

CITY COUNCIL REGULAR MEETING

Tuesday, June 4, 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 May 14, 2024 Regular Meeting and Minutes of the May 23, 2024 Special Meeting (Councilor Kimball)

B. Awards, Petitions and Public Comments

1. Proclamation: Juneteenth Celebration Day.
2. (2024-B021) RESOLVE Resolution of Respect for Ricci More.
(Councilor Phanthay)
3. Public Meeting: Review water rates of
the Brewer Water Department.
4. Public Comments

IV. Recess for Public Hearing

1. Smokey's BBQ, LLC. d/b/a Smokey's BBQ, 500 South Main Street, Brewer, Maine for a State of Maine Restaurant (Class I, II, III, IV) Liquor License.

V. Adjourn Public Hearing

C. Consent Calendar

1. (2024-B022) RESOLVE Approve City and School Budget Appropriation for Fiscal Year 2025. (Councilor Daniels)
2. (2024-B023) RESOLVE Approve Water Pollution Control Facility Budget for Fiscal Year 2025. (Councilor O'Halloran)
3. (2024-B024) RESOLVE Approve Water Department Budget for Fiscal Year 2025. (Councilor Kimball)
4. (2024-A105) ORDER Set tax due date and interest rate. (Councilor Phanthay)
5. (2024-A106) ORDER Accept advanced payments on Fiscal Year 2026 taxes. (Councilor Daniels)
6. (2024-A107) ORDER Set Fiscal Year 2025 interest rate for late payment of sewer bills. (Councilor O'Halloran)
7. (2024-A108) ORDER Set interest rate paid on abatements and overpayment of taxes. (Councilor Kimball)
8. (2024-A109) ORDER Authorize set off against unpaid taxes. (Councilor Phanthay)
9. (2024-A110) ORDER Authorize application of interest earnings to reserve funds. (Councilor Daniels)
10. (2024-B025) RESOLVE Approve School Budget Appropriation for Fiscal Year 2025. (Councilor O'Halloran)
11. (2024-B026) RESOLVE Approve Regional Vocational High School operating budget. (Councilor Kimball)

12. (2024-B027) RESOLVE Approve Regional Vocational High School budget on adult education. (Councilor Phanthay)
13. (2024-A111) ORDER Authorize the Brewer School Department to expend such other funds that may be received from federal or state grants or programs. (Councilor Daniels)
14. (2024-A112) ORDER Amend schedule of fees. (Councilor O'Halloran)
15. (2024-B028) RESOLVE Approve State of Maine Restaurant (Class I, II, III, IV) Liquor License to Smokey's BBQ, LLC. d/b/a Smokey's BBQ, 500 South Main Street, Brewer, Maine. (Councilor Kimball)
16. (2024-A113) ORDER Accept donation from Coach House Restaurant to Brewer Parks and Recreation to support summer programs. (Councilor Phanthay)
17. (2024-A114) ORDER Award contract for janitorial services to Sweep & Slate. (Councilor Daniels)
18. (2024-B029) RESOLVE Ratify Brewer Police Department Command Officers Collective Bargaining Contract. (Councilor O'Halloran)
19. (2024-B030) RESOLVE Ratify Brewer Police Department Patrol Officers Collective Bargaining Contract. (Councilor Kimball)
20. (2024-B031) RESOLVE Ratify Brewer Water Pollution Control Facility Collective Bargaining Contract. (Councilor Phanthay)
21. (2024-A115) ORDER Accept funds from the Maine Municipal Association's Edward MacDonald Safety Grant Enhancement Program. (Councilor Daniels)
22. (2024-A116) ORDER Commit water assessment to Treasurer for collection. (Councilor O'Halloran)
23. (2024-A117) ORDER Commit sewer assessment to Treasurer for collection. (Councilor Kimball)

D. Monthly Reports (Councilor O'Halloran)

E. Nominations, Appointments, Elections (none)

F. Unfinished Business (none)

G. New Business

1. (2024-C011) ORDER Amend Chapter 31 of the Charter, Codes and Ordinances of the City of Brewer, entitled "Environmental Ordinance", to amend Article 6, Section 602.8(I), Article 7, Section 704 and Article 9, Section 913. (Councilor Kimball)

H. New Items with Leave of Council

I. ADJOURN

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, JENNIFER M. MORIN, 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-four 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 fourth day of June Two-Thousand-and-Twenty-Four.

