

City Council Minutes
Tuesday, February 13, 2024

Regular Meeting
City Hall Council Chambers

Tuesday, February 13, 2024
6:00 p.m.

The regular meeting was called to order by Mayor Jenn Morin. The city clerk called the roll:

- Councilor Phanthay-present
- Councilor Daniels-present
- Councilor O’Halloran-present
- Mayor Morin-present

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

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

Mayor Morin read the notice for the regular meeting.

TO: Soubanh Phanthay, Michele Daniels, Dani O’Halloran, and Jenn Morin; 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 13, 2024 beginning at 6:00 p.m.**, at 80 North Main Street, to consider and act on the items on the attached agenda.

s/ Jenn M. Morin
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 |
|---------------------|------------------------|-------|------------|-------|
| Soubanh Phanthay | M. Rose | Off. | 02/09/2024 | 16:49 |
| Michele Daniels | M. Rose | Off. | 02/09/2024 | 17:00 |
| Dani O’Halloran | M. Rose | Off. | 02/09/2024 | 17:10 |
| Jenn Morin | M. Rose | Off. | 02/09/2024 | 16:43 |

CITY COUNCIL REGULAR MEETING
Tuesday, February 13, 2024 6:00 P.M.
Brewer City Hall Council Chambers

- I. Call to Order** (Mayor Morin)
- II. Roll Call** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America** (Mayor Morin)
- A. Minutes of the January 9, 2024 Regular Meeting** (Councilor Daniels)
- B. Awards, Petitions and Public Comments**
 - 1. Swearing-In Ceremony Brewer Police Patrol Officer, Daniel Harlan
Brewer Police Patrol Officer, Tyler Johnston
Brewer Police Detective, Savannah Lutz
Brewer Police Corporal, Michael Cummings
Brewer Police Corporal, Joseph Everett
 - 2. (2024-B003) RESOLVE Resolution of Respect for Jerry Goss.
(Mayor Morin, Councilor Phanthay, Councilor Daniels, and Councilor O'Halloran)
 - 3. Presentation: Fiscal Year 2023 Audit Report, City of Brewer Finance
Director Karen Fussell.
 - 4. Discussion: Update on Hampden Waste Facility.
 - 5. Discussion: Update on American Rescue Plan Act.
 - 6. Public Comments
- IV. Recess for Public Hearing**
 - 1. To consider extending moratorium on large-scale solar energy systems.
- V. Adjourn Public Hearing**
- C. Consent Calendar**
 - 1. (2024-A009) ORDER Accept wellness funds from Maine Municipal Employees Health Trust. (Councilor O'Halloran)
 - 2. (2024-A010) ORDER Accept Forest firefighting grant funds.
(Councilor Phanthay)
 - 3. (2024-A011) ORDER Accept donation from Bob and Edner Fago to Brewer Parks and Recreation Department to benefit the after-school program and summer camp programs. (Councilor Daniels)
 - 4. (2024-A012) ORDER Authorize sale of scrap metal and appropriation of proceeds. (Councilor O'Halloran)
 - 5. (2024-A013) ORDER Declare City property surplus and authorize sale of surplus property. (Councilor Phanthay)
 - 6. (2024-A014) ORDER Authorize purchase of replacement light fixtures for Joshua Chamberlain Bridge. (Councilor Daniels)
 - 7. (2024-A015) ORDER Purchase replacement light fixture, pole and foundation for Dirigo Drive. (Councilor O'Halloran)
 - 8. (2024-A016) ORDER Accept grant from Maine Emergency Management Agency for backup generator for Water Department

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interconnection. (Councilor Phanthay)

9. (2024-B004) RESOLVE Resolution to extend moratorium on large-scale solar energy systems.
(Councilor Daniels and Councilor Phanthay)
10. (2024-B005) RESOLVE Amend Schedule of City Council Regular Meetings to change March 2024 meeting date. (Councilor O'Halloran and Councilor Daniels)

D. Monthly Reports (Councilor Daniels)

E. Nominations, Appointments, Elections

1. Election of Deputy Mayor

(Mayor Morin)

2. (2024-A017) ORDER Appoint associate member to the City of Brewer Planning Board. (Councilor O'Halloran and Councilor Daniels)

3. Consent Calendar

1. (2024-B006) RESOLVE Declare a vacancy on the Board of Commissioners of the Housing Authority of the City of Brewer for the unexpired term of Frank Gallant.
(Councilor Phanthay)
2. (2024-B007) RESOLVE Accept resignation of Thomas Tardiff from the Parks and Recreational Advisory Commission of the City of Brewer. (Councilor Daniels)
3. (2024-A018) ORDER Appoint associate member to the City of Brewer Planning Board. (Councilor O'Halloran and Councilor Daniels)
4. (2024-A019) ORDER Appoint associate member to the City of Brewer Conservation Commission. (Councilor O'Halloran and Councilor Daniels)

F. Unfinished Business (none)

G. New Business

1. (2024-C001) ORDER Amend Chapter 31 of the Charter, Codes and Ordinances of the City of Brewer, entitled "Environmental Ordinance", to amend Article 4 "Building Sewers, Connections and Extensions", Section 404 "Separate Building Sewers Required", Section 413 "Inspection Required", and to add Section 414.1 "Force Mains and Easement Areas".
(Councilor Phanthay)
2. Discussion: Naming the City of Brewer Notification System and the City of Brewer Newsletter.

