229 Washington Street, that the City acquired by virtue of foreclosed Tax lien, which has now been paid in full. A total of \$13,265.35 was collected, \$12,402.90 along with \$738.70 in interest and \$123.75 in costs.

**RELEASE DEED  
Mark and Christine L Brochu**

**City of Brewer**, a body politic located in the County of Penobscot, State of Maine, for consideration paid, **releases to Mark and Christine L Brochu, 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 43, Lot 53 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>
16081	65	
16523	327	

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 21st day of June AD 2023

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WITNESS:

CITY OF BREWER

\_\_\_\_\_

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

STATE OF MAINE

PENOBSCOT, ss

DATE June 21, 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

2023-A073

June 13, 2023

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

Filed June 2, 2023  
 By Michele Daniels

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 **\$680,234.29** at the established rate, as provided by Title 30-A M.R.S.A., §3406 (supp [1991] 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 2023	\$670,747.23	
March 2023	\$1,891.14	
April 2023	\$6,049.44	
May 2023	\$1,546.48	

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<b>TOTAL</b>	<b>\$680,234.29</b>	

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

2023-A074

June 13, 2023

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

Filed June 2, 2023  
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 **\$619,229.37** 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 2023	\$611,349.73	
March 2023	\$1,145.75	
April 2023	\$4,683.12	
May 2023	\$2,050.77	
<b>TOTAL</b>	<b>\$619,229.37</b>	

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

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2023-A076

June 13, 2023

TITLE: ORDER, PURCHASE PROPERTY AT 6 HARDY STREET, BREWER, MAINE  
(MAP 28, LOT 177).

Filed June 6, 2023  
By Jerry Goss

WHEREAS, recent improvements to the City of Brewer's Riverwalk Trail have increased the usage of the trail by citizens; and

WHEREAS, 6 Hardy Street in Brewer is in proximity to the Riverwalk Trail; and

WHEREAS, the City of Brewer has deemed that the purchase of 6 Hardy Street, Brewer, Maine (Map 28, Lot 177) will allow the City to make necessary enhancements to the trail; and

WHEREAS, the City has Tax Increment Financing (TIF) funds available to purchase the property at 6 Hardy Street; and

WHEREAS, Emma Peterson of 6 Hardy Street has agreed to accept the offer from the City to purchase 6 Hardy Street for \$249,900.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council herewith agrees to purchase 6 Hardy Street, Brewer; and

BE IT FURTHER ORDERED, that the Brewer City Council herewith authorizes the appropriation and expenditure of \$249,900 plus realtor and closing costs from the Property Acquisition fund 0510101-551100 for the purchase of 6 Hardy Street, Brewer, Maine (Map 28, Lot 177); and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is hereby authorized to take any and all actions and to sign any and all documents necessary to complete this purchase.

**Statement of Fact:** The City of Brewer will purchase 6 Hardy Street (Map 28, Lot 177) from Emma Peterson for the price of \$249,900 for the purpose of making enhancements to the Riverwalk Trail.

2023-B018

June 13, 2023

TITLE: RESOLVE, APPROVE CITY AND SCHOOL BUDGET APPROPRIATION FOR  
FISCAL YEAR 2024.

Filed June 6, 2023  
By Michele Daniels

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BE IT RESOLVED, that the sum of **\$19,068,234** which sum constitutes the estimated requirements of the City of Brewer for the Fiscal Year 2024 (commencing July 1, 2023 and terminating June 30, 2024) based upon the budget submitted by the City Manager as provided by the City Charter, be raised by assessments upon the estates of the inhabitants of the City of Brewer and upon the estates of the non-resident proprietors within the City for the present municipal year and the sum is hereby appropriated, in addition sums otherwise provided, the amount for each purpose being specified in the schedules hereto attached:

**Statement of Fact:** This annual order authorizes the levy of \$19,068,234 in property taxes in support of the Fiscal Year 2024 City and School budgets and authorizes expenditures for Fiscal Year 2024 as outlined in the accompanying schedules. It also approves non property tax funding to support those expenditures.

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**FY2024 Brewer Property Tax Calculation**