Signed this fourth day of June, 2024

Jennifer M. Morin, Mayor

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-B021

June 4, 2024

TITLE: RESOLVE, RESOLUTION OF RESPECT FOR RICCI MORE.

Filed April 16, 2024
By Soubanh Phanthay

WHEREAS, on the twenty-eighth day of March 2024, death brought to a close the full and active life of Ricci Vincent More; and

WHEREAS, Ricci was born in Jonesport in 1954; and

WHEREAS, Ricci graduated from Brewer High School and earned a degree in Forestry Management from the University of Maine; and

WHEREAS, Ricci married his high school sweetheart Susan Danforth in 1974 and they shared forty-nine years of marriage together and raised two children; and

WHEREAS, after starting as a summer employee with the City of Brewer while in school, Ricci became a permanent member of the City's Public Works Department in 1975; and

WHEREAS, Ricci served the City of Brewer Public Works Department for the entirety of his professional career, retiring in 2019 after forty-five years of service to the City; and

WHEREAS, during his time with the City, Ricci played a significant role in developing lasting safety policies for the Public Works Department and also served many years as a member of the City-wide safety committee; and

WHEREAS, in his role as Purchasing Agent, Ricci would regularly answer residents' questions and complaints with utmost professionalism, always maintaining a high standard as a representative of the City of Brewer; and

WHEREAS, Ricci was a member of the Ralph J. Pollard Masonic Lodge #217 in Orrington, and the Anah Shrine in Bangor where he served with the Photo Unit for a number of years; and

WHEREAS, Ricci enjoyed hunting, fly fishing, and supporting the activities of his children and grandchildren.

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

BREWER WATER DEPARTMENT
NOTICE OF PROCEEDING

May 20, 2024

The Brewer Water Department hereby notifies its customers that a proposed increase in rates has been filed with the Maine Public Utilities Commission (MPUC). The proposed rate adjustment is being filed pursuant to section 6104-A of Title 35-A of the Maine Revised Statutes.

The purpose of the rate increase is to dedicate funding to infrastructure renewal projects as allowed under MPUC Chapter 675. The Brewer Water Department is proposing an increase in current water rates to become effective August 1, 2024. The last time Brewer Water rates increased was in 2023. The proposed rates provide an increase in annual revenue of approximately \$93,826. We are proposing a rate change of 3% for all customer classes.

The minimum residential water bill will increase \$0.91 per month, for a quarterly charge of \$94.08. The average residential water bill will increase \$1.15 per month, for a quarterly charge of \$117.88.

A public meeting, pursuant to 35-A MRS § 6104-A, will be held on Tuesday, June 4, 2024 starting at 6 p.m. in the City Council Chambers at City Hall, 80 North Main Street in Brewer. The meeting will give customers the opportunity to make comments and ask questions regarding the proposed water rate increase. Customers may also request assistance from the Public Advocate, State House Station 112, Augusta, ME 04333, or telephone (207) 624-3687, or OPA.Admin@maine.gov.

Materials supporting the water rate change are available for review at the Brewer Water Department's office, 223 Green Point Road, Brewer, Monday–Friday (excluding holidays) between 8:30 a.m. and 4:30 p.m. Customers have the right and are encouraged to review these materials and to request information relating to present and proposed rates.

CITY OF BREWER PUBLIC NOTICE

Notice is hereby given that the Brewer City Council will hold a public hearing on Tuesday, June 4, 2024 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider the application of:

1. Smokey's BBQ, LLC. d/b/a Smokey's BBQ, 500 South Main Street, Brewer, Maine for a State of Maine Restaurant (Class I, II, III, IV) Liquor License.

This application is available for public inspection by contacting the Brewer City Clerk (989-7050). This notice was posted on the bulletin board at Brewer City Hall on May 22, 2024.