H. New Items with Leave of Council

I. ADJOURN

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A. Minutes of the January 9, 2024 Regular Meeting

ACTION: Councilor Daniels moved that the minutes to the January 9, 2024 Regular Meeting be accepted and placed on file. Councilor Phanthay seconded the motion. The motion passed with a unanimous vote.

B. Awards, Petitions and Public Comments

1. Swearing-In Ceremony Brewer Police Patrol Officer, Daniel Harlan
 Brewer Police Patrol Officer, Tyler Johnston
 Brewer Police Detective, Savannah Lutz
 Brewer Police Corporal, Michael Cummings
 Brewer Police Corporal, Joseph Everett

The city clerk swore in Daniel Harlan and Tyler Johnston as Brewer Police Patrol Officers, Savannah Lutz as Brewer Police Detective, and Michael Cummings and Joseph Everett as Brewer Police Corporals. Councilor Phanthay and Councilor Daniels presented Brewer Challenge Coins to the new and promoted officers.

2024-B003

February 13, 2024

TITLE: RESOLVE, RESOLUTION OF RESPECT FOR JERRY GOSS.

Filed December 12, 2023
By Jenn M. Morin, Soubanh Phanthay,
Michele Daniels, and Dani O'Halloran

WHEREAS, on the seventh day of December 2023, death brought to a close the full and active life of Jerry Goss; and

WHEREAS, Jerry was born in Bangor in 1947; and

WHEREAS, Jerry graduated from Brewer High School in 1965 and continued his education at the University of Maine where he earned a bachelor's degree and master's degree in Education, as well as a Certificate of Advance Study in Supervision; and

WHEREAS, Jerry started his teaching career in 1969 at the Joseph A. Leonard Middle School in Old Town, and became Assistant Principle in 1981; and

WHEREAS, Jerry returned to his alma mater and became Principal at Brewer High School in 1987 and served until his retirement in 2002; and

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WHEREAS, Jerry worked in service to his community volunteering in various capacities and a multitude of roles including: President of Rocky Knoll Country Club; Bangor Region Health Advisory Board Substance Abuse Task Force in 2014; Penobscot Community Health Center Board Member; Bangor Area Recovery Network Board of Directors; Life Member of the National Education Association and the Maine Principals' Association; MPA Swim and Basketball Committees; Co-Director of the MPA High School Basketball Tournament in Bangor since 2012; and

WHEREAS, Jerry served as President of Brewer High School Trustees which oversaw the building of Brewer Community School; and

WHEREAS, Jerry worked tirelessly for the Heddericq Field Revitalization Committee on the installation of artificial turf as well as tennis and pickle ball courts; and

WHEREAS, Jerry was instrumental in developing the Alternative Choice for Teens (ACT) Program as a part of the Brewer School System and advocated for its relocation to a facility to better serve the needs of the program; and

WHEREAS, in 2000 Jerry initiated one of the first School Resource Officer programs in the State of Maine to prevent drug use and improve safety in schools, ultimately becoming a model program for communities throughout the State; and

WHEREAS, Jerry received many accolades including: 1997 Maine Principal of Year; the 2015 Bangor Chamber of Commerce Catherine Leborwitz Public Service Award; the 2018 Jean Baker Recovery Advocacy Award for work with the Bangor Area Recovery Network ; the Maine Association of Directors of Services for Children with Exceptionalities Regular Educator of the Year Award; and in 2023 Jerry received the Maine Principals' Association Larry LaBrie Award for Outstanding Contributions to the Interscholastic Division; and

WHEREAS, at the time of his passing, Jerry was in the midst of his fifth term on the Brewer City Council having served the City for fourteen years, including four terms as Mayor; and

WHEREAS, Jerry was a model educator, administrator, and encourager who faithfully challenged his students and all those around him to "Make it a great day!"

NOW, THEREFORE BE IT RESOLVED, that the Brewer City Council does by this resolution and public pronouncement, recognize the positive influence of Jerry Goss to the well-being and development of his community and he 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 Jerry Goss by the citizens and officials of the City of Brewer, Maine.

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ACTION: Councilor Daniels moved that the resolve be adopted. Councilor Phanthay seconded the motion. Mayor Morin read the resolve into the record and presented copies of the record to Jean Goss, widow of Jerry Goss. Councilor Daniels thanked Jean for her support of Jerry over the years. Councilor Phanthay admired Jerry for making a point of recognizing and honoring those who had done well. Councilor O’Halloran said that Jerry was proud of his City and had done a lot of great things. Mayor Morin said that she would remember that when something needed to be addressed or taken care of, Jerry would say, “Get ‘er done!” City Manager Steve Bost said that Jerry had been a superb City Councilor, friend, and mentor; one of the most positive people he had ever met. The City Manager praised Jerry for his commitment to keeping partisan politics out of City Council matters, quoting, “Leave your sack of rocks in the truck; when you come into the Council Chambers it’s all about Brewer.” The City Manager also commented on Jerry’s vision of urban renewal: “fix it, or flatten it!” The City Manager said that Jerry had been obsessed with artificial turf for all the right reasons, knowing it would catapult the school and Brewer sports teams to the next level. Maine House of Representatives District 20 Representative Kevin O’Connell presented to Jean Goss a Legislative Sentiment passed by the Maine House of Representatives honoring Jerry. Representative O’Connell said that Jerry bled orange and black, and that his passing was a great loss. Former City Councilor Joseph Ferris said that Jerry was an enthusiastic supporter of everything Brewer, and a wonderful inspiration. Mr. Ferris said that Jerry was a great friend, a great City Councilor, and an enthusiastic supporter. Jean Goss thanked the City of Brewer and the Maine Legislature for recognizing Jerry. Jean said that Jerry loved the City of Brewer, and often talked about the City of Brewer’s excellent staff. Jean presented to the Council Jerry’s personal City of Brewer Challenge Coin which carried with him everywhere he went. Councilor Daniels suggested that Jerry’s Coin be hung on the wall by Jerry’s seat on the dais. The motion that the resolve be adopted passed with a unanimous vote.