Line		FY2023 Approved	FY2024 Proposed	\$ Change	% Change
<b>MUNICIPAL BUDGET</b>					
1	General Fund Appropriations	15,605,271	16,707,924	1,102,653	7.07%
2	Less: Non-Property Tax Revenues	<u>7,892,093</u>	<u>8,467,093</u>	<u>575,000</u>	<u>7.29%</u>
3	<b>NET MUNICIPAL BUDGET (from taxation)</b>	<b>7,713,178</b>	<b>8,240,831</b>	<b>527,653</b>	<b>6.84%</b>
<b>EDUCATION BUDGET</b>					
4	General Education Budget	26,166,712	26,761,784	595,072	2.27%
5	Less: School Revenues	<u>18,287,998</u>	<u>18,733,070</u>	<u>445,072</u>	<u>2.43%</u>
6	<b>NET EDUCATION BUDGET (from taxation)</b>	<b>7,878,714</b>	<b>8,028,714</b>	<b>150,000</b>	<b>1.90%</b>
<b>TAX INCREMENT FINANCING DISTRICTS</b>					
7	Transfer to TIF Special Revenue Fund	1,451,776	1,471,459	19,683	1.36%
8	Less: TIF BETE Exempt	<u>9,475</u>	<u>49,037</u>	<u>39,562</u>	<u>417.54%</u>
9	<b>NET TIF BUDGET (from taxation)</b>	<b>1,442,301</b>	<b>1,422,422</b>	<b>-19,879</b>	<b>-1.38%</b>
10	<b>COUNTY ASSESSMENT</b>	<b>1,276,774</b>	<b>1,356,267</b>	<b>79,493</b>	<b>6.23%</b>
11	<b>OVERLAY</b>	<b>20,000</b>	<b>20,000</b>	<b>0</b>	<b>0.00%</b>
12	<b>TOTAL PROPERTY TAX LEVY</b>	<b>18,330,967</b>	<b>19,068,234</b>	<b>737,268</b>	<b>4.02%</b>
13	<b>ASSESSED VALUATION</b>	<b>837,030,445</b>	<b>912,355,891</b>	<b>75,325,446</b>	<b>9.00%</b>
14	Less: Tax Increment Finance Districts	<u>65,858,500</u>	<u>68,058,500</u>	<u>2,200,000</u>	<u>3.34%</u>
15	<b>NET ASSESSED VALUATION</b>	<b>771,171,945</b>	<b>844,297,391</b>	<b>73,125,446</b>	<b>9.48%</b>
16	Municipal	10.00	9.76	(0.24)	-2.41%
17	School	10.22	9.51	(0.71)	-6.92%
18	County	1.66	1.61	(0.05)	-2.97%
19	Overlay	0.03	0.02	(0.00)	-8.66%
20	<b>TAX RATE</b>	<b>21.90</b>	<b>20.90</b>	<b>-1.00</b>	<b>-4.57%</b>

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**City of Brewer  
FY2024 Budget Resolve**

	Appropriations (Expenditures) Approved	Non-Tax Revenues Used	State Rev. Sharing GPA Support	State Homestead Reimbursmnt	Fund Balance Used	Operating Transfers Used	Property Taxes Needed
<b>Assessments</b>							
1 County Assessment	\$ 1,356,267	-	-	-	-	-	\$ 1,356,267
<b>Municipal Budget</b>							
2 General Fund	\$ 16,707,924	\$ 3,886,459	\$ 2,250,000	\$ 818,026	\$ 545,000	\$ 967,608	\$ 8,240,831
3 Gen Fund Xfer to CIP	\$ -						\$ -
4 Capital Improvement	\$ 3,839,500	\$ 2,335,000				\$ 1,504,500	\$ -
5 Cemetery Trust Fund	\$ -						\$ -
6 TIF Districts	\$ 1,422,422						\$ 1,422,422
7 Total Municipal Budget	\$ 21,969,846	\$ 6,221,459	\$ 2,250,000	\$ 818,026	\$ 545,000	\$ 2,472,108	\$ 9,663,253
<b>Education Budget</b>							
8 Gen'l Education Budget	\$ 26,761,784	\$ 3,366,187	\$ 13,437,557	\$ -	\$ 1,929,326	\$ -	\$ 8,028,714
9 Grand Totals	\$ 50,087,897	\$ 9,587,646	\$ 15,687,557	\$ 818,026	\$ 2,474,326	\$ 2,472,108	\$ 19,048,234
10 Budgeted Tax Overlay							\$ 20,000
11 To Be Raised From Taxes							\$ 19,068,234
<b>TAXABLE VALUATION ESTIMATE</b>							
12 2022-2023 Taxable Valuation							\$ 912,355,891

TAX RATE CHANGE	
Tax Rate - NEW	\$ 20.90
Tax Rate - CURRENT	\$ 21.90
\$\$\$ Change in Tax Rate	(1.00)
% Change	-4.57%



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**City of Brewer  
General Fund Spending Summary**

	FY2023 Approved	FY2024 Request	Change \$\$	Change %
<b>MUNICIPAL</b>				
General Government	2,337,903	2,496,756	158,853	6.8%
Protections	5,774,335	6,223,110	448,775	7.8%
Public Services	415,336	480,994	65,658	15.8%
Public Works	2,973,496	3,210,745	237,249	8.0%
Unclassified	278,346	332,330	53,984	19.4%
Debt Service	2,357,878	2,399,043	41,165	1.7%
Library & Recreational Services	1,467,977	1,564,946	96,969	6.6%
<b>TOTAL MUNICIPAL FUND</b>	<b>15,605,271</b>	<b>16,707,924</b>	<b>1,102,653</b>	<b>7.1%</b>
<b>EDUCATION</b>				
01 Personnel	17,893,607	17,953,016	59,409	0.3%
02 Supplies and Services	1,193,395	1,326,888	133,493	11.2%
03 Buildings and Grounds	2,067,778	2,573,777	505,999	24.5%
04 Transportation	820,995	843,360	22,365	2.7%
05 Supt / Administration	705,604	729,941	24,337	3.4%
06 Out of District	583,000	373,000	(210,000)	-36.0%
07 Vocational Education	0	0	-	0.0%
08 Adult Education	now a municipal expense	now a municipal expense	-	-
09 Capital Outlay	131,800	164,300	32,500	24.7%
10 Trustees	2,770,553	2,797,502	26,949	1.0%
<b>TOTAL EDUCATION BUDGET</b>	<b>26,166,732</b>	<b>26,761,784</b>	<b>595,052</b>	<b>2.3%</b>
COUNTY ASSESSMENT OVERLAY	1,276,774 20,000	1,356,267 20,000	79,493 -	6.2% 0.0%
<b>GRAND TOTALS</b>	<b>43,068,777</b>	<b>44,845,975</b>	<b>1,777,198</b>	<b>4.1%</b>

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2023-B019

June 13, 2023

TITLE: RESOLVE, APPROVE WATER POLLUTION CONTROL FACILITY BUDGET FOR FISCAL YEAR 2024.