Any person may attend this public hearing and speak on this application. 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.

Vincent P. Migliore
City Clerk

published May 28, 29 and 30
in the BDN

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-B022

June 4, 2024

TITLE: RESOLVE, APPROVE CITY AND SCHOOL BUDGET APPROPRIATION FOR
FISCAL YEAR 2025.

Filed May 28, 2024

By Michele Daniels

BE IT RESOLVED, that the sum of **\$19,802,281** which sum constitutes the estimated requirements of the City of Brewer for the Fiscal Year 2025 (commencing July 1, 2024 and terminating June 30, 2025) 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 \$19,802,281 in property taxes in support of the Fiscal Year 2025 City and School budgets and authorizes expenditures for Fiscal Year 2025 as outlined in the accompanying schedules. It also approves non property tax funding to support those expenditures.

FY2025 Brewer Property Tax Calculation

Line	FY2024 FINAL	FY2025 Proposed	\$ Change	% Change
MUNICIPAL BUDGET				
1	16,707,924	17,811,542	1,103,618	6.61%
2	<u>8,467,093</u>	<u>9,570,711</u>	<u>1,103,618</u>	<u>13.03%</u>
3	8,240,831	8,240,831	0	0.00%
NET MUNICIPAL BUDGET (from taxation)				
EDUCATION BUDGET				
4	26,761,784	28,632,514	1,870,730	6.99%
5	<u>18,733,070</u>	<u>19,753,800</u>	<u>1,020,730</u>	<u>5.45%</u>
6	8,028,714	8,878,714	850,000	10.59%
NET EDUCATION BUDGET (from taxation)				
TAX INCREMENT FINANCING DISTRICTS				
7	1,515,559	1,643,314	127,755	8.43%
8	<u>147,583</u>	<u>363,814</u>	<u>216,231</u>	<u>146.51%</u>
9	1,367,976	1,279,500	-88,476	-6.47%
NET TIF BUDGET (from taxation)				
10	1,356,267	1,375,473	19,206	1.42%
11	20,000	27,763	7,763	38.82%
COUNTY ASSESSMENT OVERLAY				
12	19,013,788	19,802,281	788,493	4.15%
TOTAL PROPERTY TAX LEVY				
13	945,959,791	1,053,312,888	107,353,097	11.35%
14	<u>68,058,500</u>	<u>68,058,500</u>	<u>0</u>	<u>0.00%</u>
15	877,901,291	985,254,388	107,353,097	12.23%
NET ASSESSED VALUATION				
16	9.39	8.36	-1.02	-10.90%
17	9.15	9.01	-0.13	-1.46%
18	1.54	1.40	-0.15	-9.63%
19	0.02	0.03	0.01	23.69%
Overlay				
20	20.10	18.80	-1.30	-6.47%
TAX RATE				

Section B
Property Tax Rate Calculation

CITY OF BREWER
FY2025 Budget

**City of Brewer
FY2025 Budget Resolve**

	Appropriations (Expenditures) Approved	Non-Tax Revenues Used	State Rev. Sharing GPA Support	State Homestead Reimbursement	Fund Balance Used	Operating Transfers Used	Property Taxes Needed
Assessments							
1 County Assessment	\$ 1,375,473						\$ 1,375,473
Municipal Budget							
2 General Fund	\$ 17,811,542	\$ 4,203,599	\$ 3,124,500	\$ 718,090	\$ 545,000	\$ 979,522	\$ 8,240,831
3 Gen Fund Xfer to CIP	\$ -						\$ -
4 Capital Improvement	\$ 2,400,387	\$ 1,964,100				\$ 436,287	\$ -
5 Cemetery Trust Fund	\$ -						\$ -
6 TIF Districts	\$ 1,279,500						\$ 1,279,500
7 Total Municipal Budget	\$ 21,491,429	\$ 6,167,699	\$ 3,124,500	\$ 718,090	\$ 545,000	\$ 1,415,809	\$ 9,520,331
Education Budget							
8 Gen'l Education Budget	\$ 28,632,514	\$ 3,331,072	\$ 13,923,839	\$ -	\$ 2,248,889	\$ 250,000	\$ 8,878,714
9 Grand Totals	\$ 51,499,416	\$ 9,498,771	\$ 17,048,339	\$ 718,090	\$ 2,793,889	\$ 1,665,809	\$ 19,774,518
10 Budgeted Tax Overlay							\$ 27,763
11 To Be Raised From Taxes							\$ 19,802,281