- 3. Presentation: Fiscal Year 2023 Audit Report, City of Brewer Finance Director Karen Fussell.

City of Brewer Finance Director Karen Fussell made a presentation regarding the Fiscal Year 2023 Financial Audit Report for the City of Brewer. The Finance Director said that the overall summary of the audit was that the City was in excellent financial shape. The Finance Director noted that the auditors had made some recommendations, and that the City and School were working to implement those changes. Mayor Morin asked if the fund balance would continue to increase indefinitely, the Finance Director noted that a larger fund balance was prudent given current economic volatility, but that funds could be directed to other priorities, like lowering the mil rate. Mayor Morin asked if the increase in fund balance was due to increased home prices, the Finance Director noted the complexity of the matter, but said that initial estimates had been lower, and more revenues had come in due to rising home prices. Mayor Morin asked the Finance Director anticipated the fund balance to stay the same, the Finance Director said that the dollar amount of fund balance changes yearly, but that as a percentage of the budget the City could consider keeping it within a specified range. Councilor Daniels asked if the Council could have a policy in place to manage the fund balance, the Finance Director said general guidelines could be enacted, but cautioned that firm rules could inhibit flexibility. Councilor Daniels said that the Council should consider such guidelines, the Finance Director said she would be willing to

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discuss it with the Council. The Council thanked the Finance Director for her tireless efforts to serve the City and to keep the Council informed.

4. Discussion: Update on Hampden Waste Facility.

City of Brewer Finance Director and Municipal Review Committee (MRC) Vice President Karen Fussell gave a brief background on the MRC, a non-profit organization that manages waste disposal for one-hundred-and-fifteen towns and communities in Maine. MRC was involved in the development of a solid-waste plant in Hampden, but in May of 2020 the plant shutdown. In September of 2022 the MRC was able to take control of the facility, and then went through a facilitation process and in July of 2023 and signed a partnership agreement. MRC Executive Director Mike Carol discussed the partnership with Innovative Resource Recovery (Innovative) and the latest developments with the Hampden facility. The Executive Director said that Innovative was actively working at the site and had entered into a number of partnerships to support the plant's restart. The Executive Director announced that the plant is planning to be at full commercial operation in 2025. Mayor Morin asked when there would be outreach to educate communities and representatives about the plant's reopening, the Executive Director said that community outreach was just ramping up now. Councilor Daniels noted that recycling is a big issue on the mind of Brewer residents, and said she had forwarded information about the project to community representatives. The Executive Director noted that the Hampden Waste Facility will pull out commodities for recycling (seven to ten percent), but will also be making brickettes, fuel, and producing gas, converting seventy to eighty percent of the trash. Mayor Morin said that the City of Brewer was getting ready to launch a newsletter, and that she hoped the newsletter could include information about the Hampden Waste Facility.

5. Discussion: Update on American Rescue Plan Act.

City of Brewer Finance Director Karen Fussell discussed the American Rescue Plan Act (ARPA), legislation passed in 2021 in response to the COVID-19 pandemic, part of which gave money to State, County, and Local governments. The Finance Director said that Brewer received \$954,238.78, and that the funds must be obligated by the end of 2024, and then need to be fully expended by December 2026. The Finance Director reported that the Council had obligated one-hundred percent of the funds as part of the Fiscal Year 2024 budget, and that the funds had been split among several capital improvement projects. The Finance Director noted that it was possible that when the final figures for these projects came in, there could be some ARPA funds still remaining. Councilor Daniels asked if leftover funds would come before the Council, and if there was a list of projects being looked at for those funds. The Finance Director said that the Council would have to vote to appropriate the funds, and if some funds did become available, a list of needs would be considered.

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Public Comments

Brewer resident and member of the American Postal Workers' Union Thomas Smith spoke about the United State Postal Service (USPS) and their plans to consolidate all outgoing mail processing operations from the plant in Hampden down to southern Maine. Mr. Smith said this consolidation project would be detrimental to the people of Maine. Mr. Smith said that all mail in eastern would have to travel to Portland and back before being delivered. Mr. Smith said this would cause delays in the delivery of medication, ballots, and just about everything else. Mr. Smith said the Postal Workers' Union was calling on civic leaders to help keep mail in eastern Maine. Mr. Smith said that USPS claims this consolidation project will save money, but it is unclear how that could be so. Mr. Smith said that the eventual plan is to build a super mail processing center outside of Boston. Mr. Smith again asked for the help of local civic leaders, stating that he had reached out to congressional representatives, but said that this is a local issue. Mr. Smith noted that there would be a public meeting on the matter on February 29 at 4:00 p.m. at Jeff's Catering in Brewer. Mr. Smith said this would affect eight jobs. Councilor Daniels said she plans to attend the public meeting.