Filed June 6, 2023  
By Jenn M. Morin

BE IT RESOLVED, that the Brewer City Council herewith approves the Brewer Water Pollution Control Facility budget for the City Fiscal Year of July 1, 2023 through June 30, 2024, as follows:

Total Cash Operating Expenses	\$ 2,581,263
Total Debt Service	\$ 827,230
Total Depreciation	\$ 810,000
Total Other Non-Operating Expenses	\$ <u>0</u>
SUBTOTAL	\$ 4,218,493
Total Capital Improvements	\$ <u>498,639</u>
GRAND TOTAL EXPENDITURES	\$ 4,717,132
Total Operational Revenues	\$ 3,383,905
Total Use of Retained Earnings	\$ 810,000
Other non-operational Revenue	\$ <u>24,588</u>
SUBTOTAL	\$ 4,218,493
Total Capital Funding	\$ <u>498,639</u>
GRAND TOTAL REVENUES	\$ 4,717,132

**Statement of Fact:** This annual order authorizes the Water Pollution Control Facility expenditures for Fiscal Year 2024 and approves funding to support those expenditures. The budget proposes an adjustment of \$1.25 per 100 cubic feet, or 12.2%, to the current sewer rate. This would increase the average residential sewer bill by \$5.78 per month, or about \$0.19 per day.

2023-B020

June 13, 2023

TITLE: RESOLVE, APPROVE WATER DEPARTMENT BUDGET FOR FISCAL YEAR 2024.

Filed June 6, 2023  
By Joseph L. Ferris

BE IT RESOLVED, that the Brewer City Council herewith approves the Water Department budget, as presented, for the City's Water System for the Fiscal Year of July 1, 2023 through June 30, 2024 as follows:

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Total Cash Operating Expenses	\$ 1,999,396
Total Debt Service	\$ 1,028,105
Total Depreciation	\$ 166,567
Total Other Non-Operating Expenses	\$ <u>2,280</u>
SUBTOTAL	\$ 3,196,348
Total Capital Improvements	\$ <u>2,999,600</u>
GRAND TOTAL EXPENDITURES	\$ 6,195,948
Total Operational Revenues	\$ 3,196,348
Total Use of Retained Earnings	\$ 0
Other non-operational Revenue	\$ <u>0</u>
SUBTOTAL	\$ 3,196,348
Total Capital Funding	\$ <u>2,999,600</u>
GRAND TOTAL REVENUES	\$ 6,195,948

**Statement of Fact:** This annual order authorizes the Water Department expenditures for Fiscal Year 2024 and approves funding to support those expenditures. Subject to review and approval of the Maine Public Utilities Commission, the budget anticipates the adjustment of water rates for metered customers by approximately 15% and for other water ratepayers by approximately 7% to 15%, depending on their classification. The proposed change would increase the average residential water bill by \$4.97 per month, or about \$0.16 per day.

2023-A077

June 13, 2023

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

Filed June 6, 2023

By Jerry Goss

BE IT ORDERED, that taxes for the municipal year commencing July 1, 2023 and which shall expire on June 30, 2024 are due and payable semi-annually on the following dates:

A. 1/2 of total taxes due  
and payable on or before September 12, 2023

and, if the same are not paid on or before September 12, 2023, they shall bear interest at the rate of 8.0% per annum from September 13, 2023 until paid.

B. 1/2 of the total taxes due  
and payable on or before March 12, 2024

and, if the same are not paid on or before March 12, 2024, they shall bear interest at the rate of 8.0% per annum from March 13, 2024 until paid.

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

2023-A078

June 13, 2023

TITLE: ORDER, ACCEPT ADVANCE PAYMENTS ON FISCAL YEAR 2025 TAXES.

Filed June 6, 2023  
By Michele Daniels

BE IT ORDERED, that the Brewer Tax Collector and Treasurer be permitted to accept payments in advance when offered at 0% interest, to be applied to Fiscal Year 2025 taxes that have not been committed or billed.

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

2023-A079

June 13, 2023

TITLE: ORDER, SET FISCAL YEAR 2024 INTEREST RATE FOR LATE PAYMENT OF SEWER BILLS.

Filed June 6, 2023  
By Jenn M. Morin

BE IT ORDERED, that in accordance with City of Brewer Charter, Codes and Ordinance, Chapter 31, Section 1208, the interest rate on unpaid sewer bills is set at eight percent (8.0%) per annum for Fiscal Year 2024.

**Statement of Fact:** This is an annual order.

2023-A080

June 13, 2023

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

Filed June 6, 2023  
By Joseph L. Ferris

BE IT ORDERED, that pursuant to Title 36 M.R.S.A., §506-A, interest on previously paid taxes that are abated, or which have been overpaid, for Fiscal Year 2024 shall be paid at the rate of four percent (4.0%) per annum from the date of payment by the taxpayer to the date of abatement or refund by the City.

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

2023-A081

June 13, 2023

TITLE: ORDER, AUTHORIZE SET OFF AGAINST UNPAID TAXES.

Filed June 6, 2023

By Jerry Goss

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

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

**Statement of Fact:** This is an annual order.

2023-A082

June 13, 2023

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

Filed June 6, 2023

By Michele Daniels

WHEREAS, in keeping with Public Utility Commission (PUC) regulations, the City of Brewer maintains several dedicated reserve accounts for the Water fund; and

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

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

**Statement of Fact:** This is an annual order.

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2023-A083

June 13, 2023

TITLE: ORDER, AUTHORIZE FUNDING OF ABATEMENT EXPENSE.

Filed June 6, 2023  
By Jenn M. Morin

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

WHEREAS, tax abatements to date total approximately \$45,802.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the appropriation and expenditure of \$45,802 from the tax abatement account (0100100-300004) to be funded with \$20,000 in budgeted Fiscal Year 2023 overlay funds (0119901-509810) and \$25,802 in unanticipated property tax revenues (0100100-300001).

**Statement of Fact:** This annual order appropriates overlay to fund expenses associated with Fiscal Year 2023 tax abatements, as required by state law.

2023-A084

June 13, 2023

TITLE: ORDER, APPROPRIATE WORKERS COMPENSATION REIMBURSEMENTS TO FUND UNANTICIPATED PUBLIC SAFETY STAFFING EXPENSE TO PROVIDE COVERAGE DURING EXTENDED ABSENCES.

Filed June 6, 2023  
By Joseph L. Ferris

WHEREAS, the Brewer Police Department and Brewer Fire Department have experienced extended absences this year due to job related injuries and these absences have increased overtime and other staffing costs; and

WHEREAS, as a result of its workers compensation insurance, the City receives partial reimbursement for the time an employee is out on an approved workers compensation leave; and

WHEREAS, it is the desire of the Police Department and the Fire Department to use these reimbursements to help pay for the unanticipated staffing costs resulting from these workers compensation related absences.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the appropriation and expenditure of the following workers compensation insurance reimbursements received for employees out on workers comp to help cover the cost of backfill staffing:

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Account Number	Title	Amount
0115810-500050	Police Patrol PT & Temp Employees	\$34,355
0115910-500102	Fire Overtime – Sick Leave	\$1,419

**Statement of Fact:** This order authorizes the use of reimbursements from the City’s workers compensation insurance provider to help pay for the cost of backfill staffing in the Police and Fire Departments during Fiscal Year 2023.

2023-A085

June 13, 2023

TITLE: ORDER, ACCEPT DONATIONS IN SUPPORT OF A FUTURE KEN LOCKE STREAM CLEANUP EVENT.

Filed June 6, 2023  
By Jerry Goss

WHEREAS, the City of Brewer was unable to hold its Annual Stream Cleanup Event this year; and

WHEREAS, several private companies donated monies for the 2023 Annual Stream Cleanup Event, but requested the City keep the contributions for use to support a future stream cleanup.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, authorizes the Finance Director to accept these donations and deposit them in the Stream Cleanup revenue account 0200000-320000-20001; and

BE IT FURTHER ORDERED, that the Brewer City Council hereby authorizes the expenditure of these donations from account 0200000-520000-20001 in support of a future stream cleanup event; and

BE IT FURTHER ORDERED, that the Director of Environmental Services, on behalf of the City Council, take appropriate steps to recognize the companies and individuals who made contributions to this event for their generosity and commitment to the quality of life of residents of the City of Brewer.

**Statement of Fact:** This order authorizes the acceptance and expenditure of donations received to support a future Ken Locke Stream Cleanup Event, which is funded entirely from donations.

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2023-A086

June 13, 2023

TITLE: ORDER, AUTHORIZE EXTENSION OF US CELLULAR CONTRACT FOR CITY PROVIDED PHONES.

Filed June 6, 2023  
By Michele Daniels

WHEREAS, the City of Brewer's contract with US Cellular for City provided phones will expire later this year; and

WHEREAS, US Cellular has offered to extend its contract with the City of Brewer for an additional two years; and

WHEREAS, with this two-year commitment, US Cellular has offered to lower costs by \$189.43 per month after aligning phone line types and including monthly discounts for each line; and

WHEREAS, it is the recommendation of the Technology Department to extend the US Cellular contract for City provided phones for two more years.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the extension of the City of Brewer's cell phone contract with US Cellular for an additional two years; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to sign a two-year agreement with US Cellular in the estimated amount of \$16,972.56 to be paid for with funds appropriated as part of the City's annual budget.

**Statement of Fact:** This order authorizes a two-year extension of the City's cell phone contract with US Cellular. Current Fiscal Year 2023 monthly spend on the US Cellular contract is \$896.62 for City cell phone lines, with the renegotiated contract, monthly spend will be \$707.19: \$189.43 less per month, realizing an annual cost savings of \$2,273.16 in Fiscal Year 2024.

2023-A087

June 13, 2023

TITLE: ORDER, AUTHORIZE PURCHASE OF REPLACEMENT PICKUP TRUCK FOR ENVIRONMENTAL SERVICES.

Filed June 6, 2023  
By Jenn M. Morin

WHEREAS, bids were solicited, received and evaluated for the purchase of a new pickup truck to replace Environmental Services Unit #708, a 2007 Ford F150; and

WHEREAS, Varney Ford, Inc., of Bangor, provided the City of Brewer with the only bid



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received in the amount of \$45,975 for a 2023 Ford F150 XL.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to sign a purchase order to Varney Ford, Inc., in the amount of \$45,975 for the purchase of a 2023 Ford F-150 XL pickup truck; and

BE IT FURTHER ORDERED, that the funds for this purchase be charged to WPCF account #0817702-503200 titled "Reserve-Machinery & Equipment", as approved in the Fiscal Year 2023 (FY23) Sewer Capital Improvement Program (CIP) budget; and

BE IT FURTHER ORDERED, that the current Environmental Services Unit #708, VIN ending in 5331, be deemed surplus City equipment upon receipt of the new pickup truck; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to dispose of said surplus property by means that would be in the best interest of the City of Brewer when the new pickup arrives; and

BE IT FURTHER ORDERED, that any funds acquired through the sale of Unit #708 be deposited into account #0800004-300410 "Sewer Sale of Assets" and be used to replenish the Machinery & Equipment Reserve #0817702-503200.

**Statement of Fact:** The FY23 CIP authorized the replacement of Environmental Services Unit #708, a 2007 F150, which is in poor condition and not worth further repair. This order authorizes the purchase of a 2023 F150 XL for \$45,975 from Varney Ford, Inc., the sole bidder.

2023-B021

June 13, 2023

TITLE: RESOLVE, APPROVE SCHOOL BUDGET APPROPRIATION FOR FISCAL YEAR 2024.

Filed June 7, 2023  
By Joseph L. Ferris

BE IT RESOLVED, that the following school budget articles be adopted and approved for fiscal year 2024:

1. That **\$10,124,072** be authorized to be expended for Regular Instruction.
2. That **\$5,666,049** be authorized to be expended for Special Education.
3. That **\$0** be authorized to be expended for Career and Technical Education.
4. That **\$1,335,141** be authorized to be expended for Other Instruction.

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5. That **\$1,554,132** be authorized to be expended for Student and Staff Support.
6. That **\$704,477** be authorized to be expended for System Administration.
7. That **\$1,223,999** be authorized to be expended for School Administration.
8. That **\$679,259** be authorized to be expended for Transportation and Buses.
9. That **\$2,707,152** be authorized to be expended for Facilities Maintenance.
10. That **\$2,757,002** be authorized to be expended for Debt Service and Other Commitments.
11. That **\$10,501** be authorized to be expended for All Other Expenditures.; and

BE IT FURTHER RESOLVED, that **\$18,888,157** be appropriated for the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that **\$5,534,761** be raised as the municipality's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, M.R.S.A. Section §15688; and

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

BE IT FURTHER RESOLVED, that **\$145,946** be raised and appropriated for the annual payments on debt service previously approved by the municipality's legislative body for non-state-funded school construction projects, or non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the municipality's contribution to the total cost of funding public education from pre-kindergarten to grade 12; and

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

BE IT FURTHER RESOLVED, that **\$2,493,953** be raised and appropriated in additional local funds for school purposes under Maine Revised Statutes, Title 20-A §15671-A. The school committee recommends **\$2,493,953** for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by **\$2,578,114**: The Essential Programs and Services funding model does not fully fund a number of educational costs in the school administrative unit such as special education needs, extra and co-curricular costs and local voter approved debt service; and

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

BE IT FURTHER RESOLVED, that the school committee be authorized to expend **\$26,761,784** for the fiscal year beginning July 1, 2023 and ending June 30, 2024 from the municipality's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section §15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools; and

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

<u>Category</u>	<u>Estimated Amounts</u>
Title IA	480,000
Title IIA	90,000
Title IV	48,000
Local Entitlement	400,000
School Lunch Subsidy	300,000
Extended Learning Opportunities	122,000
RREV	100,000

; and

BE IT FURTHER RESOLVED, that the Regional Vocational Budget as approved by the Cooperative Board for the year July 1, 2023 to June 30, 2024 be approved in the amount of **\$4,477,950**; and

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

2023-B022

June 13, 2023

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

Filed June 7, 2023  
By Jerry Goss

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BE IT RESOLVED, that the Brewer City Council herewith approves the regional vocational high school budget, as approved by the cooperative board, for the year July 1, 2023 – June 30, 2024 in the amount of **\$4,159,422**.

**Statement of Fact:** The budget for 2022-2023 was \$3,682,608.

2023-B023

June 13, 2023

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

Filed June 7, 2023  
By Michele Daniels

BE IT RESOLVED, that the Brewer City Council herewith approves the regional vocational high school budget for adult education, as approved by the cooperative board, in the amount of **\$318,529** for the year July 1, 2023 – June 30, 2024.

**Statement of Fact:** The budget for 2022-2023 was \$318,529.

2023-A088

June 13, 2023

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

Filed June 7, 2023  
By Jenn M. Morin

BE IT ORDERED, that the Brewer City Council authorizes the Brewer School Department to expend such other sums as may be received from federal or state grants or programs or other sources during the 2024 fiscal year for school purposes provided such grants, programs or other sources do not require the expenditure of other funds not previously appropriated.

**ACTION:** Councilor Ferris asked that Order 2023-A075 be removed from the consent calendar. Councilor Ferris moved that the remaining orders on the consent calendar have passage and that the resolves be adopted. Councilor Goss seconded the motion. The motion passed with a unanimous vote.

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2023-A075

June 13, 2023

TITLE: ORDER, PURCHASE PROPERTY AT 4 HARDY STREET, BREWER, MAINE  
(MAP 28, LOT 176).

Filed June 6, 2023  
By Joseph L. Ferris

WHEREAS, recent improvements to the City of Brewer's Riverwalk Trail have increased the usage of the trail by citizens; and

WHEREAS, 4 Hardy Street in Brewer is in proximity to the Riverwalk Trail; and

WHEREAS, the City of Brewer has deemed that the purchase of 4 Hardy Street, Brewer, Maine (Map 28, Lot 176) will allow the City to make necessary enhancements to the trail; and

WHEREAS, the City has Tax Increment Financing (TIF) funds available to purchase the property at 4 Hardy Street; and

WHEREAS, the heirs of Helen M Cowen of 4 Hardy Street have agreed to accept the offer from the City to purchase 4 Hardy Street for \$300,000 plus closing costs.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council herewith agrees to purchase 4 Hardy Street, Brewer, Maine; and

BE IT FURTHER ORDERED, that the Brewer City Council herewith authorizes the appropriation and expenditure of these funds from the Property Acquisition fund 0510101-551100 for the purchase of 4 Hardy Street, Brewer, Maine (Map 28, Lot 176); and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is hereby authorized to take any and all actions and to sign any and all documents necessary to complete this purchase.

**Statement of Fact:** The City of Brewer will purchase 4 Hardy Street (Map 28, Lot 176) from the heirs of Helen M Cowen for the price of \$300,000 plus closing costs for the purpose of making enhancements to the Riverwalk Trail.

**ACTION:** Councilor Ferris moved that the order have passage. Councilor Goss seconded the motion. Councilor Ferris said that he would recuse himself from the vote. The motion passed with a 4-0 vote with Councilor Ferris abstaining.

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**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 unanimous vote.

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**E. Nominations, Appointments, Elections**

There were no nominations, appointments, or elections.

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**F. Unfinished Business**

2023-C008

May 9, 2023

**TITLE:** ORDER, ENACT AND ADD CHAPTER 51 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “CITY OF BREWER MORATORIUM ORDINANCE ON CERTAIN HOUSING REGULATIONS”.

Filed May 5, 2023  
By Jerry Goss and  
Soubanh Phanthay

WHEREAS, the 130th Legislature of the State of Maine enacted LD 2003, “An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions” (P.L. 2022, Ch. 672, “LD 2003”); and

WHEREAS, the State-mandated changes to local zoning contained within LD 2003 currently have an implementation date of July 1, 2023; and

WHEREAS, in the current session of the Maine Legislature, there are numerous bills pending that may or may not amend the substantive provisions of LD 2003 and/or postpone its implementation date of July 1, 2023; and

WHEREAS, the Maine Department of Economic and Community Development (“DECD”) was tasked with preparing rules for municipalities to assist with understanding LD 2003 and amending local ordinances; and

WHEREAS, DECD has not yet completed said rules, and

WHEREAS, once said rules are completed, the City needs time to review said DECD rules; and

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WHEREAS, the City of Brewer desires to revise ordinances to meet the State law and implementing regulations, meet the City of Brewer Comprehensive Plan, and provide the best regulations for the residents of the City of Brewer for orderly and responsible development; and

WHEREAS, the aforementioned uncertainties and incomplete actions by the State present significant challenges for the City of Brewer to meaningfully prepare, review, and adopt ordinances and/or regulations consistent with LD 2003 and, further, without such enactments by the City of Brewer the current City ordinances are insufficient to prevent serious public harm or overburdening of public facilities given the potential for significantly more dense development in the City of Brewer contemplated by LD 2003; and

WHEREAS, a moratorium is necessary for the City to review its Land Use Code and other applicable Codes and Ordinance to determine the implications of LD 2003 and prepare, review, and adopt ordinance/code provisions to prevent serious public harm or overburdening of public facilities; and

WHEREAS, the process for amending local ordinances takes several months for public hearing, Planning Board review and recommendation, and City Council posting and action; and

WHEREAS, this ordinance amendment procedure cannot be completed prior to the current State implementation date of July 1, 2023 for LD 2003; and

WHEREAS, it is anticipated that said review and development of recommended ordinance changes will take at least one hundred and eighty (180) days from the date the City enacts this Moratorium Ordinance on Certain Housing Regulations.

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Brewer that the following Chapter 51 entitled “Moratorium Ordinance on Certain Housing Regulations” be, and hereby is, enacted, and, in furtherance thereof, the City Council does hereby declare a moratorium on the acceptance and processing of any applications in the City not currently authorized by existing Ordinances and Codes but have the potential to be authorized through implementation of LD 2003.

This Moratorium Ordinance shall remain in effect for one hundred and eighty (180) days from the date of applicability of this Ordinance, unless extended, repealed, or modified by the City Council, for express purpose of drafting an amendment or amendments to the City’s current Land Use Code and other applicable Codes and Ordinances to adequately address the requirements of LD 2003, as may be amended.

BE IT FURTHER ENACTED, that notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, this Ordinance, when enacted, shall govern any zoning regulations for which an application for a building permit, Certificate of Occupancy, site plan, subdivision, or any other required approval has not been submitted to and granted final approval by the Code Enforcement Officer, Planning Board, or other City officials or boards prior to the applicability date of this Ordinance.

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BE IT FURTHER ENACTED, that during the time this Moratorium Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the City shall accept, process, approve deny, or in any other way act upon any application for a license, building permit, Certificate of Occupancy, special exception review, site plan review, subdivision review, and/or any other permits or licenses related to the regulation created by LD 2003 unless existing City ordinances and regulations authorize such activity(ies).

BE IT FURTHER ENACTED, that those provisions of the City’s current Land Use Code and other applicable Codes and Ordinances that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained and as it may be extended as permitted by law, but not otherwise.

BE IT FURTHER ENACTED, that if an entity is in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance, and the City shall be entitled to all rights available to it in law and equity, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney’s fees and costs in prosecuting any such violations; and

BE IT FURTHER ENACTED, that should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

**Statement of Fact:** This Moratorium Ordinance is to prevent certain housing and development activities that are contemplated from legislation of LD 2003 that are not currently authorized by existing City ordinances and regulations for a period of one hundred eighty (180) days from the date of enactment of this Moratorium Ordinance.

**ACTION:** Councilor Goss moved that the amendment be tabled. Councilor Daniels seconded the motion. The motion passed with a unanimous vote.

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**G. New Business**

2023-C009

June 13, 2023

TITLE: ORDER, AMEND CHAPTER 24 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “LAND USE CODE”, ARTICLE 4, “PERFORMANCE STANDARDS”, SECTION 442.7.17.

Filed June 1, 2023  
By Jenn M. Morin

BE IT ORDAINED, by the Brewer City Council that Chapter 24, of the Charter, Codes and



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Ordinances of the City of Brewer, entitled “Land Use Code”, Article 4, “Performance Standards”, Section 442.7.17 shall be amended as follows:

442.7.17 Reactivate a discontinued solar energy system – An owner or operator may submit a written request to the Brewer Planning Board to ~~reactive~~ reactivate a solar energy system that has been discontinued or abandoned due to extenuating circumstances. The Brewer Planning Board shall be responsible for the review and approval or denial of any written request to reactivate a solar energy system, subject to applicable review criteria for a new permit to operate the system. Unless the Board approves a request to reactivate the system, the solar energy system shall be considered abandoned.

**Statement of Fact:** This ordinance amendment corrects a typographical error in Amendment 2020-C004 as a ministerial matter. This ordinance amendment was posted by the city clerk on June 1, 2023, and is eligible to be enacted at the regular meeting on June 13, 2023.

**ACTION:** Councilor Morin moved that the amendment be enacted. Councilor Daniels seconded the motion. The motion passed with a unanimous vote.

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2023-C010

June 13, 2023

TITLE: ORDER, AMEND CHAPTER 24 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “LAND USE CODE”, ARTICLE 4, “PERFORMANCE STANDARDS”, SECTIONS 426 AND 436, ARTICLE 6, “SITE PLAN REVIEW”, SECTIONS 605.1, 606, AND 610, AND ARTICLE 14, “DEFINITIONS”.

Filed June 1, 2023  
By Joseph L. Ferris

BE IT ORDAINED, by the Brewer City Council that Chapter 24, of the Charter, Codes and Ordinances of the City of Brewer, entitled “Land Use Code”, shall be amended by revising the following subsections to, Article 4, Article 6, and Article 14:

**ARTICLE 4 PERFORMANCE STANDARDS**

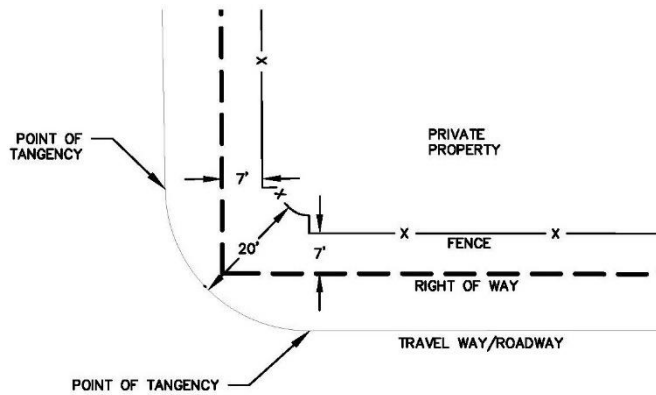
**426 PLANTING**

Planting set-back for all trees and shrubs with a potential height of over three (3) feet shall be governed by the following:

**426.1** There shall be a minimum set-back of seven (7) feet from the street right-of-way line, on all straight-of-ways.

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- 426.2** At street intersections where a radius of curvature is shown on the plan or deed, the minimum set-back line shall be ~~determined by locating the edge of the right-of-way trees, plants or shrubs~~ seven (7) feet behind said right-of-way line and/or twenty feet (20') from the edge of the travel way until the point of tangency, whichever is greater.
- 426.3** At street intersections where there is no known radius ~~or of~~ curvature ~~allowed~~, the minimum set-back line shall be twenty feet (20') from the edge of travel way until the point of tangency determined by locating a line parallel to and fifteen (15) feet wider than the existing street lines concerned. These fifteen (15) foot set-back lines shall then become the minimum set-back line for planting.



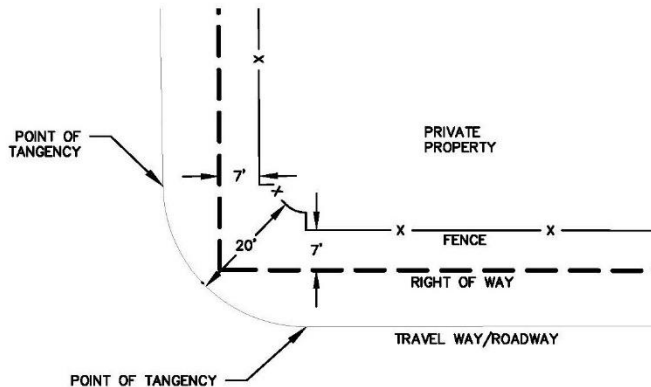
- 426.4** Landscaping and plantings shall also adhere to the minimum requirement for clear space around hydrants as included in Chapter 40 (Water Department), Section 303 of the City of Brewer Charter, Codes and Ordinances.

**436** YARDS AND SETBACKS

**436.7** FENCES

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There shall be a seven foot (7') front yard setback for fences when along a public road, private road, or common driveway. At intersections where a radius of curvature is shown on the plan or deed, the minimum set-back line shall be seven (7) feet behind said right-of-way line and/or twenty feet (20') from the edge of the travel way until the point of tangency, whichever is greater. At street intersections where there is no known radius of curvature, the minimum set-back line shall be twenty feet (20') from the edge of travel way until the point of tangency.



Fences may be placed directly on side and rear property lines. Consideration should be made for access to maintain the fence.

Fences shall also adhere to the minimum requirement for clear space around hydrants as included in Chapter 40 (Water Department), Section 303 of the City of Brewer Charter, Codes and Ordinances.

## ARTICLE 6 SITE PLAN REVIEW

### 605.1 EXPIRATION OF PLANNING BOARD APPROVAL (#2)

The ability and procedure of a major site plan to be approved and constructed in phases shall be determined on a case-by-case basis by the Planning Board. If permitted, details of such phasing shall be outlined on the site plan and written Planning Board Order. Previously approved site plans may be eligible for phasing if brought before the Planning Board for an amended site plan review within eighteen months of approval.

Site plan approval granted by the Planning Board shall expire if the work or use involved is not commenced within one year of the date which the approval is granted, or if the work is not substantially completed within eighteen months of the site plan approval date. For projects approved for completion in phases, site plan approval shall expire if the work does not meet the phasing conditions approved for the project.

Expiration of the applicable dates prior to commencement or substantial completion shall void the site plan approval unless the Code Enforcement Officer has granted an extension for a period

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not to exceed ninety days based on the Code Enforcement Officer's written finding of a reasonable cause. If additional extensions are required, the Planning Board may grant such additional extensions based on a written finding of reasonable cause.

Requests for the Planning Board to grant an extension shall include a letter stating the reason for the extension request, proposed extension date, and the non-refundable fee as set forth in the then current City Council adopted fee schedule, payable to the City of Brewer. Three (3) copies of the above information and the check shall be submitted to the Planning Department four weeks prior to the Planning Board meeting.

**606 REQUIRED INFORMATION (#2)**

Application for the establishment of uses and/or site improvements requiring site plan review shall be accompanied by plans (one inch equals twenty feet is preferred) drawn to scale, and accompanying written materials bound either in a punch and bind or 3-ring binder. Site plans shall be based on field measurements and current on-site data prepared, signed, and stamped by a State of Maine licensed professional land surveyor, engineer, or landscape architect. For purposes of site plan review, the “site” consists of the entire parcel of land and not just the portion developed. The required submission containing at a minimum the following information:

**610 SITE PLAN AMENDMENTS**

Minor revisions to an approved site plan may be permitted by the City Planner, subject to the following conditions:

- 610.1** A narrative and revised plan(s) showing the revision is submitted (in three copies) to the Planning Department along with the non-refundable fee as set forth in the then current City Council adopted fee schedule, payable to the City of Brewer.

**ARTICLE 14 DEFINITIONS**

**Structure:** Anything constructed, built or erected, the use of which requires a temporary or permanent location on the ground, or attached to something temporarily or permanently located on the ground. This term shall not include fences, retaining walls, sidewalks, walkways, driveways, out-door parking lots and their attendant paving.

**Statement of Fact:** These ordinance amendments are proposed in order to clarify items, update site plan procedures, and better address setbacks for landscaping and fences. The Planning Board held a public hearing on June 5, 2023 and unanimously made the recommendation to adopt these amendments to Chapter 24 Land Use Code as written.

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**ACTION:** Councilor Ferris moved that the amendment be enacted. Councilor Goss seconded the motion. The motion passed with a unanimous vote. Mayor Phanthay announced that the amendment was certified and would be filed with the city clerk for posting.

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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 Daniels seconded the motion. The motion passed with a unanimous vote. The meeting was adjourned at 6:30 P.M.

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

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