12 2024-2025 Taxable Valuation \$ 1,063,312,888

TAX RATE CHANGE	
Tax Rate - NEW	\$ 18.80
Tax Rate - CURRENT	\$ 20.10
\$ Change in Tax Rate	\$ (1.30)
% Change	-6.47%

City of Brewer General Fund Spending Summary

	FY2024	FY2025	Change	Change
	Approved	Proposed	\$\$	%
MUNICIPAL				
General Government	2,496,756	2,696,397	199,641	8.0%
Protections	6,239,315	6,723,222	483,907	7.8%
Public Services	464,789	529,124	64,335	13.8%
Public Works	3,210,745	3,424,774	214,029	6.7%
Unclassified	332,330	337,570	5,240	1.6%
Debt Service	2,399,043	2,430,788	31,745	1.3%
Library & Recreational Services	1,564,946	1,669,669	104,723	6.7%
TOTAL MUNICIPAL FUND	16,707,924	17,811,543	1,103,619	6.6%
EDUCATION				
01 Personnel	17,953,016	19,017,857	1,064,841	5.9%
02 Supplies and Services	1,326,888	1,285,036	(41,852)	-3.2%
03 Buildings and Grounds	2,573,777	2,580,060	6,283	0.2%
04 Transportation	843,360	870,802	27,442	3.3%
05 Supt / Administration	729,941	751,823	21,882	3.0%
06 Out of District	373,000	659,200	286,200	76.7%
07 Vocational Education	0	0	-	0.0%
08 Adult Education	now a municipal expense	now a municipal expense		
09 Capital Outlay	164,300	498,200	333,900	203.2%
10 Trustees	2,797,502	2,969,536	172,034	6.1%
TOTAL EDUCATION BUDGET	26,761,784	28,632,514	1,870,730	7.0%
COUNTY ASSESSMENT OVERLAY				
	1,356,267	1,375,473	19,206	1.4%
	20,000	27,763	7,763	38.8%
GRAND TOTALS	44,845,975	47,847,293	3,001,318	6.7%

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-B023

June 4, 2024

TITLE: RESOLVE, APPROVE WATER POLLUTION CONTROL FACILITY BUDGET
FOR FISCAL YEAR 2025.

Filed May 28, 2024
By Dani O'Halloran

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, 2024 through June 30, 2025, as follows:

Total Cash Operating Expenses	\$ 2,712,040
Total Debt Service	\$ 763,771
Total Depreciation	\$ 805,000
Total Other Non-Operating Expenses	\$ <u>0</u>
SUBTOTAL	\$ 4,280,811
Total Capital Improvements	\$ <u>182,000</u>
GRAND TOTAL EXPENDITURES	\$ 4,462,811
Total Operational Revenues	\$ 3,451,373
Total Use of Retained Earnings	\$ 805,000
Other non-operational Revenue	\$ <u>24,438</u>
SUBTOTAL	\$ 4,280,811
Total Capital Funding	\$ <u>182,000</u>
GRAND TOTAL REVENUES	\$ 4,462,811

Statement of Fact: This annual order authorizes the Water Pollution Control Facility expenditures for FY 2025 and approves funding to support those expenditures. The budget proposes an adjustment of \$0.58 per 100 cubic feet, or 5.0%, to the current sewer rate. This would increase the average residential sewer bill by \$8.05 per quarter, or about \$32.20 per year.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-B024

June 4, 2024

TITLE: RESOLVE, APPROVE WATER DEPARTMENT BUDGET FOR FISCAL YEAR
2025.