Shawn McBreairty of Hampden, Maine, a volunteer parental rights advocate spoke about the Brewer School Department. Mr. McBreairty said that he was concerned with how far Brewer School Department had fallen, stating that in academic assessments only forty percent of students could read at proficiency and only twenty-five percent of students could perform math at proficiency. Mr. McBreairty said that the Superintendent of Schools was instead flooding the students with diversity, equity and inclusion and things like taxpayer funded gay sexual alliances. Mr. McBreairty said that the safety of female high school students was at risk, and that the Superintendent and the Brewer School Committee had not taken action to address these concerns. Mr. McBreairty said that at the previous night's School Committee Meeting, students and parents had provided public comment saying it was unsafe to allow a boy to invade female spaces. Mr. McBreairty said that the School Committee could have voted to place policy JB, the transgender and gender expansive student policy, on hold pending a work session or review of the risks, but they did not address the policy. Mayor Morin thanked Mr. McBreairty, and noted that the Brewer School Department is not in the purview of the City Council, but thanked Mr. McBreairty for bringing the matter to the Council's attention.

IV. Recess for Public Hearing

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

The public hearing was called to order by Mayor Morin.

The city clerk called the roll:

Councilor Phanthay-present

Councilor Daniels-present

Councilor O'Halloran-present

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Mayor Morin-present

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

Mayor Morin read the public notice:

**CITY OF BREWER
PUBLIC NOTICE**

Notice is hereby given that the Brewer City Council will hold a public hearing on **Tuesday, February 13, 2023 at 6:00 p.m. in the Council Chambers at Brewer City Hall located at 80 North Main Street, Brewer, Maine** to consider whether to extend the current moratorium on large-scale solar energy systems. Any person may present written or oral comments at this public hearing. Written comments must be received by 4:00 p.m. on the date of the hearing.

Vincent P. Migliore
City Clerk

The Mayor recognized Brewer City Planner Linda Johns. The City Planner spoke about the City's Ordinance on large-scale solar energy systems, and said that there were a number of areas where the Ordinance could be improved. The City Planner stated that the Planning Department had been working diligently to research and draft improvements, but that more time would be needed to result in the best possible Ordinance for the City. Councilor Daniels expressed concern that negative impacts on wetlands had been underestimated, the City Planner said that was the exact sort of issue that the Planning Department would be able to address by extending the moratorium. Mayor Morin asked if extending the moratorium would affect the five large-scale solar energy systems that had been approved, the City Planner said that those projects were already permitted and could continue to move forward.

Mayor Morin asked if there had been any written comments received from the public, there were none.

There were no public comments on the matter of extending the large-scale solar energy systems moratorium.

V. Adjourn Public Hearing

Mayor Morin adjourned the public hearing.

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

Councilor Phanthay-present
Councilor Daniels-present
Councilor O'Halloran-present

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Mayor Morin-present

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

C. Consent Calendar

2024-A009

February 13, 2024

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

Filed January 11, 2024
By Dani O'Halloran

WHEREAS, the City is eligible to receive up to \$3,680 from the Maine Municipal Employees Health Trust to support wellness initiatives and expenses in Calendar Year 2024 (CY2024); 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 the up to \$3,680 in wellness funds and directs that they be deposited into the City's CY2024 Wellness Grant Revenue account (0600501-360000-53025);

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of the wellness funds from the CY2024 Wellness Expense account (0600501-560000-53025) to promote the health and wellness of City employees.

Statement of Fact: This order accepts up to \$3,680 from the Maine Municipal Employees Health Trust to be used in calendar year 2024 to support City health and wellness initiatives and expenses.

2024-A010

February 13, 2024

TITLE: ORDER, ACCEPT FOREST FIREFIGHTING GRANT FUNDS.

Filed January 23, 2024
By Soubanh Phanthay

WHEREAS, the City of Brewer Fire Department has been awarded \$1,917.50 in 2024 Volunteer Fire Assistance grant funding from the United States Department of Agriculture Forest Service administered by the Maine Forest Service Fire Chief's Forestry Committee; and

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WHEREAS, the Brewer Fire Department will use the funding to purchase forest firefighting equipment including: fire pump suction hose and associated fittings, a large diameter water valve, portable radio, and firefighting foam; and

WHEREAS, in addition to the grant funds, the Brewer Fire Department will use \$2,787.50 of its own funding to purchase the equipment, for a total cost of \$4,705; 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 FY24 ME Forest Service Grant special revenue account (0600059-360000-59044), the local cash match will be deposited to FY24 MFS – Cash Match (0600059-300893-59044); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of the grant funds, along with the City's required share, from the FY24 ME Forest Service Grant Expense account (0600059-560000-59044) to purchase the equipment specified above.

Statement of Fact: This order accepts \$1,917.50 in grant funds from the Maine Forest Service and appropriates them, along with \$2,787.50 in City funds, for expenditure to purchase forest firefighting equipment.

2024-A011

February 13, 2024

TITLE: ORDER, ACCEPT DONATION FROM BOB AND EDNER FAGO TO BREWER PARKS AND RECREATION TO BENEFIT THE AFTER-SCHOOL PROGRAM AND SUMMER CAMP PROGRAMS.

Filed January 30, 2024

By Michele Daniels

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$500 from Bob and Edner Fago to benefit the After-School Program and Summer Camp programs; and

WHEREAS, it is the recommendation and request of the Parks & Recreation Director and the donor that this donation be appropriated and expended to supplement the After-School Program and the Summer Camp programs.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by a vote of its City Council, herewith accepts this donation and directs that donation be deposited to the Recreation Gifts revenue account (0600071-360000-71006); and

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BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these monies from the Recreation Gifts expense account (0600071-560000-71006) to support the Brewer Parks & Recreation Department's After School and Summer Programs.

Statement of Fact: This order accepts a contribution of \$500 from Bob and Edner Fago to the City of Brewer Parks & Recreation Department and authorizes its expenditure to support the After-School Program and the Summer Camp programs.

2024-A012

February 13, 2024

TITLE: ORDER, AUTHORIZE SALE OF SCRAP METAL AND APPROPRIATION OF PROCEEDS.

Filed January 30, 2024
By Dani O'Halloran

WHEREAS, the Brewer Public Works Department will be demolishing several City owned properties in the next several months; and

WHEREAS, some of the City owned properties slated for demolition contain metals that can be recycled; and

WHEREAS, the Public Works Director wishes to use the unanticipated revenue from recycling metals to purchase food for lunches in appreciation of the efforts of the employees of the Public Works Department.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith accepts the proceeds from the sale of scrap metals recovered from demolished buildings owned by the City, and authorizes their receipt to 0106604-300490 (Public Works Misc Revenue) and their expenditure from 0116661-502900 (Public Works Misc Supplies and Expenses) to recognize the Public Works employees for their outstanding efforts.

Statement of Fact: This order accepts proceeds from the sale of scrap metal from demolition projects and authorizes its expenditure on lunches for the Public Works crew.

2024-A014

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TITLE: ORDER, AUTHORIZE PURCHASE OF REPLACEMENT LIGHT FIXTURES FOR JOSHUA CHAMBERLAIN BRIDGE.

Filed February 2, 2024
By Michele Daniels

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WHEREAS, it was recently discovered that five of the nine light fixtures on the Brewer side of the Joshua Chamberlain Bridge area are currently not working; and

WHEREAS, the Brewer Engineering Department was previously notified that the manufacturer no longer produces the high-pressure sodium lights and their associated parts that are currently installed on the bridge; and

WHEREAS, a Light Emitting Diode (LED) retrofit alternative has been identified that maintains the character of the existing light fixtures and provides suitable lighting levels in the area; and

WHEREAS, a quote was solicited from the contractor that handles all of our street light repairs to replace all of the high-pressure sodium fixtures at once saving on labor, mobilization, and flagging costs as opposed to multiple repair call trips; and

WHEREAS, the total quote was \$22,432.14 for materials, labor, and traffic control.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is hereby authorized to sign a purchase order with Frazier Signals for \$25,000 (quoted price plus approximately 10% for contingency) to replace the street lights on the Joshua Chamberlain Bridge; and

BE IT FURTHER ORDERED, that the Brewer City Council hereby authorizes the appropriation and expenditure of \$25,000 in Unassigned Fund Balance (0109800-300901) from CIP account 0510113-551309 (Chamberlain Bridge Lighting) to support this unanticipated expense; and

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

Statement of Fact: The Engineering Department was recently made aware of several light fixtures that were not working on Brewer side of the Joshua Chamberlain Bridge and the surrounding area. It was determined that 5 of the 9 lights are currently not working. It will be most cost efficient to replace the remaining lights at the same time, as they are likely to go out in the near future given their age. The City's street light contractor has provided a quote including labor, materials, and traffic control to complete replacement of all nine street lights that the City is responsible for maintaining in this area.

2024-A015

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TITLE: ORDER, PURCHASE REPLACEMENT LIGHT FIXTURE, POLE AND FOUNDATION FOR DIRIGO DRIVE.

Filed February 6, 2024
By Dani O'Halloran

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WHEREAS, On January 14, 2024 a vehicle struck a light on Dirigo Drive and damaged beyond repair the light fixture, light pole, and foundation; and

WHEREAS, the vehicle that struck the light was damaged and the Brewer Police Department responded to the incident and filed a Police report; and

WHEREAS, the driver of the vehicle has insurance and the City's insurance has been notified of the incoming claim; and

WHEREAS, the Brewer Engineering Department has solicited a quote from the contractor who has done all of the previous repairs to the lights on Dirigo Drive and that quote is \$17,500.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to sign a purchase order with Hartt's Electric for \$17,500 and expend these funds to replace the street light fixture, pole, and foundation on Dirigo Drive; and

BE IT FURTHER ORDERED, that costs for this project shall be charged to the Street Light Equipment Maintenance and Repair account (0116100-504105) and be funded with insurance proceeds; and

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

Statement of Fact: On January 14th, a vehicle struck a light pole on Dirigo Drive causing significant damage to the fixture, pole, and foundation. A Police report was filed and the driver of the vehicle does have valid insurance. The City insurance carrier has been notified of the claim and the City expects to be reimbursed for the expenses associated with this damage. This Order authorizes the repairs to be done by the City's electrical contractor.

2024-A016

February 13, 2024

TITLE: ORDER, ACCEPT GRANT FROM MAINE EMERGENCY MANAGEMENT AGENCY FOR BACKUP GENERATOR FOR WATER DEPARTMENT INTERCONNECTION.

Filed February 7, 2024
By Soubanh Phanthay

WHEREAS, the Brewer Water Department's interconnection facility provides emergency backup to the Brewer water system; and

WHEREAS, the interconnection facility lacks a backup generator to protect against power outages; and

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WHEREAS, a permanent generator at this site is recommended to enhance the safety and reliability of Brewer’s system; and

WHEREAS, the Water Department successfully applied to the Maine Emergency Management Agency (MEMA) to secure grant funding to help pay for this improvement; and

WHEREAS, MEMA agreed to reimburse 90% of the project costs, up to \$119,070, and funding for Brewer’s 10% local share, estimated to be \$13,230, was included in the Fiscal Year 2024 (FY24) Water Capital Improvement Program (CIP).

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby accepts this \$119,070 in grant funds from MEMA and, together with the expected local share of \$13,230, authorizes their appropriation and expenditure from Water CIP account 0571003-573041 (Interconnect Generator).