Filed May 28, 2024
By William Kimball

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, 2024 through June 30, 2025 as follows:

Total Cash Operating Expenses	\$ 2,101,934
Total Debt Service	\$ 1,127,847
Total Depreciation	\$ 42,684
Total Other Non-Operating Expenses	\$ 2,280
SUBTOTAL	\$ 3,274,745
Total Capital Improvements	\$ 1,715,000
GRAND TOTAL EXPENDITURES	\$ 4,989,745
Total Operational Revenues	\$ 3,274,745
Total Use of Retained Earnings	\$ 0
Other non-operational Revenue	\$ 0
SUBTOTAL	\$ 3,274,745
Total Capital Funding	\$ 1,715,000
GRAND TOTAL REVENUES	\$ 4,989,745

Statement of Fact: This annual order authorizes the Water Department expenditures for Fiscal Year 2025 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 by approximately 3%. The proposed change would increase the average residential water bill by \$3.44 per quarter, or about \$13.76 per year.

**CITY OF BREWER, MAINE
IN CITY COUNCIL ASSEMBLED**

2024-A106

June 4, 2024

TITLE: ORDER, ACCEPT ADVANCE PAYMENTS ON FISCAL YEAR 2026 TAXES.

Filed May 28, 2024
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 2026 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.

**CITY OF BREWER, MAINE
IN CITY COUNCIL ASSEMBLED**

2024-A107

June 4, 2024

TITLE: ORDER, SET FISCAL YEAR 2025 INTEREST RATE FOR LATE PAYMENT
OF SEWER BILLS.

Filed May 28, 2024
By Dani O'Halloran

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 and one-half percent (8.5%) per annum for Fiscal Year 2025.

Statement of Fact: This is an annual order.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A108

June 4, 2024

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

Filed May 28, 2024
By William Kimball

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 2025 shall be paid at the rate of four and one-half percent (4.5%) per annum from the date of payment by the taxpayer to the date of abatement or refund by the City.

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.

**CITY OF BREWER, MAINE
IN CITY COUNCIL ASSEMBLED**

2024-A109

June 4, 2024

TITLE: ORDER, AUTHORIZE SET OFF AGAINST UNPAID TAXES.

Filed May 28, 2024
By Soubanh Phanthay

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.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A110

June 4, 2024

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

Filed May 28, 2024
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.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-B025

June 4, 2024

TITLE: RESOLVE, APPROVE SCHOOL BUDGET APPROPRIATION FOR FISCAL
YEAR 2025.

Filed May 28, 2024
By Dani O'Halloran

BE IT RESOLVED, that the following school budget articles be adopted and approved for fiscal year 2025:

1. That **\$10,672,802** be authorized to be expended for Regular Instruction.
2. That **\$6,233,933** be authorized to be expended for Special Education.
3. That **\$0** be authorized to be expended for Career and Technical Education.
4. That **\$1,440,016** be authorized to be expended for Other Instruction.
5. That **\$1,704,619** be authorized to be expended for Student and Staff Support.
6. That **\$722,523** be authorized to be expended for System Administration.
7. That **\$1,279,999** be authorized to be expended for School Administration.
8. That **\$699,311** be authorized to be expended for Transportation and Buses.
9. That **\$2,926,135** be authorized to be expended for Facilities Maintenance.
10. That **\$2,942,036** be authorized to be expended for Debt Service and Other Commitments.
11. That **\$11,140** be authorized to be expended for All Other Expenditures.; and

BE IT FURTHER RESOLVED, that **\$19,424,946** 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 **\$5,584,080** 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 **\$142,455** 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 **\$3,294,634** be raised and appropriated in additional local funds for school purposes under Maine Revised Statutes, Title 20-A §15671-A. The school committee recommends **\$3,294,634** for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$3,377,608: 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

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 **\$28,632,514** for the fiscal year beginning July 1, 2024 and ending June 30, 2025 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	\$495,000
Title IIA	77,000
Title III	2,200
Title IV	47,000
Local Entitlement	430,000
School Lunch Subsidy	450,000
Stronger Connections	400,000

; and

BE IT FURTHER RESOLVED, that the Regional Vocational Budget as approved by the Cooperative Board for the year July 1, 2024 to June 30, 2025 be approved in the amount of **\$5,161,496**; 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.

Statement of Fact: This is an annual Resolve that approves the School Department Budget for the forthcoming Fiscal Year.

**CITY OF BREWER, MAINE
IN CITY COUNCIL ASSEMBLED**

2024-B026

June 4, 2024

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

Filed May 28, 2024
By William Kimball

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, 2024 – June 30, 2025 in the amount of **\$4,842,937**.

Statement of Fact: The budget for 2023-2024 was \$4,159,422.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-B027

June 4, 2024

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

Filed May 28, 2024
By Soubanh Phanthay

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, 2024 – June 30, 2025.

Statement of Fact: The budget for 2023-2024 was \$318,529.

**CITY OF BREWER, MAINE
IN CITY COUNCIL ASSEMBLED**

2024-A111

June 4, 2024

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

Filed May 20, 2024
By Michele Daniels

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 2025 fiscal year for school purposes provided such grants, programs or other sources do not require the expenditure of other funds not previously appropriated.

Statement of Fact: This is an annual Order that authorizes the School Department to expend grant funds received which do not otherwise require appropriation of additional funds.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A112

June 4, 2024

TITLE: ORDER, AMEND SCHEDULE OF FEES.

Filed May 20, 2024
By Dani O'Halloran

WHEREAS, the Charter, Codes and Ordinances of the City of Brewer, Chapter 20, entitled "Licenses and Permits", Article 4, "Licensing and Permit Fee Schedule", requires the City Council to establish fees for City licenses and permits.

NOW, THEREFORE, BE IT ORDERED, that the Schedule of Fees shall be amended as follows:

CITY CLERK

- Utility Location Permit
 - Application Fee \$100.00 per street
 - Additional Review Fee up to \$5,000.00
(based on complexity and staff time)

Statement of Fact: This amendment to the Schedule of Fees is proposed to align with the recently adopted amendments to Chapter 20, "Licenses and Permits", regarding Utility Location Permits.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-B028

June 4, 2024

TITLE: RESOLVE, APPROVE STATE OF MAINE RESTAURANT (CLASS I, II, III, IV) LIQUOR LICENSE TO SMOKEY’S BBQ, LLC. D/B/A SMOKEY’S BBQ, 500 SOUTH MAIN STREET, BREWER, MAINE.

Filed May 22, 2024
By William Kimball

WHEREAS, Smokey’s BBQ, LLC. d/b/a Smokey’s BBQ, 500 South Main Street, Brewer, Maine has applied to the State of Maine, Bureau of Liquor Enforcement, for a restaurant (Class I, II, III, IV) liquor license; and

WHEREAS, Brewer City officials have reviewed this application and have submitted recommendations to the City Council on this application; and

WHEREAS, after considering their recommendations the City Council finds as follows:

1. The applicants have not been convicted of any Class A, Class B, or Class C crime;
2. The licensed premises and its use are in compliance with all local zoning ordinances and other land use ordinances not directly related to liquor control;
3. There is no record of waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by person patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises which unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
4. There is no record of repeated incidents of record of breaches of peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; and
5. There is no record of the applicants having a violation of any provisions of Title 28-A, M.R.S.A. (Liquor Laws);
6. A determination by the municipal officers that the purpose of the application is not to circumvent the provisions of Section 601.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council approves the application of Smokey’s BBQ, LLC. d/b/a Smokey’s BBQ, 500 South Main Street, Brewer, Maine, for a State of Maine, Bureau of Liquor Enforcement, restaurant (Class I, II, III, IV) liquor license.

Statement of Fact: This resolve approves a new application for a State of Maine Liquor License application to Smokey’s BBQ, 500 South Main Street.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A113

June 4, 2024

TITLE: ORDER, ACCEPT DONATION FROM COACH HOUSE RESTAURANT TO BREWER PARKS AND RECREATION TO SUPPORT SUMMER PROGRAMS.

Filed May 10, 2024
By Soubanh Phanthay

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$150 from Coach House Restaurant to benefit the Summer Morning Stretch program; 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 Summer 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 Summer Program revenue account (0107123-300327); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these monies from the Recreation Gifts expense account (0117121-506120) to support the Brewer Parks & Recreation Department's Summer Programs.

Statement of Fact: This order accepts a contribution of \$150 from Coach House Restaurant to the City of Brewer Parks & Recreation Department and authorizes its expenditure to support the Summer Programs.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A114

June 4, 2024

TITLE: ORDER, AWARD CONTRACT FOR JANITORIAL SERVICES TO SWEEP & SLATE.

Filed May 28, 2024

By Michele Daniels

WHEREAS, the City of Brewer wishes to give thirty-day notice to terminate the contract with 3Point Cleaning Services, the City's current Janitorial Services Supplier, due to poor work performance per Section XXV of the Special Terms and Conditions of the Request for Proposal and contract dated August 17, 2015; and

WHEREAS, Sweep & Slate Cleaning Services was solicited to provide a quote for cleaning services based on past quality work performance for the Brewer School Department; and

WHEREAS, Sweep & Slate provided a quote in the amount of \$78,600 per year based on Section 4- Scope and Specifications of Work identified in the 2024 Cleaning Services contract.

NOW, THEREFORE, BE IT ORDERED, the Brewer City Council hereby authorizes the City Manager, or his designee, to give thirty-days written notice to terminate the City's contract with 3Point Cleaning Services; and

BE IT FURTHER ORDERED, the City Council hereby authorizes the City Manager, or his designee, to enter into a contract with Sweep & Slate, effective thirty-five (35) days from the date of this Order, for professional cleaning services, as outlined in the 2024 Cleaning Services Contract for services at City Hall, Public Library, Public Safety Building, Public Works, and Water Department facilities; and

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

Statement of Fact: The City seeks to terminate the its contract with 3Point Cleaning Services dated August 17, 2015, due to poor work performance. The City's contract with 3Point Cleaning allows the City to terminate the Contract with thirty-day advance written notice for any reason it deems necessary. Sweep & Slate is highly recommended by the School Department for their exceptional and reliable work at Brewer Community School. This contract will be for a period of one year, with the option for a one-year or two-year extension. The yearly amount of this contract will be \$78,600 or \$6,550 per month, which is \$2,592 more per year than the current contract.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-B029

June 4, 2024

TITLE: RESOLVE, RATIFY BREWER POLICE DEPARTMENT COMMAND OFFICERS
COLLECTIVE BARGAINING CONTRACT.

Filed May 28, 2024
By Dani O'Halloran

WHEREAS, a collective bargaining agreement between the City of Brewer and the unit representing the command officers of the Brewer Police Department has recently been negotiated; and

WHEREAS, the negotiators for both sides have recommended that this collective bargaining agreement be ratified by their representative parties.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council herewith ratifies this agreement and authorizes the City Manager, or his designee, to execute the document on behalf of the City of Brewer; and

BE IT FURTHER RESOLVED, that the City Clerk file the City's copy of the original contracts in the City's record archives.

Statement of Fact: This order ratifies, on behalf of the City of Brewer the collective bargaining agreement between the City and the unit representing the command officers of the Brewer Police Department. This agreement is scheduled to take effect July 1, 2024 until June 30, 2027.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-B030

June 4, 2024

TITLE: RESOLVE, RATIFY BREWER POLICE DEPARTMENT PATROL OFFICERS
COLLECTIVE BARGAINING CONTRACT.

Filed May 28, 2024
By William Kimball

WHEREAS, a collective bargaining agreement between the City of Brewer and the unit representing the employees of the patrol division of the Brewer Police Department has recently been negotiated; and

WHEREAS, the negotiators for both sides have recommended that this collective bargaining agreement be ratified by their representative parties.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council herewith ratifies this agreement and authorizes the City Manager, or his designee, to execute the document on behalf of the City of Brewer; and

BE IT FURTHER RESOLVED, that the City Clerk file the City's copy of the original contracts in the City's record archives.

Statement of Fact: This order ratifies, on behalf of the City of Brewer the collective bargaining agreement between the City and the unit representing the employees of the patrol division of the Brewer Police Department. This agreement is scheduled to take effect July 1, 2024 until June 30, 2027.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-B031

June 4, 2024

TITLE: RESOLVE, RATIFY BREWER WATER POLLUTION CONTROL FACILITY
COLLECTIVE BARGAINING CONTRACT.

Filed May 28, 2024
By Soubanh Phanthay

WHEREAS, a collective bargaining agreement between the City of Brewer and the unit representing the Water Pollution Control Facility has recently been negotiated; and

WHEREAS, the negotiators for both sides have recommended that this agreement be ratified by their representative parties.

NOW, THEREFORE, BE IT RESOLVED, that the City Council herewith ratifies this agreement and authorizes the City Manager, or his designee, to execute the document on behalf of the City of Brewer; and

BE IT FURTHER RESOLVED, that the City Clerk file the City's copy of the original contracts in the City's record archives.

Statement of Fact: This order ratifies, on behalf of the City of Brewer the collective bargaining agreement between the City and the unit representing the Water Pollution Control Facility. This agreement is scheduled to take effect July 1, 2024 until June 30, 2027.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A115

June 4, 2024

TITLE: ORDER, ACCEPT FUNDS FROM MAINE MUNICIPAL ASSOCIATION'S
EDWARD MACDONALD SAFETY ENHANCEMENT GRANT
PROGRAM.

Filed May 28, 2024
By Michele Daniels

WHEREAS, the Brewer Fire Departments has been awarded up to \$1,999.80 through the Maine Municipal Association's Edward MacDonal Safety Scholarship Program to fund the cost of purchasing Guardian Angel lights; and

WHEREAS, this grant is expected cover the full cost of this purchase; and

WHEREAS, each member of the Fire Department will be outfitted with this safety light which will increase firefighter safety, provide additional personal light to aid in operations promoting overall safety, prevent tripping hazards and provide warning lights to prevent collision injuries.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts these grant funds and directs the funds be deposited in account 0600502-360000-59045 (Guardian Angels Revenue); and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of these grant funds from account 0600502-560000-59045 (Guardian Angel Grant Expense).

Statement of Fact: The Brewer Fire Departments has been awarded up to \$1,999.80 to fund the purchase of 20 Guardian Angel Safety lights. This order accepts the funds and authorizes their expenditure.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-C011

June 4, 2024

TITLE: ORDER, AMEND CHAPTER 31 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “ENVIRONMENTAL ORDINANCE”, TO AMEND ARTICLE 6, SECTION 602.8(I), ARTICLE 7, SECTION 704, AND ARTICLE 9, SECTION 913.

Filed May 28, 2024
By William Kimball

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 6, Section 602.8, Article 7, Section 704 and Article 9, Section 913 shall be amended as follows:

SECTION 602.8

H. To correct typographical or other errors or omissions in the wastewater discharge permit.

~~I. To correct typographical or other errors or omissions in the wastewater discharge permit. (#13)~~

SECTION 704 DISCHARGE PROCEDURE

The Superintendent requests all haulers notify the POTW at least 30 minutes prior to delivering any waste. ~~a One (1) hour~~ Only Official Septic Waste Disposal Records of the City of Brewer will be accepted, in conjunction with a State Manifest. The hauler must come to the POTW located at 37 Oak Street and complete an official discharge slip and to make payment of the discharge fee. Payment is expected at this time unless the hauler has made previous arrangements with the Superintendent such as monthly billings. If samples are required at the time of the discharge the hauler will be given a container and will collect a sample during the discharge. The sample will be left at the discharge site and retrieved by City staff. Failure to collect a sample~~s~~ may be grounds for refusing future loads from the hauler. (#1) (#13) (#24)

SECTION 913- AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

SECTION 913.0 UPSET

Statement of Fact: This ordinance amendment corrects typographical errors in Chapter 31 “Environmental Ordinance” as a ministerial matter. This ordinance amendment was posted at City Hall on May 28, 2024, and is eligible to be enacted at regular meeting on June 4, 2024.