Statement of Fact: This order accepts and appropriates \$119,070 in grant funds from the Maine Emergency Management Agency to be used to support the installation of a permanent backup generator at the Water Department’s interconnection facility. It also authorizes the required 10% local share in the amount of \$13,230.

2024-B005

February 13, 2024

TITLE: RESOLVE, AMEND SCHEDULE OF CITY COUNCIL REGULAR MEETINGS TO CHANGE MARCH 2024 MEETING DATE.

Filed February 8, 2024
By Dani O’Halloran and
Michele Daniels

WHEREAS, the Brewer City Council, at its annual meeting held on November 21, 2023, adopted Resolve 2023-B036 establishing dates of its regular monthly meetings for the 2023-2024 term; and

WHEREAS, Tuesday, March 12, 2024 was established as the date for the March 2024 regular Council meeting; and

WHEREAS, a scheduling conflict has emerged that would prevent Councilors from attending the meeting on March 12.

NOW, THEREFORE, BE IT RESOLVED, that Brewer City Council Resolve 2023-B036, be amended by changing the date of the regular meeting for the month of March from Tuesday, March 12, 2024 to Tuesday, March 19, 2024.

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Statement of Fact: This resolve amends the regular meeting schedule to change the date of the March 2024 meeting to March 19, 2024 to account for a scheduling conflict.

ACTION: Councilor Daniels asked that 2024-A013 and 2024-B004 be removed from the consent calendar. Councilor O’Halloran moved that the remaining orders on the consent calendar have passage and that the resolve be adopted. Councilor Phanthay seconded the motion. The motion passed with a unanimous vote.

2024-A013

February 13, 2024

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

Filed January 30, 2024

By Soubanh Phanthay

WHEREAS, the City of Brewer owns several properties that are scheduled for demolition in spring; and

WHEREAS, some of the City owned properties slated for demolition may contain items that can be reused or have monetary value.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council declares all materials and items at properties scheduled for demolition in spring of 2024 are surplus property; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to sell and finalize all sales, or dispose of said surplus property by means that would be in the best interest of the City of Brewer; and

BE IT FURTHER ORDERED, that the funds received from the sale of recovered items be allocated to the City’s Sale of Asset account (0106904-300410).

Statement of Fact: During the inspection of the properties scheduled for demolition several items were identified to be reusable and may have some value. Such items that can be easily removed may be sold or and reused.

Councilor Daniels and Councilor O’Halloran asked for an explanation of the order and what the process would be for items being repurposed or sold. City Manager Stephen Bost apologized to the Council that the order had not made it clear which properties were being considered. The City Manager explained that items of value would be put up for sale and awarded to the highest bidder. Public Works Director Dave Cote clarified that the properties in question were 4, 6, and 10 Hardy Street. The Public Works Director said that there were some appliances in the buildings which could be recovered, but that it is

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difficult to tell if items had value until they were removed. The Public Works Director said that items removed from the demolished buildings would be inventoried and then sold. The Public Works Director noted that sometimes items of value are first offered to the City Departments for use by the City before being offered for sale.

2024-B004

February 13, 2024

TITLE: RESOLVE, RESOLUTION TO EXTEND MORATORIUM ON LARGE-SCALE SOLAR ENERGY SYSTEMS.

Filed February 8, 2024
By Michele Daniels and
Soubanh Phanthay

WHEREAS, on September 12, 2023 the Brewer City Council enacted the “City of Brewer Moratorium Ordinance on Large-Scale Solar Energy Systems” (hereinafter “Moratorium”) which was put in effect for one-hundred-and-eighty-days and is set to expire on March 10, 2024; and

WHEREAS, 30-A M.R.S. § 4356 provides that, after notice and hearing, municipal officers may extend moratoriums for additional one-hundred-and-eighty-day periods; and

WHEREAS, a properly noticed public hearing was held on the 13th day of February, 2024, to allow the City Council to consider the need to extend the moratorium and whether reasonable progress has been made to alleviate said need, at which the City Council heard from all persons wishing to speak to the issue of extending the Moratorium; and

WHEREAS, pursuant to the aforescribed hearing, the City Council finds the problem giving rise to the Moratorium still exists, and that the City of Brewer has made reasonable progress to alleviate this need for the Moratorium; and

WHEREAS, the City Council further finds that additional time is warranted to provide sufficient time to alleviate the need giving rise to the Moratorium.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council hereby extends the Moratorium by an additional one-hundred-and-eighty-day time period; and

BE IT FURTHER RESOLVED, that to the extent any provision of this Resolution or the Moratorium is deemed invalid by a court of competent jurisdiction, the balance of the Resolution and/or Moratorium shall remain valid.

Statement of Fact: The Brewer City Council enacted a moratorium on large-scale solar energy systems in September of 2024. The moratorium is set to expire on March 10, 2024. This resolution extends the moratorium for an additional one-hundred-and-eighty days with a new expiration of September 6, 2024.

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Councilor Daniels asked if any of the Councilors anything to add to the discussion on solar and how the Council might proceed. Councilor Phanthay expressed his concern that solar energy takes up a lot of space and might have a significant impact on the landscape of Brewer. Mayor Morin expressed her support of the City Planner and extending the moratorium. Councilor Daniels suggested that a workshop be scheduled in advance of the expiration of the moratorium extension the Council could discuss how best to proceed.

ACTION: Councilor Daniels moved that Order 2024-A013 have passage and that Resolve 2024-B004 be adopted. Councilor Phanthay seconded the motion. The motion passed with a unanimous vote.

D. Monthly Reports

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

E. Nominations, Appointments, Elections

1. Election of Deputy Mayor

ACTION: Councilor Daniels nominated Soubanh Phanthay for Deputy Mayor. Councilor Daniels moved that nominations cease. Mayor Morin called for a vote: Councilor Phanthay was elected Deputy Mayor by unanimous vote. The city clerk swore-in Soubanh Phanthay as Deputy Mayor.

ACTION: Mayor Morin relinquished the Chair to Deputy Mayor Phanthay, and recused herself from the following order.

2024-A017

February 13, 2024

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

Filed February 8, 2024
By Dani O'Halloran and
Michele Daniels

BE IT ORDERED, that Patrick Jude, of 6 Alan-A-Dale Road, is herewith appointed to the City

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of Brewer Planning Board as an associate member to fill a vacancy; and

BE IT FURTHER ORDERED, that Mr. Jude’s term will commence February 18, 2024 and expire March 31, 2026.

Statement of Fact: Mr. Jude’s appointment to Brewer Planning Board will fill the vacated associate member seat previously held by Paul Mills.

ACTION: Councilor O’Halloran moved that the order have passage. Councilor Daniels seconded the motion. The motion passed with a vote of 3 to 0, Mayor Morin abstained.

ACTION: Mayor Morin reassumed the Chair.

3. Consent Calendar

2024-B006

February 13, 2024

TITLE: RESOLVE, DECLARE A VACANCY ON THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF BREWER FOR THE UNEXPIRED TERM OF FRANK GALLANT.

Filed January 18, 2024
By Soubanh Phanthay

WHEREAS, Brewer Housing Authority Board Member Frank Gallant passed away on January 14, 2024; and

WHEREAS, Mr. Gallant’s appointment to the Board was not set to expire until March 31, 2027; and

WHEREAS, the City Council must declare a vacancy on the Brewer Housing Authority Board before proceeding to fill the seat for the unexpired term of Frank Gallant.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council herewith declares that a vacancy will exist on Board of Commissioners of the Housing Authority of the City of Brewer for the unexpired term of Frank Gallant.

Statement of Fact: Brewer Housing Authority Board Member Frank Gallant recently passed away. This resolve declares a vacancy on the Brewer Housing Authority Board of Commissioners.

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2024-B007

February 13, 2024

TITLE: RESOLVE, ACCEPT RESIGNATION OF THOMAS TARDIFF FROM THE PARKS AND RECREATIONAL ADVISORY COMMISSION OF THE CITY OF BREWER.

Filed January 18, 2024
By Michele Daniels

WHEREAS, Thomas Tardiff was hired to a staff position by the Brewer Parks and Recreation Department in March of 2023; and

WHEREAS, at that time Mr. Tardiff resigned from the Parks and Recreational Advisory Commission; and

WHEREAS, the City Council must accept this resignation and declare a vacancy on the Parks and Recreational Advisory Commission before proceeding to fill the seat for the unexpired term of Thomas Tardiff.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council herewith accepts the resignation of Thomas Tardiff from the Parks and Recreational Advisory Commission of the City of Brewer, effective March 6, 2023, and declares that, on that date, a vacancy shall exist on the Parks and Recreational Advisory Commission of the City of Brewer for the unexpired term of Thomas Tardiff.

Statement of Fact: Thomas Tardiff was hired by the Brewer Parks and Recreation Department in March of 2023 and resigned his seat on the Parks and Recreational Advisory Commission to forego any potential conflict of interest. Due to an oversight, this resignation was not previously acknowledged by the Council. This resolve accepts Mr. Tardiff's resignation and declares a vacancy on the Parks and Recreational Advisory Commission.

2024-A018

February 13, 2024

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

Filed February 8, 2024
By Dani O'Halloran and
Michele Daniels

BE IT ORDERED, that Joy Sinclair, of 211 Center Street, is herewith appointed to the City of Brewer Planning Board as an associate member to fill a vacancy; and

BE IT FURTHER ORDERED, that Ms. Sinclair's term will commence February 18, 2024 and expire March 31, 2024.

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Statement of Fact: Ms. Sinclair’s appointment to Brewer Planning Board will fill the vacated associate member seat previously held by Mark Call.

2024-A019

February 13, 2024

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

Filed February 8, 2024
By Dani O’Halloran and
Michele Daniels

BE IT ORDERED, that Joy Sinclair, of 211 Center Street, is herewith appointed to the Conservation Commission to fill a vacancy; and

BE IT FURTHER ORDERED, that Ms. Sinclair’s term will commence February 18, 2024 and expire March 31, 2026.

Statement of Fact: Ms. Sinclair’s appointment to Conservation Commission will fill the vacated seat previously held by Paul Mills.

ACTION: Councilor Phanthay moved that the orders on the consent calendar have passage and that the resolves be adopted. Councilor O’Halloran seconded the motion. The motion passed with a unanimous vote.

F. Unfinished Business

There was no unfinished business.

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G. New Business

2024-C001

February 13, 2024

TITLE: ORDER, AMEND CHAPTER 31 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “ENVIRONMENTAL ORDINANCE”, TO AMEND ARTICLE 4 “BUILDING SEWERS, CONNECTIONS AND EXTENTIONS”, SECTION 404 “SEPARATE BUILDING SEWERS REQUIRED”, SECTION 413 “INSPECTION REQUIRED”, AND TO ADD SECTION 414.1 “FORCE MAINS AND EASMENT AREAS”.

Filed February 6, 2024
By Soubanh Phanthay

BE IT ORDAINED, by the Brewer City Council that Chapter 31, of the Charter, Codes and Ordinances of the City of Brewer, entitled “Environmental Ordinance”, Article 4 “Building Sewers, Connection and Extensions”, shall be amended as follows:

SECTION 404 SEPARATE BUILDING SEWERS REQUIRED

A separate and independent building sewer shall be provided for every habitable building, except ~~where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway; the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. in such cases where it is not possible to connect to the City sewer as deemed not possible by the Director of Environmental Services or his designee. The goal is one dwelling and one separate service. In the event that a separate sewer connection cannot be established, the habitable building without a sewer connection may, with approval from the Director of Environmental Services, install a private sewer system and incur the appropriate fees and billing, or connect to an existing dwelling with an active sewer connection. If connecting to a building with an active sewer connection, the building with the active connection will be charged the flat fee for the unit attached to it. All new connections need to filed with the Penobscot Registry of Deeds and reflect ownership of, and responsibility for, the new connections.~~

SECTION 413 INSPECTION REQUIRED

- (1) The applicant for the building sewer permit shall notify the City Engineer, the Plumbing Inspector or their agent when the building sewer is ready for inspection and connection to the public sewer.
- (2) No portion of any building sewer extending from the building drain to the public sewer shall be covered without the approval of the City Engineer or the Plumbing Inspector or their agent.
- (3) No public sewer shall be disturbed or broken into or connection made except under the supervision of the City Engineer, the Plumbing Inspector or their agent.
- (4) The City Engineer or the Plumbing Inspector or their agent shall be available to supervise and inspect the connection within Three (3) business days after notification of readiness.

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- (5) Inspection by camera in new or impacted sewer or stormwater infrastructure post construction within 10 days of the end of construction is required. Contractors can hire a third party and provide satisfactory proof of camera inspection to the City within the 10-day period, or ask the Director of Environmental Services if the City Collection System crew can be utilized to camera the project. The Director can allow this at his discretion based on schedule conflicts, equipment limitations, et cetera. The Director will endeavor to utilize Collection System crew whenever possible on City projects.

SECTION 414.1 FORCE MAINS AND EASEMENT AREAS

Any and all construction or proposed construction in areas involving City owned force mains or mains located within City owned easements require the approval of the Director of Environmental Services or his designee in order to be given approval to proceed. The Director, or his designee, may set such conditions to protect the infrastructure from damage before granting approval.

Statement of Fact: This ordinance amendment addresses several housekeeping items. The amendment clarifies the current ordinance with respect to multiple units sharing sewer connections. The amendment adds a section on inspection by camera to ensure adequate inspection of each sewer project and the surrounding infrastructure. The amendment also adds a section force mains and easements to ensure that special attention is paid vulnerable areas.

ACTION: Councilor Phanthay moved that the amendment be certified and filed with the city clerk for posting. Councilor Daniels seconded the motion. The motion passed with a unanimous vote.

2. Discussion: Naming the City of Brewer Notification System and the City of Brewer Newsletter.

ACTION: Councilor Daniels moved that the City of Brewer Community Notification System be named “Notify Brewer”. Councilor Phanthay seconded the motion. The motion passed with a unanimous vote.

ACTION: Councilor Daniels moved that the City of Brewer Newsletter be named “The Brewer Chronicle”. Councilor Phanthay seconded the motion. The motion passed with a unanimous vote.

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H. New Items with Leave of Council

ACTION: Mayor Morin introduced Order 2024-A020 “Appropriate funds to support City Council training and development.” under suspension of the rules. Mayor Morin asked the city clerk to poll the Council to see if there was unanimous consent to take up the order. The Council members voted 4 to 0 unanimous consent to take up Order 2024-A020 under suspension of the rules.

2024-A020

February 13, 2024

TITLE: ORDER, APPROPRIATE FUNDS TO SUPPORT CITY COUNCIL TRAINING AND DEVELOPMENT.

Filed February 13, 2024
By Michele Daniels and
Soubanh Phanthay

WHEREAS, the Maine Municipal Association has, for many years, encouraged representatives from Maine municipalities to join them in attending the National League of Cities (NLC) Congressional City Conference that takes place each March in Washington, D.C.; and

WHEREAS, the NLC conference is an opportunity for local government officials to connect with and learn from policy experts and federal agencies as well as other municipal officials from across Maine and the U.S.; and

WHEREAS, until the COVID-19 pandemic, Brewer had been a regular participant in the conference, often sending one or more City staff and/or Councilors to represent the City and its interests; and

WHEREAS, recent budgets, however, have not included funding to support such participation; and

WHEREAS, the City Council wishes to reinstate the tradition of attendance at this conference.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the appropriation and expenditure of up to \$12,000 in Unassigned Fund Balance (0109800-300901) from account 0115001-500860 (Council Training, Conferences and Meetings) to support this unanticipated expense.

Statement of Fact: This order appropriates up to \$12,000 in Unassigned Fund Balance to support the City Council’s attendance at the 2024 National League of Cities Congressional City Conference in Washington, DC.

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ACTION: Councilor Daniels moved that the order have passage. Councilor O'Halloran seconded the motion. The motion passed by a unanimous vote.

I. ADJOURN

ACTION: Councilor Daniels moved to adjourn. Councilor Phanthay seconded the motion. The motion passed with a unanimous vote. The meeting was adjourned at 8:13 P.M.

ADJOURNED, ATTEST: _____ Vincent P. Migliore
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine