

City Council Minutes

Tuesday, May 14, 2024

Regular Meeting
City Hall Council Chambers

Tuesday, May 14, 2024
6:00 p.m.

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

Councilor Daniels-present
Councilor Kimball-present
Mayor Morin-present

Councilor O'Halloran-absent
Councilor Phanthay-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: Michele Daniels, Dani O'Halloran, William Kimball, Soubanh Phanthay, 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, May 14, 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
Michele Daniels	Gauvin	Sgt.	05/09/2024	19:00
Dani O'Halloran	Rose	Off.	05/09/2024	18:07
William Kimball	Gauvin	Sgt.	05/09/2024	18:14
Soubanh Phanthay	Gauvin	Sgt.	05/09/2024	19:09
Jenn Morin	Gauvin	Sgt.	05/09/2024	18:09

CITY COUNCIL REGULAR MEETING

Tuesday, May 14, 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 April 9, 2024 Regular Meeting, and Minutes of the April 23, 2024 Special Meeting** (Councilor Kimball)
- B. Awards, Petitions and Public Comments**
 - 1. Proclamation: Asian American and Pacific Islander Heritage Month.
 - 2. (2024-B017) RESOLVE Recognize Cayen Philbrick for his academic and athletic achievements. (Councilor Daniels)
 - 3. (2024-B018) RESOLVE Designate “Wreaths Across America Day”. (Councilor Daniels)
 - 4. Public Comments
- IV. Recess for Public Hearings**
 - 1. Applications for Renewal of City Amusement Licenses
 - 1. Between Friends/Next Generation Theatre, 39 Center Street
 - 2. Brewster’s Fine Food & Drink, 359 Wilson Street
 - 3. Cap’s Tavern, 494 South Main Street
 - 4. Brewer Eagles Club Aerie #3177, 22 Atlantic Ave.
 - 5. High Tide Restaurant, 5 South Main Street
 - 6. Jeff’s Catering + Event Center, 15 Event Center Way
 - 7. Kosta’s Restaurant & Bar, 429 Wilson Street
 - 8. Mad Kat & Company Bar & Grill, 393 North Main Street
 - 9. Mason’s Brewing Company, 15 Hardy Street
 - 10. Penny Lane Bar & Grill, 534 Wilson Street
 - 2. To consider dedication and acceptance of a parcel of land located off Hardy Street (Map 28, Lot 176, Lot 177 & Lot 179) to be used for highway purposes in accordance with Title 23 M.R.S. § 3025.
- V. Adjourn Public Hearings**
- C. Consent Calendar**
 - 1. (2024-A065) ORDER Issue amusement license to Between Friends/Next Generation Theatre, 39 Center Street. (Councilor Phanthay)
 - 2. (2024-A066) ORDER Issue amusement license to R.M.B.&G., Inc. d/b/a Brewster’s Fine Food & Drink, 359 Wilson Street. (Councilor Daniels)
 - 3. (2024-A067) ORDER Issue amusement license to Delano G. Merritt d/b/a Cap’s Tavern, 494 South Main Street. (Councilor O’Halloran)
 - 4. (2024-A068) ORDER Issue amusement license to Brewer Eagles Club Aerie #3177, 22 Atlantic Avenue. (Councilor Kimball)

City Council Minutes

Tuesday, May 14, 2024

5. (2024-A069) ORDER Issue amusement license to High Tide Restaurant, LLC. d/b/a High Tide Restaurant, 5 South Main Street. (Councilor Phanthay)
6. (2024-A070) ORDER Issue amusement license to Jeff's Catering & Bakeshop, Inc. d/b/a Jeff's Catering & Event Center, 15 Event Center Way. (Councilor Daniels)
7. (2024-A071) ORDER Issue amusement license to Rock Lobster Entertainment, LLC. d/b/a Kosta's Restaurant & Bar, 429 Wilson Street. (Councilor O'Halloran)
8. (2024-A072) ORDER Issue amusement license to M.K.B.G., LLC. d/b/a Mad Kat & Company Bar & Grill, 393 North Main Street. (Councilor Kimball)
9. (2024-A073) ORDER Issue amusement license to Mason's Brewing Company, LLC. d/b/a Mason's Brewing Company, 15 Hardy Street. (Councilor Phanthay)
10. (2024-A074) ORDER Issue amusement license to Penny Lane Bar and Grill, 534 Wilson Street. (Councilor Daniels)
11. (2024-A075) ORDER Amend Schedule of Fees. (Councilor O'Halloran)
12. (2024-A076) ORDER Authorize purchase of a replacement motor grader for Public Works. (Councilor Kimball)
13. (2024-A077) ORDER Authorize purchase of play equipment for Fling Street Park. (Councilor Phanthay)
14. (2024-A078) ORDER Award contract for shooting range slab and ground preparation. (Councilor Daniels)
15. (2024-A079) ORDER Award contract for shooting range materials. (Councilor O'Halloran)
16. (2024-A080) ORDER Authorize amending agreement with Maine Department of Transportation and funding for resurfacing a portion of State Street. (Councilor Kimball)
17. (2024-A081) ORDER Authorize amending agreement with Maine Department of Transportation and funding for resurfacing a portion of Parkway South. (Councilor Phanthay)
18. (2024-A082) ORDER Accept donations to the City of Brewer to support the Brewer Riverwalk Festival. (Councilor Kimball)
19. (2024-A083) ORDER Accept fees to City of Brewer for tables in craft fair and business section of Brewer Riverwalk Festival. (Councilor O'Halloran)
20. (2024-A084) ORDER Confirm 10 Hardy Street property acquisition. (Councilor Kimball)
21. (2024-A085) ORDER Dedicate property off Hardy Street for highway purposes. (Councilor Phanthay)

City Council Minutes

Tuesday, May 14, 2024

22. (2024-A086) ORDER Accept property off Hardy Street for highway purposes.
(Councilor Daniels)
23. (2024-A087) ORDER Authorize brickwork repairs to City Hall.
(Councilor O'Halloran)
24. (2024-A088) ORDER Authorize adjustment of sewer manholes on South Main
Street as part of Maine Department of Transportation
project. (Councilor Kimball)
25. (2024-A089) ORDER Authorize replacement of a portion of sewer main on South
Main Street. (Councilor Phanthay)
26. (2024-A090) ORDER Reallocate budgeted debt service to Capital Improvement
Program fund to support future capital projects.
(Councilor Daniels)
27. (2024-A091) ORDER Authorize funding of abatement expense.
(Councilor O'Halloran)
28. (2024-A092) ORDER Terminate lease agreement for sign located at corner of
Wilson Street and Sparks Avenue. (Councilor Kimball)
29. (2024-A093) ORDER Accept donation to support purchase of musical
instruments for Riverwalk Trail. (Councilor Phanthay)
30. (2024-A094) ORDER Authorize funding for shooting range rehabilitation project.
(Councilor Daniels)
31. (2024-A095) ORDER Authorize auction and/or disposal of unclaimed bicycles.
(Councilor O'Halloran)
32. (2024-A096) ORDER Approve renewal of parking space lease agreement with
Mason's Brewing Company, LLC. (Councilor Daniels)

D. Monthly Reports (Councilor Kimball)

E. Nominations, Appointments, Elections

Consent Calendar

1. (2024-B019) RESOLVE Confirm City Manager's appointments of General
Assistance Administrators. (Councilor O'Halloran)
2. (2024-A097) ORDER Appoint Members to the Board of Commissioners of the
Housing Authority of the City of Brewer.
(Councilor Daniels)
3. (2024-A098) ORDER Set polling hours for June 11, 2024 State of Maine Primary
Election. (Councilor Kimball)
4. (2024-B020) RESOLVE Prescribe Registrar of Voters hourly schedule for June 11,
2024 State of Maine Primary Election.
(Councilor Phanthay)
5. (2024-A099) ORDER Appoint Democratic Election Clerks.
(Councilor Daniels)
6. (2024-A100) ORDER Appoint Republican Election Clerks.
(Councilor Kimball)

City Council Minutes

Tuesday, May 14, 2024

F. Unfinished Business

1. Consent Calendar
 1. (2024-C008) ORDER Amend Chapter 20 of the Charter, Codes and Ordinances of the City of Brewer, entitled “Licenses and Permits”, to amend Article 3, Section 307 “Utility Location Permits”.
(Councilor O’Halloran)
 2. (2024-C009) ORDER Amend Chapter 20 of the Charter, Codes and Ordinances of the City of Brewer, entitled “Licenses and Permits”, to add Section 222 “Short-Term Rentals”. (Councilor Daniels)
 3. (2024-C010) ORDER Amend Chapter 9 of the Charter, Codes and Ordinances of the City of Brewer, entitled “Fire Prevention”, Article 7, Section 703.
(Councilor Kimball)
2. Continuation of hearing initiated on April 9, 2024 to determine the building, or portion thereof, located at 499 Wilson Street (Tax Map 13, Lot 19) may be structurally unsafe, unsanitary; constitute a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment or is otherwise dangerous to life or property pursuant to Title 17 M.R.S.A. §2851, et seq.
3. (2024-A101) ORDER Adopt Dangerous Building Decision and Order regarding building at 499 Wilson Street. (Councilor Phanthay)

G. New Business

1. (2024-A102) ORDER Create the City of Brewer Culture and Arts Committee.
(Councilor Daniels)

H. New Items with Leave of Council

I. ADJOURN

A. Minutes of the April 9, 2024 Regular Meeting, and Minutes of the April 23, 2024 Special Meeting

ACTION: Councilor Kimball moved that the minutes to the April 9, 2024 Regular Meeting and the minutes to the April 23, 2024 Special Meeting be accepted and placed on file. Councilor Phanthay seconded the motion. The motion passed with a vote of 4 to 0.

City Council Minutes
Tuesday, May 14, 2024

B. Awards, Petitions and Public Comments

1. Proclamation: Asian American and Pacific Islander Heritage Month.

Mayor Morin read the Asian American and Pacific Islander Heritage Month Proclamation.

PROCLAMATION
Asian American and Pacific Islander Heritage Month

WHEREAS, our Nation's history is full of great Americans of Asian and Pacific Islander descent who have made significant contributions to our society; and

WHEREAS, the first Japanese immigrants arrived in the United States on May 7, 1843; and

WHEREAS, Congress first established Asian/Pacific American Heritage Week in 1978; and

WHEREAS, President George H. W. Bush designated the month of May, as Asian/Pacific American Heritage Month in 1992; and

WHEREAS, individuals of Asian and Pacific Islander descent have come to America seeking individual freedom, property protections, as well as renewed economic and political opportunities; and

WHEREAS, today there are more than 20 million Americans of Asian and Pacific Islander descent; and

WHEREAS, the City of Brewer's own Deputy Mayor is of Asian and South Pacific descent.

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 month of May 2024 as

Asian American and Pacific Islander Heritage Month

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brewer to be imprinted this fourteenth day of May Two-Thousand-and-Twenty-Four.

Signed this fourteenth day of May, 2024

Jennifer M. Morin, Mayor

City Council Minutes
Tuesday, May 14, 2024

2024-B017

May 14, 2024

TITLE: RESOLVE, RECOGNIZE CAYEN PHILBRICK FOR HIS ACADEMIC, ~~AND~~
ATHLETIC AND COMMUNITY ACHIEVEMENTS.

Filed April 5, 2024
By Michele Daniels

WHEREAS, Cayen Philbrick has distinguished himself as an outstanding student, athlete, and member of the Brewer community; and

WHEREAS, as a student of Brewer High School, Cayen ~~has~~ participated in the Student Athletic Advisory Council, National Honors Society, Key Club, Student Council, Robotics Team, and as a head coach for the Brewer Unified basketball team; and

WHEREAS, Cayen has participated in Soccer, Basketball, and Tennis throughout his high school career; and

WHEREAS, for the past two years, Cayen ~~has~~ served as a Student Representative Member of the Brewer School Superintending Committee; and

WHEREAS, Cayen was team captain of the Brewer High School Boys' Varsity Basketball Team in his senior season; and

WHEREAS, during Cayen's senior year, he was awarded the Kennebec Valley Athletic Conference All-Academic Award for Soccer, the Kennebec Valley Athletic Conference All-Academic Award for Basketball, the Maine Association of Basketball Coaches All-State All-Academic Award, and the Penobscot Valley Scholar-Athlete Award; and

WHEREAS, Cayen maintained high honors all four years of his high school career and will ~~be~~ graduating with a Brewer High School Honors Diploma; and

WHEREAS, Cayen ~~has been~~ was announced as Valedictorian of the Brewer High School graduating class of 2024; and

WHEREAS, Cayen was named Brewer High School's Maine Principals' Association's 2024 Principal's Award recipient, an award given in recognition of academic achievement, citizenship, and leadership; and

WHEREAS, Cayen plans to attend Rensselaer Polytechnic Institute, where he will pursue a major in civil engineering ~~in the~~ this fall.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council on behalf of the Citizens of the City of Brewer, Maine, herewith recognizes and congratulates Cayen Philbrick for his academic, and athletic and community achievements and for carrying on the tradition of Brewer excellence.

City Council Minutes

Tuesday, May 14, 2024

ACTION: Councilor Daniels moved that the resolve be adopted. Councilor Phanthay seconded the motion. Councilor Daniels presented copies of the resolve to Cayen and his family. Councilor Daniels presented a Brewer Challenge Coin to Cayen. Councilor Daniels said that she had been following Cayen for a long time and that she was proud of him. Mayor Morin said that Cayen's leadership had been exemplary, and thanked Cayen for being a leader in the community. Councilor Phanthay said he was proud of Cayen's involvement. The Council voted 4 to 0 to amend the resolve. The Council voted 4 to 0 to adopt the resolve.

2024-B018

May 14, 2024

TITLE: RESOLVE, DESIGNATE "WREATHS ACROSS AMERICA DAY".

Filed May 1, 2024

By Michele Daniels

WHEREAS, in 1992 a project was undertaken to deliver wreaths to Arlington National Cemetery in Washington D.C. to honor veterans of the United States Armed Forces buried there; and

WHEREAS, this project, the Wreaths Across America project, began the annual tradition of donating, transporting, and placing five-thousand Maine balsam fir veterans' remembrance wreaths on the graves of fallen heroes buried at Arlington National Cemetery each December; and

WHEREAS, the Wreaths Across America project has expanded their mission, and has sent more than 17,100,000 wreaths to various locations, including national cemeteries and veterans' memorials in every State and overseas; and

WHEREAS, the Wreaths Across America project carries out a week-long veterans' parade between Maine and Virginia, stopping along the way to spread a message about the importance of remembering our fallen heroes, honoring those who serve, and teaching the next generation of children about the service and sacrifices made by our veterans and their families to preserve freedoms enjoyed by all in the United States.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council herewith designates Saturday, December 14, 2024 as Wreaths Across America Day.

ACTION: Councilor Daniels moved that the resolve be adopted. Councilor Phanthay seconded the motion. Councilor Daniels thanked Brewer resident Susan Xirinachs and Wreaths Across America representative Susan Patten for their efforts in support of Wreaths Across America Day. Susan Xirinachs thanked the Council.

City Council Minutes
Tuesday, May 14, 2024

Public Comments

Brewer Water Department Superintendent Rodney Butler gave a report on per- and polyfluoroalkyl substances (PFAS). The Superintendent said that Brewer Water had recently tested at “less than two parts per trillion” for PFAS. Mayor Morin praised the Brewer Water Department for the good result.

IV. Recess for Public Hearings

Mayor Morin said the City Council would recess for public hearings and after the public hearings the Council 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 Daniels-present
Councilor Kimball-present
Mayor Morin-present

Councilor O’Halloran-absent
Councilor Phanthay-present

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

1. Applications for Renewal of City Amusement Licenses

Mayor Morin read the public notice for the hearing:

**CITY OF BREWER
PUBLIC NOTICE**

Notice is hereby given that the Brewer City Council will hold a public hearing on **Tuesday, May 14, 2024 at 6:00 p.m. in the Council Chambers at Brewer City Hall located at 80 North Main Street, Brewer, Maine** to consider applications from the following businesses for issuance of city amusement licenses to permit them to have dancing and live entertainment on their premises, non-alcoholic as well as those which are licensed by the State of Maine for the sale of alcohol:

1. Between Friends/Next Generation Theatre, 39 Center Street
2. Brewster’s Fine Food & Drink, 359 Wilson Street
3. Cap’s Tavern, 494 South Main Street
4. Brewer Eagles Club Aerie #3177, 22 Atlantic Ave.
5. High Tide Restaurant, 5 South Main Street
6. Jeff’s Catering + Event Center, 15 Event Center Way
7. Kosta’s Restaurant & Bar, 429 Wilson Street
8. Mad Kat & Company Bar & Grill, 393 North Main Street
9. Mason’s Brewing Company, 15 Hardy Street

City Council Minutes
Tuesday, May 14, 2024

10. Penny Lane Bar & Grill, 534 Wilson Street

Any person may present written or oral comments at this public hearing on these applications.

Vincent P. Migliore
City Clerk

published in the BDN
May 7, 2024

Mayor Morin asked if there had been any written comments received from the public: there were none. Mayor Morin asked if there had been any comments the City Departments: the city clerk said there were no objections from the City Departments. Mayor Morin asked if there were any comments from the Councilors. There were none. Mayor Morin asked if there were any comments from the public: there were none. Mayor Morin declared the public hearing closed.

2. To consider dedication and acceptance of a parcel of land located off Hardy Street (Map 28, Lot 176, Lot 177 & Lot 179) to be used for highway purposes in accordance with Title 23 M.R.S. § 3025.

Mayor Morin read the public notice for the hearing:

**CITY OF BREWER
PUBLIC NOTICE**

Notice is hereby given that the Brewer City Council will hold a public hearing on **Tuesday, May 14, 2024 at 6:00 p.m. in the Council Chambers at Brewer City Hall located at 80 North Main Street, Brewer, Maine** to consider dedication and acceptance of a parcel of land located off Hardy Street (Map 28, Lot 176, Lot 177 & Lot 179) to be used for highway purposes in accordance with Title 23 M.R.S. § 3025 (the “Hardy Street Lots”), without claim for damages. 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

posted at City Hall
May 7, 2024

City Council Minutes

Tuesday, May 14, 2024

Mayor Morin asked if there had been any written comments received from the public: there were none. Mayor Morin asked if there were any comments from the public: there were none. Councilor Phanthay asked for clarification on what was being proposed. Brewer City Engineer Jeremy Caron said that Hardy Street was narrow and that this project would add an additional six feet to Hardy Street's width.

V. Adjourn Public Hearings

Mayor Morin adjourned the public hearings.

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

Councilor Daniels-present

Councilor O'Halloran-absent

Councilor Kimball-present

Councilor Phanthay-present

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-A065

May 14, 2024

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO BETWEEN FRIENDS/NEXT GENERATION THEATRE, 39 CENTER STREET.

Filed May 1, 2024
By Soubanh Phanthay

WHEREAS, an application for a City of Brewer Amusement License for Between Friends/Next Generation Theatre, 39 Center Street, has been received by the City Clerk and;

WHEREAS, the Brewer City Council held a public hearing on this application on May 14, 2024 in accordance with Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to: (a) the character of any applicant, (b) the location of the place of business, (c) the manner in which it has been operated, and (d) whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the grounds listed in Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer: and

City Council Minutes
Tuesday, May 14, 2024

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request.

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Between Friends/Next Generation Theatre, 39 Center Street, for the City's licensing year commencing May 6, 2024 and expiring May 5, 2025.

Statement of Fact: This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

2024-A066

May 14, 2024

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO R.M.B.&G., INC. D/B/A
BREWSTER'S FINE FOOD & DRINK, 359 WILSON STREET.

Filed May 1, 2024
By Michele Daniels

WHEREAS, R.M.B.&G., Inc.'s application for a City of Brewer Amusement License for Brewster's Fine Food & Drink, 359 Wilson Street, has been received by the City Clerk and;

WHEREAS, the Brewer City Council held a public hearing on this application on May 14, 2024 in accordance with Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to: (a) the character of any applicant, (b) the location of the place of business, (c) the manner in which it has been operated, and (d) whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the grounds listed in Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer: and

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request.

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to R.M.B.&G., Inc. d/b/a Brewster's Fine Food & Drink, 359 Wilson Street, for the City's licensing year commencing May 6, 2024 and expiring May 5, 2025.

City Council Minutes

Tuesday, May 14, 2024

Statement of Fact: This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

2024-A067

May 14, 2024

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO DELANO G. MERRITT D/B/A
CAP'S TAVERN, 494 SOUTH MAIN STREET.

Filed May 1, 2024
By Dani O'Halloran

WHEREAS, Delano G. Merritt's application for a City of Brewer Amusement License for Cap's Tavern, 494 South Main Street, has been received by the City Clerk and;

WHEREAS, the Brewer City Council held a public hearing on this application on May 14, 2024 in accordance with Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to: (a) the character of any applicant, (b) the location of the place of business, (c) the manner in which it has been operated, and (d) whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the grounds listed in Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer: and

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request.

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Delano G. Merritt d/b/a Cap's Tavern, 494 South Main Street, for the City's licensing year commencing May 6, 2024 and expiring May 5, 2025.

Statement of Fact: This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

2024-A068

May 14, 2024

TITLE: ORDER, ISSUE AMUSEMENT LICENSE BREWER EAGLES CLUB AERIE
#3177, 22 ATLANTIC AVENUE.

Filed May 1, 2024
By William Kimball

City Council Minutes
Tuesday, May 14, 2024

WHEREAS, an application for a City of Brewer Amusement License for Brewer Eagles Club Aerie #3177, 22 Atlantic Avenue, has been received by the City Clerk and;

WHEREAS, the Brewer City Council held a public hearing on this application on May 14, 2024 in accordance with Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to: (a) the character of any applicant, (b) the location of the place of business, (c) the manner in which it has been operated, and (d) whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the grounds listed in Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer: and

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request.

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Brewer Eagles Club Aerie #3177, 22 Atlantic Avenue, for the City's licensing year commencing May 6, 2024 and expiring May 5, 2025.

Statement of Fact: This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

2024-A069

May 14, 2024

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO HIGH TIDE RESTAURANT, LLC. D/B/A HIGH TIDE RESTAURANT, 5 SOUTH MAIN STREET.

Filed May 1, 2024
By Soubanh Phanthay

WHEREAS, High Tide Restaurant, LLC.'s application for a City of Brewer Amusement License for High Tide Restaurant, 5 South Main Street, has been received by the City Clerk and;

WHEREAS, the Brewer City Council held a public hearing on this application on May 14, 2024 in accordance with Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to: (a) the character of any applicant, (b) the location of the place of business, (c) the

City Council Minutes

Tuesday, May 14, 2024

manner in which it has been operated, and (d) whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the grounds listed in Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer: and

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request.

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to High Tide Restaurant, LLC. d/b/a High Tide Restaurant, 5 South Main Street, for the City's licensing year commencing May 6, 2024 and expiring May 5, 2025.

Statement of Fact: This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

2024-A070

May 14, 2024

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO JEFF'S CATERING & BAKESHOP, INC. D/B/A JEFF'S CATERING & EVENT CENTER, 15 EVENT CENTER WAY.

Filed May 1, 2024
By Michele Daniels

WHEREAS, Jeff's Catering & Bakeshop, Inc.'s application for a City of Brewer Amusement License for Jeff's Catering & Event Center, 15 Event Center Way, has been received by the City Clerk and;

WHEREAS, the Brewer City Council held a public hearing on this application on May 14, 2024 in accordance with Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to: (a) the character of any applicant, (b) the location of the place of business, (c) the manner in which it has been operated, and (d) whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the grounds listed in Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer: and

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request.

City Council Minutes
Tuesday, May 14, 2024

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Jeff's Catering & Bakeshop, Inc. d/b/a Jeff's Catering & Event Center, 15 Event Center Way, for the City's licensing year commencing May 6, 2024 and expiring May 5, 2025.

Statement of Fact: This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

2024-A071

May 14, 2024

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO ROCK LOBSTER ENTERTAINMENT, LLC. D/B/A KOSTA'S RESTAURANT & BAR, 429 WILSON STREET.

Filed May 1, 2024
By Dani O'Halloran

WHEREAS, Rock Lobster Entertainment, LLC.'s application for a City of Brewer Amusement License for Kosta's Restaurant & Bar, 429 Wilson Street, has been received by the City Clerk and;

WHEREAS, the Brewer City Council held a public hearing on this application on May 14, 2024 in accordance with Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to: (a) the character of any applicant, (b) the location of the place of business, (c) the manner in which it has been operated, and (d) whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the grounds listed in Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer: and

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request.

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Rock Lobster Entertainment, LLC. d/b/a Kosta's Restaurant & Bar, 429 Wilson Street, for the City's licensing year commencing May 6, 2024 and expiring May 5, 2025.

Statement of Fact: This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

City Council Minutes
Tuesday, May 14, 2024

2024-A072

May 14, 2024

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO M.K.B.G., LLC. D/B/A MAD KAT & COMPANY BAR & GRILL, 393 NORTH MAIN STREET.

Filed May 1, 2024
By William Kimball

WHEREAS, M.K.B.G., LLC.'s application for a City of Brewer Amusement License for Mad Kat & Company Bar & Grill, 393 North Main Street, has been received by the City Clerk and;

WHEREAS, the Brewer City Council held a public hearing on this application on May 14, 2024 in accordance with Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to: (a) the character of any applicant, (b) the location of the place of business, (c) the manner in which it has been operated, and (d) whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the grounds listed in Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer: and

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request.

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to M.K.B.G., LLC. d/b/a Mad Kat & Company Bar & Grill, 393 North Main Street, for the City's licensing year commencing May 6, 2024 and expiring May 5, 2025.

Statement of Fact: This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

City Council Minutes
Tuesday, May 14, 2024

2024-A073

May 14, 2024

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO MASON'S BREWING COMPANY, LLC. D/B/A MASON'S BREWING COMPANY, 15 HARDY STREET.

Filed May 1, 2024
By Soubanh Phanthay

WHEREAS, Mason's Brewing Company, LLC.'s application for a City of Brewer Amusement License for Mason's Brewing Company, 15 Hardy Street, has been received by the City Clerk and;

WHEREAS, the Brewer City Council held a public hearing on this application on May 14, 2024 in accordance with Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to: (a) the character of any applicant, (b) the location of the place of business, (c) the manner in which it has been operated, and (d) whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the grounds listed in Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer: and

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request.

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Mason's Brewing Company, LLC. d/b/a Mason's Brewing Company, 15 Hardy Street, for the City's licensing year commencing May 6, 2024 and expiring May 5, 2025.

Statement of Fact: This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

City Council Minutes
Tuesday, May 14, 2024

2024-A074

May 14, 2024

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO PENNY LANE BAR AND GRILL,
534 WILSON STREET.

Filed May 1, 2024
By Michele Daniels

WHEREAS, an application for a City of Brewer Amusement License for Penny Lane Bar and Grill, 534 Wilson Street, has been received by the City Clerk and;

WHEREAS, the Brewer City Council held a public hearing on this application on May 14, 2024 in accordance with Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to: (a) the character of any applicant, (b) the location of the place of business, (c) the manner in which it has been operated, and (d) whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the grounds listed in Chapter 20, Article 2, Section 217.5 of the Charter, Codes and Ordinances of the City of Brewer: and

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request.

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Penny Lane Bar and Grill, 534 Wilson Street, for the City's licensing year commencing May 6, 2024 and expiring May 5, 2025.

Statement of Fact: This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

2024-A075

May 14, 2024

TITLE: ORDER, AMEND SCHEDULE OF FEES.

Filed April 2, 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.

City Council Minutes
Tuesday, May 14, 2024

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

CITY CLERK

- Short-term Rental \$250.00 annually

Statement of Fact: This amendment to the Schedule of Fees is proposed to align with the recently adopted amendments to Chapter 24 Land Use Code, Article 4, Section 444, to include regulations on Short-term Rentals.

2024-A076

May 14, 2024

TITLE: ORDER, AUTHORIZE PURCHASE OF A REPLACEMENT MOTOR GRADER
FOR PUBLIC WORKS.

Filed April 22, 2024
By William Kimball

WHEREAS, bids were solicited, received and evaluated for the purchase of a new motor grader to replace Brewer Public Works Unit #414, a 1986 140G Caterpillar with snowplow wing; and

WHEREAS, United Construction & Forestry of Hermon, Maine provided the City with the lowest of the three (3) bids received in the amount of \$309,150, which includes the machine price of \$336,000 plus \$6,150 for an extended warranty minus \$33,000 for the trade-in of the City's 1986 motor grader; and

WHEREAS, the approved Fiscal Year 2024 (FY24) Capital Improvement Program (CIP) included the amount of \$310,000 for this purchase.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to sign a purchase order in the amount of \$309,150, transfer ownership of trade-in, and finalize this purchase with United Construction & Forestry for the purchase of a 2024 John Deere 620G motor with snowplow wing and extended warranty; and

BE IT FURTHER ORDERED, that the City's 1986 140G Caterpillar motor grader with wing be declared surplus and ownership transferred over to United Construction & Forestry upon the delivery of the replacement grader as part of this purchase; and

BE IT FURTHER ORDERED, that the funds for this purchase be charged to the FY24 CIP account #0510133-551373 titled "#414 Cat140G Grader Replacement", approved in the FY24 CIP budget.

City Council Minutes

Tuesday, May 14, 2024

Statement of Fact: This order authorizes the purchase a replacement motor grader for the City's Public Works Department to replace the 38-year-old Cat grader which had been refurbished in 2009. Other bids were received from: Beauregard Equipment - \$335,200; and Milton Cat - \$328,000.

BREWER PUBLIC WORKS Wheeled Excavator BID CANVASS				
Bids opened April 11,2024 @ 2pm				
	VENDOR	Milton Cat	Beauregard	United Construction
1	MAKE/MODEL/YEAR	2024 Caterpillar 140G	2024 Case 856C	2024 John Deere 620G
2	PURCHASE PRICE	356,900	354,900	336,000
3	TRADE-IN VALUE	35,000	24,700	33,000
4	LOADER BID PRICE	321,900	330,200	303,000
5	OPTION 1 A	Joystick Option \$4,000	INCLUDED	26,000
	OPTION 1 B	Grade Guidance & Joystick \$10,000		
6	OPTION 2 A	7YR/5000HR PT& HYD 6,100	7YR/5000HRS PT/HYD \$5,000	7YR/5000HRS PT/HYD \$6,150
	OPTION 2 B	7YR/5000HR Premier 9,100		
	DELIVERY	ASAP	2-4 weeks grader 6-8 wing & plow	June/July 2024

2024-A077

May 14, 2024

TITLE: ORDER, AUTHORIZE PURCHASE OF PLAY EQUIPMENT FOR FLING STREET PARK.

Filed April 25, 2024
By Soubanh Phanthay

WHEREAS, the playground structure located at the Fling Street Park in Brewer is twenty-five years old and has exceeded its expected useful life; and

WHEREAS, the Brewer City Council recognized the need for this play structure to be replaced and authorized \$45,000 from the Unassigned Fund Balance (0109800-300901) to be transferred to the Fling Street Playground Capital Improvement Program (CIP) Account (0510124-551461) to fund this purchase during the March 2024 City Council meeting; and

WHEREAS, pricing was solicited thru the Omnia Partners cooperative buying program for the replacement of the play equipment and MRC Recreation, a Gametime Playground Distributor, of Spring Lake, New Jersey provided the City with a proposal of \$41,898.82 for the equipment, installation and safety surfacing.

City Council Minutes

Tuesday, May 14, 2024

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to sign a purchase order to MRC Recreation in the amount of \$41,898.82 for the purchase and installation of a new playground and engineered wood fiber safety surfacing; and

BE IT FURTHER ORDERED, that the funds for this purchase be charged to the CIP account 0510124 – 551461 (Fling Street Playground); 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 equipment and contractor services for this project.

Statement of Fact: This order provides for the purchase and installation of a play structure and swing set for Fling Street Playground with funds that were appropriated at the March Council Meeting.

2024-A078

May 14, 2024

TITLE: ORDER, AWARD CONTRACT FOR SHOOTING RANGE SLAB AND
GROUND PREPARATION.

Filed April 30, 2024

By Michele Daniels

WHEREAS, a contractor had previously been awarded a contract to complete the slab and associated ground work for the City of Brewer Shooting Range Project; and

WHEREAS, that contractor notified the City at the beginning of April that they are no longer interested in completing the work; and

WHEREAS, the Brewer Engineering Department reached out to a reputable contractor from the area that is currently working in Brewer; and

WHEREAS, this contractor has the ability to meet the tight time schedule needed for this project so that the Army National Guard (The Guard) can begin their work on June 1; and

WHEREAS, the contractor, E.L. Shea, has provided a price quote to complete the needed work in preparation for The Guard's arrival in June (see attached quote).

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to execute a contract with E.L. Shea, in an amount not to exceed \$40,000 for slab construction and associated groundwork for the City of Brewer Shooting Range project; and

City Council Minutes

Tuesday, May 14, 2024

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 materials and contractor services for this project; and

BE IT FURTHER ORDERED, that charges for this contract shall be to the account 0600058-560000-58063 (FIRING RANGE REHAB-GRANT EXP).

Statement of Fact: This Order awards the contract for the slab construction and associated ground work for the Shooting Range project. The contractor that was recently awarded the contract notified the City that they were no longer interested in completing the work. A contractor was found that was able to meet the tight deadline to have the slab prepared for the June 1st arrival of the Guard to complete their phase of the project.

City Council Minutes
Tuesday, May 14, 2024



April 12th, 2024

Mr. Jeremy Caron
City Engineer – City of Brewer
221 Green Point Road
Brewer, Maine 04412

RE: City of Brewer _ Brewer Police Department Shooting Range Building Civil and Foundation Work Proposal.

Dear Jeremy:

We appreciate the opportunity to provide this proposal for the work required for construction of the foundation and associated concrete slab for the new Police Department Shooting Range Building.

The scope of work included in this proposal is as follows:

Civil:

- Installation of approximately 100lf of silt fence for erosion control on the down hill side of the excavation area.
- Stripping of vegetation/topsoil for an access road to the proposed building site and in the area of the new building prior to excavation. (Material will be stockpiled on site adjacent to the work area for removal by others.)
- Excavation and Backfill for Footings and Frost Wall construction. Includes preparation of grade for the footings. Excess excavated material will be stockpiled adjacent to the excavation.
- Backfill of footings and walls to bottom of slab elevation including installation of 2" of rigid foam insulation on the exterior of the walls prior to backfill.

City Council Minutes

Tuesday, May 14, 2024

- Installation of a minimum of 6" of crushed stone or properly compacted gravel within the foundation limits for the cast in place slab including grading and preparations for interior slab haunches at proposed interior wall lines as shown in the provided sketch.
- Furnish and Install 4" foundation drain on the exterior of the frost walls and daylighted approximately 60' to the existing drainage ditch.

Cast in Place Concrete Frost Wall and Slab:

- Construction of Footings and Frost Walls:
 - 20" wide x 8" thick footings with 2 rows of #4 bars and dowels at 3' OC
 - 5'tall walls, 8" thick with #4 horizontal and vertical bars at 3' OC – Includes slab shelf
 - 4000 psi concrete
- Construction of Cast in Place Concrete Slab:
 - 6" thick w/20" wide x 8" thick haunches at proposed interior walls
 - 10 mil poly vapor barrier and 2" rigid insulation below slab
 - #4 bar at 1' OC EW and 2 rows of #4 bars in haunches
 - 4000 psi concrete
 - Sawcut crack control joints

Exclusions:

1. Engineering for the work included.
2. Disposal of excavated material including vegetation removed for the work. All material will remain on site adjacent to the work area to be removed by others.
3. Any seeding or stabilization work beyond the silt fence for erosion control included above.
4. Dowels or anchor bolts for CMU walls.
5. Concrete or compaction testing if required.
6. Existing utilities or rock or ledge removal.
7. Work scope other than that described above.

The price for the full scope of work described above is **\$39,304.00**.

Please feel free to reach out to me any time with questions. Should you decide to move forward with the work as quoted above please sign were indicated below and return a copy to us and we will get the subcontractors confirmed and the materials ordered.

Thank you Jeremy.

City Council Minutes
Tuesday, May 14, 2024

Sincerely,

Keith M. Anderson

Digitally signed by Keith M. Anderson
DN: C=US, E=kanderson@elshea.com,
O=E.L. Shea, CN=Keith M. Anderson
Date: 2024.04.12 08:59:00-04'00'

Keith M. Anderson
Project Manager
E.L. Shea, Inc.

Proposal Acceptance:

Owner Signature

Owner Name and Date of Acceptance

City Council Minutes
Tuesday, May 14, 2024

2024-A079

May 14, 2024

TITLE: ORDER, AWARD CONTRACT FOR SHOOTING RANGE MATERIALS.

Filed April 30, 2024
By Dani O'Halloran

WHEREAS, in preparation for the City of Brewer Shooting Range Project the materials need to be stockpiled on site for the Army National Guard (The Guard)'s arrival June 1, 2024; and

WHEREAS, Brewer Public Works recently opened a bid for gravel materials and SJ Clisham Construction had the lowest price per cubic yard among the five contractors that bids were requested from; and

WHEREAS, the Brewer Engineering Department acquired costs from SJ Clisham Construction for the other two types of materials that are needed for The Guard to complete their work and pricing was reasonable for these additional materials (see attached pricing breakdown); and

WHEREAS, SJ Clisham Construction has the ability to meet the tight time schedule that is needed for this project.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to execute a contract with SJ Clisham Construction, in an amount not to exceed \$29,000 for delivery of materials for the City of Brewer Shooting Range project; 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 materials and contractor services for this project; and

BE IT FURTHER ORDERED, that charges for this contract shall be to the account 0600058-560000-58063 (FIRING RANGE REHAB-GRANT EXP).

SJ Clisham Materials Cost (includes hauling) for Shooting Range Project			
Material	Quantity (Yards)	Cost Per Yard	Total Cost
2" Minus Gravel	586	\$15.25	\$8,936.50
6" Minus Gravel	769	\$14.25	\$10,958.25
Clean Fill	250	\$13.50	\$3,375.00
Top Soil	362	\$13.50	\$4,887.00
			\$28,156.75

Statement of Fact: This order awards the contract for materials delivery for the Shooting Range project. The contractor will be stockpiling the materials at the landfill so that The Guard will have all the materials on site and readily available for the time that they will be on site completing the project.

City Council Minutes
Tuesday, May 14, 2024

2024-A080

May 14, 2024

TITLE: ORDER, AUTHORIZE AMENDING AGREEMENT WITH MAINE
DEPARTMENT OF TRANSPORTATION AND FUNDING FOR
RESURFACING A PORTION OF STATE STREET.

Filed May 2, 2024
By William Kimball

WHEREAS, on May 10, 2022, the Brewer City Council approved an expenditure of \$100,000 for a Maine Department of Transportation (MDOT) administered project for resurfacing a portion of State Street from Eastern Avenue to the Penobscot Bridge; and

WHEREAS, the City of Brewer has a 10% cost share for all Federally funded Bangor Area Comprehensive Transportation System (BACTS) projects administered by MDOT; and

WHEREAS, bids were recently opened and the bid came in over the previously estimated cost; and

WHEREAS, due to the condition of the roadway and the current bidding climate for the Bangor Region, all parties believe awarding the current contract is the best solution to get the work completed.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the City Manager, or his designee, to execute all necessary agreements with the Maine Department of Transportation (MDOT) for the construction of this MDOT project for a portion of State Street; and

BE IT FURTHER ORDERED, that the Finance Director shall include a line item in the Fiscal Year 2025 in the amount of \$178,000 (including previously allocated funding) to cover the City's anticipated 10% cost share for this project (including contingency).

Statement of Fact: This order authorizes funding and formal agreements for a BACTS sponsored project for resurfacing a portion of State Street from Eastern Avenue to the Penobscot Bridge. This project was combined with Parkway South and bid together through MDOT. Bids were recently opened and came in over the estimated costs. After discussing with all the parties involved and comparing to other projects in the Bangor Region, it was decided by all that the best path forward is to award the current contract for construction.

City Council Minutes
Tuesday, May 14, 2024

2024-A081

May 14, 2024

TITLE: ORDER, AUTHORIZE AMENDING AGREEMENT WITH MAINE
DEPARTMENT OF TRANSPORTATION AND FUNDING FOR
RESURFACING A PORTION OF PARKWAY SOUTH.

Filed May 2, 2024
By Soubanh Phanthay

WHEREAS, on May 10, 2022, the Brewer City Council approved the expenditure of \$75,000 for a Maine Department of Transportation (MDOT) administered project for resurfacing a portion of Parkway South from Wilson Street to the I-395 Bridge; and

WHEREAS, the City of Brewer has a 10% cost share for all Federally funded Bangor Area Comprehensive Transportation System (BACTS) projects administered by MDOT; and

WHEREAS, bids were recently opened and the bid came in over the previously estimated cost; and

WHEREAS, due to the condition of the roadway and the current bidding climate for the Bangor Region, all parties believe awarding the current contract is the best solution to get the work completed.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the City Manager, or his designee, to execute all necessary agreements with the Maine Department of Transportation (MDOT) for the construction of this MDOT project for a portion of Parkway South; and

BE IT FURTHER ORDERED, that the Finance Director shall include a line item in the Fiscal Year 2025 in the amount of \$95,000 (including previously allocated funding) to cover the City's anticipated 10% cost share for this project (including contingency).

Statement of Fact: This order authorizes funding and formal agreements for a BACTS sponsored project for resurfacing a portion of Parkway South from Wilson Street to the I-395 Bridge. This project was combined with State Street and bid together through MDOT. Bids were recently opened and came in over the estimated costs. After discussing with all the parties involved and comparing to other projects in the Bangor Region, it was decided by all that the best path forward is to award the current contract for construction.

City Council Minutes
Tuesday, May 14, 2024

2024-A082

May 14, 2024

TITLE: ORDER, ACCEPT DONATIONS TO THE CITY OF BREWER TO SUPPORT
 THE BREWER RIVERWALK FESTIVAL.

Filed May 3, 2024
By William Kimball

WHEREAS, the Brewer Riverwalk Festival is in need of financial support to continue to be a successful event; and

WHEREAS, the following business have made donations to support the Riverwalk Festival:

Somic America	\$ 1,000
Kiwanis Club of Brewer	\$ 1,000
Downeast Credit Union	\$ 1,000
Tiller & Rye	\$ 500
Twin City Tire	\$ 500
Renewal By Anderson	\$ 500
Box of Maine	\$ 500
High Tide Restaurant	\$ 500
<u>Masons Brewing Company</u>	<u>\$ 500</u>
TOTAL	\$ 6,000

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council herewith accepts the donations and directs that the funds be deposited in the Riverwalk Events Account (0200000-320000-57003); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from the Riverwalk Events Expense Account (0200000-520000-57003) for the purpose of marketing and other fees incorporated in running this event successfully.

Statement of Fact: The City received donations totaling \$6,000 from a number of local businesses for the purpose of financially supporting the Brewer Riverwalk Festival. These donations will pay for fireworks, marketing, and supplies for the Brewer Riverwalk Festival. This order accepts the funds and appropriates them for expenditure to support the event.

City Council Minutes
Tuesday, May 14, 2024

2024-A083

May 14, 2024

TITLE: ORDER, ACCEPT FEES TO CITY OF BREWER FOR TABLES IN CRAFT FAIR AND BUSINESS SECTION OF BREWER RIVERWALK FESTIVAL.

Filed May 3, 2024
By Dani O'Halloran

WHEREAS, crafters and businesses that wish to set up a table at the Brewer Riverwalk Festival must pay a fee to secure a spot; and

WHEREAS, fees in the amount of \$2,375 have been collected for the purpose of securing a spot in the craft fair.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council herewith accepts the fees and directs that the funds be deposited in the Riverwalk Events Account (0200000-320000-57003); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from the Riverwalk Events Expense Account (0200000-520000-57003) for the purpose of marketing and other fees incorporated in running this event successfully.

Statement of Fact: The City of Brewer Economic Development Office received fees from craft venders and businesses for the purpose of securing a spot at the Brewer Riverwalk Festival, to financially support the festival.

2024-A084

May 14, 2024

TITLE: ORDER, CONFIRM 10 HARDY STREET PROPERTY ACQUISITION.

Filed May 6, 2024
By William Kimball

WHEREAS, The City of Brewer determined that the purchase of 10 Hardy Street (Map 28, Lot 179) will allow the City to make necessary enhancements to the River Walk Trail; and

WHEREAS, Redcoral Investments, LLC. accepted an offer from the City to purchase 10 Hardy Street for \$225,000; and

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

City Council Minutes

Tuesday, May 14, 2024

WHEREAS, time was of the essence to secure this property acquisition, which the City of Brewer has accomplished; and

WHEREAS, for avoidance of doubt and City records, the City Council herewith confirms its approval of the City of Brewer's acquisition of the property at 10 Hardy Street.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith confirms approval and authorization of the City of Brewer's purchase and acquisition of property at 10 Hardy Street, Brewer, Maine, for \$225,000; and

BE IT FURTHER ORDERED, that the City Council herewith confirms authorization of the appropriation and expenditure of funds from the Property Acquisition fund 0510101-551100 for the purchase of 10 Hardy Street for \$225,000; and

BE IT FURTHER ORDERED, that the City Manager's actions to purchase and acquire the property at 10 Hardy Street are hereby confirmed and authorized.

Statement of Fact: The City of Brewer acquired property at 10 Hardy Street (Map 28, Lot 179) from Redcoral Investment, LLC. for the price of \$225,000 for the purpose of making enhancements to the Riverwalk Trail. This Order confirms the City of Brewer's acquisition for the purposes of permanent City records.

2024-A085

May 14, 2024

TITLE: ORDER, DEDICATE PROPERTY OFF HARDY STREET FOR HIGHWAY PURPOSES.

Filed May 6, 2024
By Soubanh Phanthay

WHEREAS, the City of Brewer desires to dedicate a parcel of land located off Hardy Street to be used for highway purposes in accordance with Title 23 M.R.S. § 3025, said parcel being depicted on Exhibit A attached hereto and further described in the following deeds: (1) Emma Peterson to City of Brewer, dated June 23, 2023 and recorded in the Penobscot County Registry of Deeds in Book 16858, Page 319; (2) Barbara Youngs and Phillip Cowan, Personal Representatives of the Estate of Helen Margaret Cowan, to City of Brewer, dated July 13, 2023 and recorded in said Registry in Book 16875, Page 124; and (3) RedCoral Investments, LLC. to City of Brewer, dated January 31, 2024 and recorded in said Registry in Book 17057, Page 336 (the "Hardy Street Lots"); and

WHEREAS, the City of Brewer desires to voluntarily transfer its interests in the Hardy Street Lots to be appropriated the same for public use, without claim for damages; and

WHEREAS, on May 14, 2024, the City Council held a properly noticed public hearing on the proposed dedication of the Hardy Street Lots for highway purposes; and

City Council Minutes
Tuesday, May 14, 2024

WHEREAS, the City Council desires to approve the dedication of the Hardy Street Lots for highway purposes.

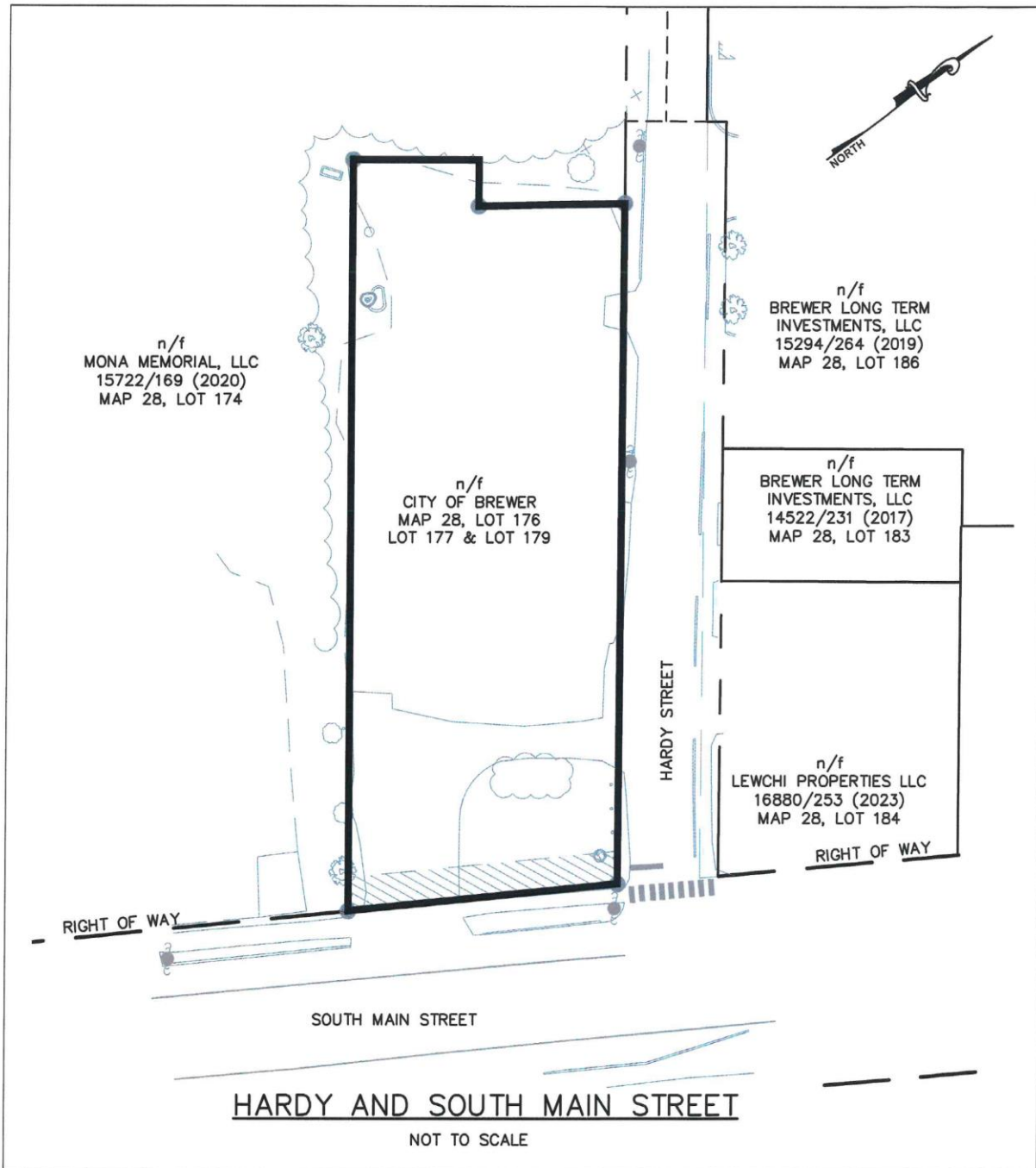
NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by a vote of its City Council, hereby dedicates the Hardy Street Lots for highway purposes, without claim for damages; and

BE IT FURTHER ORDERED, that the City Clerk shall record an attested copy of this Order in the Penobscot County Registry of Deeds.

Statement of Fact: This order dedicates certain land owned by the City of Brewer off Hardy Street for highway purposes.

Exhibit A

City Council Minutes
Tuesday, May 14, 2024



CITY OF BREWER HARDY AND SOUTH MAIN STREET		DESIGNED BY: JEC
		DRAWN BY: MT
		CHECKED BY: JEC
		DATE: 2024-05-06
PROPERTY SKETCH	SHEET 1 OF 1	PROJECT NO.: 24-0004-01 HARDY ST
		FILE NAME: HARDY ST SITE PLAN



CITY OF BREWER
ENGINEERING DEPARTMENT
221 GREENPOINT ROAD
BREWER, ME 04412
PHONE: 989-7800
FAX: 989-8024

City Council Minutes
Tuesday, May 14, 2024

2024-A086

May 14, 2024

TITLE: ORDER, ACCEPT PROPERTY OFF HARDY STREET FOR HIGHWAY
PURPOSES.

Filed May 6, 2024
By Michele Daniels

WHEREAS, on May 14, 2024, the Brewer City Council approved the dedication of a parcel of land located off Hardy Street, as depicted on Exhibit A attached hereto, to be used for highway purposes in accordance with Title 23 M.R.S. § 3025 (the “Hardy Street Lots”), without claim for damages; and

WHEREAS, on May 14, 2024, the City Council held a properly noticed public hearing on the acceptance of the Hardy Street Lots by the City of Brewer for highway purposes; and

WHEREAS, the City Council desires to accept the dedication of the Hardy Street Lots for highway purposes.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by a vote of its City Council, hereby accepts the dedication of the Hardy Street Lots for highway purposes; and

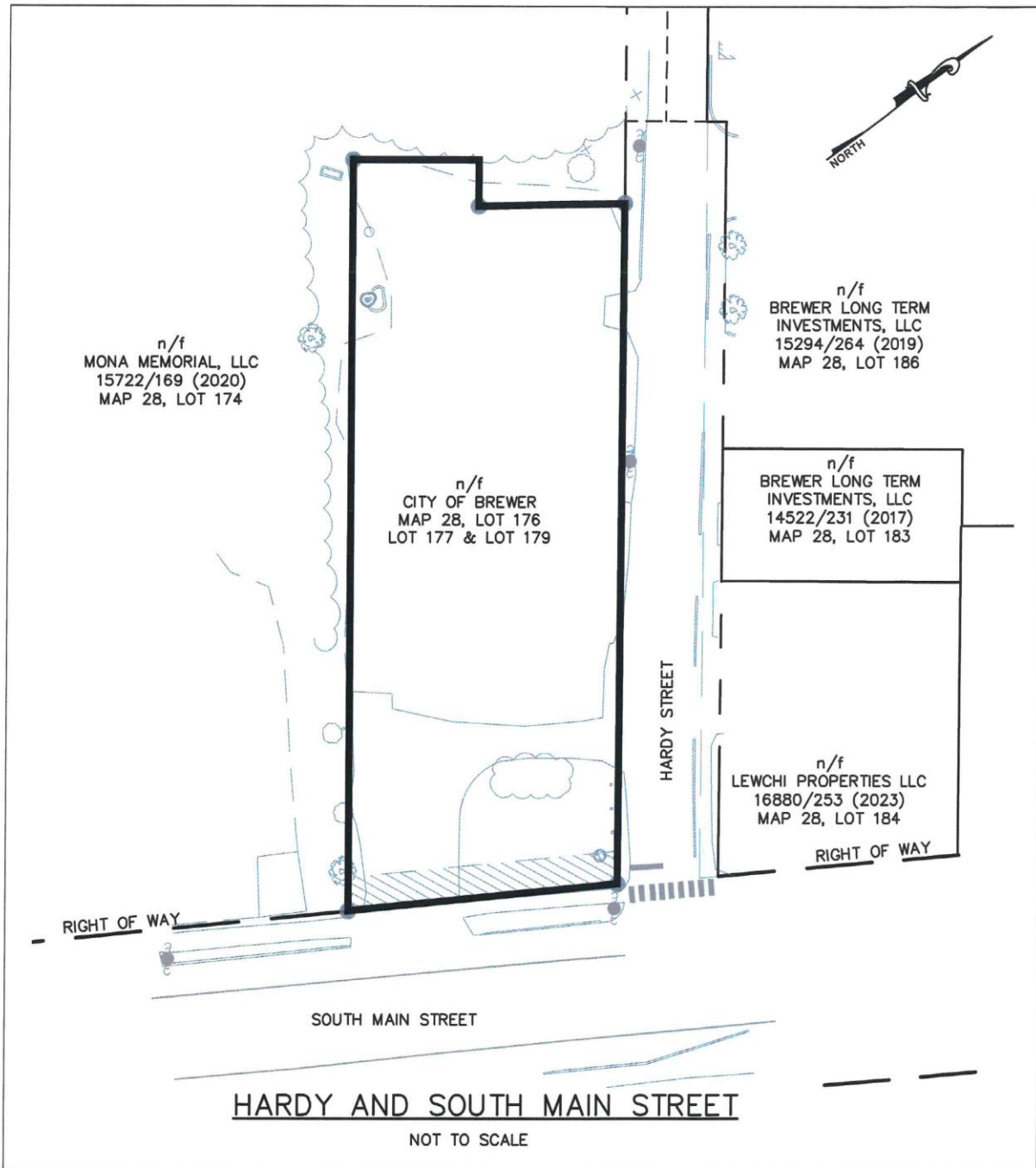
BE IT FURTHER ORDERED, that the City Clerk shall record an attested copy of this Order in the Penobscot County Registry of Deeds; and

BE IT FURTHER ORDERED, that the City Manager or his designee(s) is hereby authorized and directed to take all necessary and appropriate steps to effectuate this Order.

Statement of Fact: This order accepts the dedication of certain land owned by the City of Brewer off Hardy Street for highway purposes.

Exhibit A

City Council Minutes
Tuesday, May 14, 2024



CITY OF BREWER		DESIGNED BY: JEC
HARDY AND SOUTH MAIN STREET		DRAWN BY: MT
		CHECKED BY: JEC
		DATE: 2024-05-06
<i>PROPERTY SKETCH</i>	SHEET 1 OF 1	PROJECT NO.: 24-0004-01 HARDY ST
		FILE NAME: HARDY ST SITE PLAN



CITY OF BREWER
ENGINEERING DEPARTMENT
221 GREENPOINT ROAD
BREWER, ME 04412
PHONE: 989-7800
FAX: 989-8024

City Council Minutes
Tuesday, May 14, 2024

2024-A087

May 14, 2024

TITLE: ORDER, AUTHORIZE BRICKWORK REPAIRS TO CITY HALL.

Filed May 7, 2024
By Dani O'Halloran

EMERGENCY PREAMBLE

WHEREAS, orders passed by the Brewer City Council do not become effective until five days after approval unless such orders contain emergency preambles; and

WHEREAS, the vendor has already begun the project and plans to complete the project as soon as possible; and

WHEREAS, these facts create an emergency within the meaning of the Charter, Code and Ordinances of the City of Brewer and require that the following order become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer; and

WHEREAS, there have been noticeable condition issues with the mortar and brickwork at City Hall and, to address the deterioration, significant brickwork is needed to the Church Street entrance steps, to the archway over the South Main Street entrance, and to the corner columns on all four corners of City Hall, along with other miscellaneous areas along the exterior of the building; and

WHEREAS, once the brick-and-mortar repairs are completed, it is recommended we clean and seal the entire building to help preserve and extend the life of the rest of the mortar joints while also enhancing the look of City Hall; and

WHEREAS, finding an available experienced masonry company to do the type of work need has been very difficult; and

WHEREAS, S&S Masonry, Inc., of Holden has been willing the do the needed repairs in a reasonable time and for an acceptable price; and

WHEREAS, the City has funds set aside for City Hall Infrastructure in its Capital Improvement Program.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to sign a purchase order to S&S Masonry, Inc., up to the amount of \$55,000, to do the needed masonry repairs, cleaning and sealing on the exterior of Brewer City Hall; and

BE IT FURTHER ORDERED, that costs for this work shall be charged to CIP account 0510120-551001 (City Hall Infrastructure); and

City Council Minutes

Tuesday, May 14, 2024

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 for this purchase.

Statement of Fact: The exterior of Brewer City Hall is in need of significant masonry repairs. S&S Masonry has provided estimates but they are very likely to encounter more extensive damage as work progresses. The requested funds are intended to cover the cost of the repairs to the brick on the Church Street steps, and the rest of the building along with the washing and sealing of the entire building.

2024-A088

May 14, 2024

TITLE: ORDER, AUTHORIZE ADJUSTMENT OF SEWER MANHOLES ON SOUTH MAIN STREET AS PART OF MAINE DEPARTMENT OF TRANSPORTATION PROJECT.

Filed May 7, 2024
By William Kimball

WHEREAS, the City of Brewer owns and maintains the sewer main on South Main Street and its associated manhole covers set in the road surface; and

WHEREAS, the Maine Department of Transportation (MDOT) paving project requires manhole covers to be lowered and removed before the milling of pavement can be finished and then raised back to a final grade once the paving is completed; and

WHEREAS, quotes were solicited but only one firm submitted a price, Facility Construction Services of Old Town, Maine for a quote of \$47,000; and

WHEREAS, the Fiscal Year 2024 (FY24) sewer budget includes funding for this expense.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the expenditure of up to \$57,000 (\$47,000 for the contract plus \$10,000 for contingency) from account 0818101-502700 (Sewer Line Materials and Supplies) to complete the process of lowering and raising manholes during the MDOT paving project on South Main Street; 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: This order authorizes the Department of Environmental Services to contract with Facilities Construction Services for \$47,000 (plus up to \$10,000 for contingency) to lower manhole covers for milling South Main Street, and then raise the covers back up to grade once the paving is complete. Multiple bid packages went out but only one was returned with a price.

City Council Minutes
Tuesday, May 14, 2024

2024-A089

May 14, 2024

TITLE: ORDER, AUTHORIZE REPLACEMENT OF A PORTION OF SEWER MAIN
ON SOUTH MAIN STREET.

Filed May 7, 2024
By Soubanh Phanthay

WHEREAS, the City of Brewer owns and maintains the sewer main on South Main Street and, as such, is responsible for its upkeep and maintenance; and

WHEREAS, an approximately one-hundred-and-ninety-foot (190') portion of the sewer main, from Burr Street south, is damaged and will not survive the stormwater system construction project being completed by Maine Department of Transportation (MDOT) this spring in association with its paving project; and

WHEREAS, MDOT's five-year moratorium on digging up a roadway after it completes a paving project necessitates that this sewer work be completed immediately; and

WHEREAS, MDOT's rules about its project areas require that the City utilize MDOT's contractor, which is Northeast Construction, to complete the work the City needs performed within the area; and

WHEREAS, Northeast Construction of Hampden, Maine, quoted the City \$63,035 to complete the sewer replacement work, a price that is in line with expectations; and

WHEREAS, the Fiscal Year 2024 (FY24) Sewer Capital Improvement Program (CIP) has funds available to complete this project.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the expenditure of up to \$75,000 (\$63,035 contract plus approximately 20% contingency) from sewer CIP account 0581001-581011 (South Main Sewer Replacement) to complete this vital repair; and

BE IT FURTHER ORDERED, that the funding approved as part of the FY24 sewer CIP for a sewer main replacement on Maple Street, that turned out to be unnecessary, be reallocated to 0581001-581011 (S Main Sewer Replacement) to support the above referenced work; 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: This order authorizes the Department of Environmental Services to pay Northeast Construction up to \$75,000 to replace a section of sewer main pipe on South Main Street in the area of the MDOT paving project. Funding for the work comes from the FY24 sewer CIP.

City Council Minutes
Tuesday, May 14, 2024

2024-A090

May 14, 2024

TITLE: ORDER, REALLOCATE BUDGETED DEBT SERVICE TO CAPITAL IMPROVEMENT PROGRAM FUND TO SUPPORT FUTURE CAPITAL PROJECTS.

Filed May 7, 2024
By Michele Daniels

WHEREAS, the Fiscal Year 2024 (FY24) municipal budget approved by the Brewer City Council included estimated debt service amounts for a capital loan that, ultimately, will not be needed in FY24; and

WHEREAS, it is the recommendation of the Finance Director that the \$31,900 in debt service payment not needed in FY24 be reallocated and transferred to the Capital Improvement Program fund to support future capital needs.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the reallocation of \$31,900 not needed to support debt service payments in FY24 from account 0118701-509000 (Debt Principal – City GF) to 0119903-509130 (CIP Funding – City GF) and from there to Fund 5000 (City Capital Improvement Program) account 0500100-300893 (Transfers In) to support future capital needs.

Statement of Fact: This order authorizes the transfer of \$31,900 from the general fund to the Capital Improvement Program fund to support future capital projects. These funds were included in the FY24 budget as estimated debt service expense, but in the end are not needed in FY24.

2024-A091

May 14, 2024

TITLE: ORDER, AUTHORIZE FUNDING OF ABATEMENT EXPENSE.

Filed May 7, 2024
By Dani O'Halloran

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

WHEREAS, tax abatements this Fiscal Year 2024 (FY24) to date total approximately \$114,598.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the appropriation and expenditure of \$113,985 (\$114,598 less the \$613 the City Council authorized last fall) from the tax abatement account (0100100-300004) to be funded with \$19,387 in budgeted FY24 overlay funds (0119901-509810) and \$94,598 in unanticipated property tax revenues (0100100-300001).

City Council Minutes

Tuesday, May 14, 2024

Statement of Fact: This annual order appropriates \$113,985 in overlay to fund expense associated with FY24 tax abatements, as required by state law. Overlay refers to property tax revenue raised over the amount needed to support approved budgeted expenses.

2024-A093

May 14, 2024

TITLE: ORDER, ACCEPT DONATION TO SUPPORT PURCHASE OF MUSICAL INSTRUMENTS FOR RIVERWALK TRAIL.

Filed May 7, 2024
By Soubanh Phanthay

WHEREAS, the City of Brewer Economic Development Department has determined that musical instruments on the Brewer Riverwalk would add another element of arts and culture to the area and attract new users to the Riverwalk, and

WHEREAS, Douglas and Nichi Farnham have agreed to sponsor an outdoor music park through a donation of \$50,000.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this donation and directs that the funds be deposited in Capital Improvement Program (CIP) revenue account 0500100-360000-57028 (Riverwalk Music Park Grant); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from CIP account 0510121-551102-57028 (Riverwalk Trail Music Park) for the purchase of music equipment to be installed on the Riverwalk.

Statement of Fact: This order accepts a donation of \$50,000 from Douglas and Nichi Farnham in support of the purchase and installation of music equipment along the Brewer Riverwalk. The Economic Development Department has sent a note of gratitude to the Farnhams on behalf of the City Council and the residents of Brewer.

2024-A094

May 14, 2024

TITLE: ORDER, AUTHORIZE FUNDING FOR SHOOTING RANGE REHABILITATION PROJECT.

Filed May 7, 2024
By Michele Daniels

WHEREAS, the labor needed to complete much of the rehabilitation of the Brewer Police Department's shooting range, located behind the Brewer landfill, will be performed by members of the Army National Guard at no cost to the City under a Department of Defense Innovative Readiness Training award; and

City Council Minutes

Tuesday, May 14, 2024

WHEREAS, the City has received and accepted a grant for \$83,050 from Penobscot County to support the cost of materials and other expenses associated with the rehabilitation project; and

WHEREAS, the project needs another \$12,000 to ensure it can cover all remaining miscellaneous costs of this first, most extensive, improvement phase; and

WHEREAS, the Police Department has \$4,830 in surplus grant funds it wishes to reallocate to this project, and the City has received a property and casualty insurance dividend it can also apply.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the reallocation of the following Walmart Community Grant revenues to Shooting Range Grant Revenue account 0600058-360000-58063 to support this project:

\$4,205	FY20 Walmart Grant	0600058-360000-58047
\$625	FY22 Walmart Grant	0600058-360000-58055

BE IT FURTHER ORDERED, that the City Council herewith authorizes the acceptance of \$7,170 in property and casualty dividends received in Fiscal Year 2024 (FY24) and authorizes their appropriation and expenditure from the Shooting Range Grant Expense account 0600058-560000-58063.

Statement of Fact: This order authorizes an additional \$12,000 in funding for the Police Department's shooting range rehabilitation project: \$4,830 in reallocated Police Department Walmart grant funds and \$7,170 in insurance dividends.

2024-A095

May 14, 2024

TITLE: ORDER, AUTHORIZE AUCTION AND/OR DISPOSAL OF UNCLAIMED BICYCLES.

Filed May 7, 2024
By Dani O'Halloran

WHEREAS, the Brewer Police Department collects abandoned bicycles and stores these bicycles if the owner cannot be found; and

WHEREAS, pursuant to Maine Revised Statutes, Title 25, Chapter 401, Subsection 3503, any bicycles that have been in the possession of the Brewer Police Department for a period of time greater than six months that have been unclaimed can be sold for cash at public auction to the highest bidder and that any property offered but not sold at public auction may be donated to a nonprofit organization or charity or disposed of as waste; and

City Council Minutes

Tuesday, May 14, 2024

WHEREAS, pursuant to Maine Revised Statutes, Title 25, Chapter 401, subsection 3503, the Brewer Police Department must provide notice of the public auction which shall be published in a newspaper of general circulation in Penobscot County at least ten days prior to such auction.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is herewith authorized to direct that a public auction be held for all unclaimed bicycles that have been in the possession of the Brewer Police Department for a period of time greater than six months and that notice of this auction shall be published in a newspaper in accordance with Maine law; and

BE IT FURTHER ORDERED, that any bicycles offered at auction that are not sold may be disposed of in a manner that best serves the residents of the City; and

BE IT FURTHER ORDERED, that proceeds from bicycle auctions, if any, shall be receipted to 0105804-300490 (Police Miscellaneous Revenue) and appropriated for expenditure from 0115801-501550 (Police Community Relations) to support programs and materials that promote public relations and crime prevention.

Statement of Fact: The Brewer Police Department has in its possession over forty bicycles that have been abandoned over time, creating a storage problem. This order allows Brewer Police Department to auction these bicycles, and dispose of those not sold.

2024-A096

May 14, 2024

TITLE: ORDER, APPROVE RENEWAL OF PARKING SPACE LEASE AGREEMENT
WITH MASON'S BREWING COMPANY, LLC.

Filed May 8, 2024
By Michele Daniels

WHEREAS, the City of Brewer ("City") and Mason's Brewing Company, LLC. ("Mason's") have an existing non-exclusive lease agreement regarding twenty-five (25) parking spaces at the former public safety lot at the corner of Maple Street and South Main Street, which has been an arrangement in place since June 2019; and

WHEREAS, the City and Mason's previously extended the lease agreement on mutually agreeable terms such that the lease agreement is scheduled to terminate on June 12, 2024; and

WHEREAS, the existing lease agreement contemplates the City and Mason's may be renewed on mutually agreeable terms and conditions; and

WHEREAS, City Staff has engaged in productive discussions with Mason's on renewal terms whereby the lease rate will be increased to \$150 per space, per year, with a renewal term of five (5) years from June 12, 2024 (i.e., until June 12, 2029), and with provisions for reasonable rate adjustments after the first two years; and

City Council Minutes

Tuesday, May 14, 2024

WHEREAS, in the judgment of the Brewer City Council, it is advisable to authorize a renewal lease agreement including the aforescribed material terms and conditions and those deemed advisable by the City Manager working in consultation with City Staff.

NOW THEREFORE, BE IT ORDERED, that the City Council of the City of Brewer Maine, hereby authorizes the City Manager or his designee, in consultation with the City Economic Development Director and City Solicitor, to execute and deliver a renewal lease agreement between the City of Brewer and Mason's Brewing Company, LLC. regarding twenty-five (25) parking spaces at the former public safety parking lot at the corner of Maple Street and South Main Street on terms and conditions consistent with this Order and on any other terms and conditions deemed necessary, appropriate, and advisable by the City Manager.

Statement of Fact: This Order authorizes the City Manager to execute and deliver a renewal lease agreement with Mason's Brewing Company, LLC. regarding 25 parking spaces, with provisions for an increase in parking space rate and a 5-year renewal term.

ACTION: Mayor Morin asked that Order 2024-A092 be removed from the consent calendar. Councilor Phanthay moved that the remaining orders on the consent calendar have passage and that the resolves be adopted. Councilor Daniels seconded the motion. The motion passed with a vote of 4 to 0.

2024-A092

May 14, 2024

TITLE: ORDER, TERMINATE LEASE AGREEMENT FOR SIGN LOCATED AT
CORNER OF WILSON STREET AND SPARKS AVENUE.

Filed May 7, 2024
By William Kimball

WHEREAS, the City of Brewer entered into a lease agreement with Robert Sparks on August 24, 1992 for the demised property located at the corner of Wilson Street and Sparks Avenue, in Brewer, Maine, for the purpose of erecting, constructing and maintaining an informational directory sign for his subdivision; and

WHEREAS, the lease agreement requires Mr. Sparks, at his expense, to maintain and repair any sign erected on the demised property and to keep the sign in a neat, clean and orderly condition; and

WHEREAS, the sign erected on the demised property is in disrepair, violates City of Brewer's Code of Ordinances, is a hazard to public safety, and directly violates the lease agreement; and

WHEREAS, the lease term is from year to year, commencing on the date of the lease (August 24, 1992) and may be terminated by either party by giving the other party sixty (60) days' notice of the termination prior to the end of the annual term; and

City Council Minutes

Tuesday, May 14, 2024

WHEREAS, the City of Brewer has made repeated attempts to communicate to Mr. Sparks the need for the sign to be repaired so as to conform with the City of Brewer's Code of Ordinances, or be removed; and

WHEREAS, Mr. Sparks has not satisfactorily maintained the sign per the lease agreement on the demised property.

NOW, THEREFORE, BE IT ORDERED, that the City Council of the City Brewer, Maine, hereby authorizes and directs the City Manager, or his designee, to obtain a satisfactory mutual lease termination on terms and conditions in the best interests of the City of Brewer or, alternatively, to terminate the lease consistent with its provisions including, without limitation, sending a termination notice at least sixty (60) days before August 24, 2024, and further to take all other necessary and appropriate actions to cause removal of the sign and restoration of the property as part of terminating the lease.

Statement of fact: On August 24, 1992 the City of Brewer entered into a lease agreement with Robert Sparks for the property located at the entrance of Sparks Avenue off Wilson Street for the purpose of erecting, constructing and maintaining an informational directory sign for his subdivision. Mr. Sparks has not maintained the sign in accordance with the lease agreement, nor does the sign conform to City of Brewer's Code of Ordinances. Termination of the lease agreement would allow for removal of this blighted and unsafe sign.

City Council Minutes
Tuesday, May 14, 2024



City Council Minutes
Tuesday, May 14, 2024



City Council Minutes

Tuesday, May 14, 2024

ACTION: Mayor Morin asked at who's expense would the sign be taken down. The City Manager said that the expense of removing the sign would be borne by Mr. Sparks. The City Solicitor said he was not sure if it was stated specifically in the order, but that it was the position of the City that leasee would be responsible for the costs. Mayor Morin asked if this matter would need to come before the Council again if the sign is not removed by the leasee, the City Solicitor clarified that the order terminates the lease, and that the Council could take up the matter again if the leasee does not comply. Mayor Morin moved that the order have passage. Councilor Daniels seconded the motion. The motion passed with a vote of 4 to 0.

D. Monthly Reports

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

E. Nominations, Appointments, Elections

2024-B019

May 14, 2024

TITLE: RESOLVE, CONFIRM CITY MANAGER'S APPOINTMENTS OF GENERAL ASSISTANCE ADMINISTRATORS.

Filed May 7, 2024
By Dani O'Halloran

BE IT RESOLVED, that the Brewer City Council herewith confirms the City Manager's appointments of the following General Assistance Administrators for the City of Brewer:

- Katherine Waite
- Eric Glidden

Statement of Fact: This resolve confirms the City Manager's appointment of General Assistance Administrators for the City of Brewer as set forth in Title 22 M.R.S.A. § 4302.

2024-A097

May 14, 2024

TITLE: ORDER, APPOINT MEMBERS TO THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF BREWER.

Filed May 8, 2024
By Michele Daniels

City Council Minutes

Tuesday, May 14, 2024

BE IT ORDERED, that Dale Kimsey of 10 Colonial Circle is herewith appointed to the Board of Commissioners of the Housing Authority of the City of Brewer as a Resident Member for a five-year term; and

BE IT FURTHER ORDERED, that Joanna Russell of 7 Holyoke Street is herewith appointed to the Board of Commissioners of the Housing Authority of the City of Brewer for a five-year term; and

BE IT FURTHER ORDERED, that Susan Xirinachs of 116 Parkway North is herewith appointed to the Board of Commissioners of the Housing Authority of the City of Brewer to fill the vacated term of Frank Gallant; and

BE IT FURTHER ORDERED, that Ms. Kimsey's and Ms. Russell's terms will commence May 19, 2024 and will expire on March 31, 2029; and

BE IT FURTHER ORDERED, that Ms. Xirinachs' term will commence May 19, 2024 and expire on March 31, 2027; and

Statement of Fact: These appointments will fill three seats on the Brewer Housing Authority Board. These seats were vacated following the expiration of the terms of Bobbi Johnson and Louis Tardiff, and the passing away of Frank Gallant.

2024-A098

May 14, 2024

TITLE: ORDER, SET POLLING HOURS FOR JUNE 11, 2024 STATE OF MAINE
PRIMARY ELECTION.

Filed May 8, 2024
By William Kimball

WHEREAS, the State of Maine Primary Election will be held on Tuesday, June 11, 2024; and

WHEREAS, Title 21-A, M.R.S.A., §626(1) provides that the polls must be opened no earlier than 6:00 a.m. and no later than 8:00 a.m. on election day; and

WHEREAS, Title 21-A, M.R.S.A., §626(1) further provides that the municipal officers shall determine the time of opening the polls within the time limits of 6:00 a.m. to 8:00 a.m.; and

WHEREAS, a poll opening time of 7:00 a.m. will, in the judgment of the municipal officers, meet the needs of the municipality for the June 11, 2024 election.

NOW, THEREFORE, BE IT ORDERED, that the municipal officers herewith set the time of 7:00 a.m. for opening the polls and a time of 8:00 p.m. for closing the polls for the June 11, 2024 State of Maine Primary Election.

City Council Minutes

Tuesday, May 14, 2024

Statement of Fact: This order sets the time of the polls opening on Tuesday, June 11, 2024 for the State of Maine Primary Election, from 7:00 a.m. until 8:00 p.m.

2024-B020

May 14, 2024

TITLE: RESOLVE, PRESCRIBE REGISTRAR OF VOTERS HOURLY SCHEDULE FOR
JUNE 11, 2024 STATE OF MAINE PRIMARY ELECTION.

Filed May 8, 2024
By Soubanh Phanthay

WHEREAS, the State of Maine Primary Election will be held on Tuesday, June 11, 2024; and

WHEREAS, Title 21-A M.R.S.A., §122 (6)(A)(2) provides in part, that in a municipality with a population of more than 2,500, the Registrar of Voters shall accept registrations on the last 5 business days before election day, during the hours that the City Clerk's office is open (8:00 a.m. to 4:00 p.m.) and for 2 hours in the evening between 5:00 p.m. and 9:00 p.m. on at least 1 of these days; and

WHEREAS, the City of Brewer has a population greater than 2,500 according to the 2020 Federal Census; and

WHEREAS, the Registrar of Voters suggests that holding office hours on Wednesday, June 5, 2024 from 5:00 p.m. until 7:00 p.m. will satisfy the requirements of Title 21-A M.R.S.A., §122 (6)(A)(2) and serve the needs of the community; and

WHEREAS, the municipal officers concur with this assessment by the Registrar of Voters.

NOW, THEREFORE, BE IT RESOLVED, that the municipal officers herewith prescribe the hours of registration as 8:00 a.m. to 4:00 p.m. on the five business days prior to the State of Maine Primary Election to be held on June 11, 2024; and

BE IT FURTHER RESOLVED, that the municipal officers herewith prescribe the additional hours of registration as 5:00 p.m. to 7:00 p.m. on Wednesday, June 5, 2024.

2024-A100

May 14, 2024

TITLE: ORDER, APPOINT REPUBLICAN ELECTION CLERKS.

Filed May 8, 2024
By William Kimball

BE IT ORDERED, that the following Brewer registered voters are herewith appointed as Republican City Election Clerks for a term of two years commencing May 1, 2024 and expiring April 30, 2026.

City Council Minutes
Tuesday, May 14, 2024

Jill Bean	14 Floyd Street
David Clark	205 Washington Street
Wendy Dearborn	48 Wiswell Road
Kathy Dowling	19 Chambers Street3
Priscilla Gray	156 Wilson Street
Christine Lamson	105 Washington Street
Leslie Ohmart	73 Sunset Strip
Mikayla Smith	18 Day Road
Susan Xirinachs	116 Parkway North
Edward Youngblood	735 North Main Street

Statement of Fact: Elections Clerks are appointed in May of even numbered years.

ACTION: Councilor Daniels asked that Order 2024-A099 be removed from the consent calendar. Councilor Daniels moved that the remaining orders on the consent calendar have passage and that the resolves be adopted. Councilor Phanthay seconded the motion. The motion passed with a vote of 4 to 0.

2024-A099

May 14, 2024

TITLE: ORDER, APPOINT DEMOCRATIC ELECITON CLERKS.

Filed May 8, 2024
By ~~Michele Daniels~~
Soubanh Phanthay

BE IT ORDERED, that the following Brewer registered voters are herewith appointed as Democratic City Election Clerks for a term of two years commencing May 1, 2024 and expiring April 30, 2026.

Janet Cammack	46 Alan-A-Dale Road
Peggy Crawford	1161 North Main Street
Michaelle Day	387 Eastern Avenue
Manley DeBeck	25 Goupee Street
Janet Ecker	58 Canterbury Road
Sandra Henderson	5 Somerset Street
Marilyn Lavelle	116 Eastern Avenue
Cheryl Morrow	58 Longmeadow Drive
Sari Ohmart	73 Sunset Strip
Melissa Snow	74 Grove Street
Ruth Spellman	58 Hillcrest Drive
Barry Twitchell	50 Alan-A-Dale Road

City Council Minutes

Tuesday, May 14, 2024

Statement of Fact: Elections Clerks are appointed in May of even numbered years.

ACTION: Councilor Daniels asked that Order 2024-A099 be amended to list Councilor Phanthay as the sponsoring Councilor. Councilor Kimball seconded the motion. The motion to amend the order passed with a vote of 4 to 0. The Council voted 4 to 0 for the order to have passage as amended.

F. Unfinished Business Consent Calendar

2024-C008

April 9, 2024

TITLE: ORDER, AMEND CHAPTER 20 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED "LICENSES AND PERMITS", ARTICLE 3, SECTION 307 "UTILITY PERMITS".

Filed March 29, 2024

By Dani O'Halloran

BE IT ORDAINED, by the Brewer City Council that Chapter 20, of the Charter, Codes and Ordinances of the City of Brewer, entitled "Licenses and Permits", Article 3, Section 307 "Utility Permits" shall be amended as follows:

SECTION 307 UTILITY LOCATION PERMITS

Any person, partnership, corporation or other legal entity engaged in the business of transmission of intelligence, heat, light or power by electricity, applying for a permit to construct facilities upon and along highways and public roads of the City, shall submit such application for a main extension or large-scale maintenance project to the City Manager Clerk. The Clerk will then issue the application to the appropriate City Departments for their review.

SECTION 307.1 SUBMISSION REQUIREMENTS

The application shall include a plan showing the proposed work and a brief narrative explaining streets to be affected, timeline for construction, and proposed traffic management plan, if necessary.

The plan shall show the location of existing City owned utilities (water, storm drain, and sanitary sewer). The applicant will be responsible for coordinating with City Departments to have the utilities located in the field prior to submitting the application. The applicant will then be responsible for collecting the information and depicting it accurately on the submitted plan.

The City Manager is hereby designated by the City Council to accept applications for utility location permits in their behalf after

City Council Minutes
Tuesday, May 14, 2024

review by appropriate City Departments. Any decision made by the City Manager under this authority shall be filed with the City Clerk within one (1) week from the date thereof. Within two (2) weeks from the filing, any person aggrieved may appeal such decision as provided under Title 35-A M.R.S.A.

SECTION 307.2 CONSTRUCTION STANDARDS

All construction requirements included in Sections 304 and 305 of this Ordinance are applicable for work done under Utility Location Permits.

All work completed within the City right of way or on City property is subject to a three-year workmanship warranty. Within the warranty period the applicant, once notified by the City of a workmanship issue, shall make the needed repairs to the requirements set forth by City staff within a three-week period. Should the area pose a risk to the public the applicant shall immediately mitigate the risk even if final repairs cannot be made at that time. Should the applicant not start making the required repairs within the three weeks period after being notified by the City, the City shall complete the repairs and shall seek reimbursement through the terms set forth in Section 304.11 of this Ordinance.

Applicant shall meet all construction specifications set forth by the Water and Environmental Services Departments in their Construction Standards documents, respectively. Required separation distances shall be met, or if unable to be met, shall be approved by the affected Department during review. Locations that do not meet standards for separation shall be noted on submitted plan.

SECTION 307.3 FEES

At the time of submission of the utility location permit, an application fee shall be required as set forth in the Fee Schedule of the Code of Ordinances for the City of Brewer. The application fee will be assessed on a per street basis where work is proposed to occur basis. This application fee covers review of the application up to 5 hours of total City staff time.

Should the application require more time to review because of the complexity of the project, City staff will notify the applicant prior to beginning review and an additional review fee, up to \$5000.00, may be assessed. The City will provide an estimated fee of their projected time to complete the review. The applicant can choose to remove their submission for consideration should they choose to not want to pay the additional review fee. This review fee will include time for utility location.

City Council Minutes
Tuesday, May 14, 2024

Statement of Fact: This Order completes a revision of the Utility Location portion of the Licenses and Permits Ordinance. After review and discussion by several City staff members, it was determined that the Utility Location Permit process should be revised to clarify several issues that have occurred in the past and provide more detail to utility companies looking to install infrastructure within the City right-of-way. The updated process will begin with the applications being submitted to the City Clerk rather than the City Manager, so that an application fee can be collected at that time.

2024-C009

April 9, 2024

TITLE: ORDER, AMEND CHAPTER 20 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “LICENSES AND PERMITS”, TO ADD SECTION 222 “SHORT-TERM RENTALS”.

Filed April 2, 2024
By Michele Daniels

BE IT ORDAINED, by the Brewer City Council that Chapter 20, of the Charter, Codes and Ordinances of the City of Brewer, entitled “Licenses and Permits”, be amended by adding Section 222 “Short-Term Rentals” as follows:

Section 222 Short-term Rentals

No person shall operate a short-term rental without first obtaining a license pursuant to the requirements of this Article.
All short-term rental owners shall obtain an annual license on or before January 1 of each year. Such license shall be posted in a visible location inside the main entrance of the unit along with the E-911 address and contact information for the property owner/operator such as the property owner and/or operator’s name, phone number and email address. It shall be the responsibility of the property owner to maintain books and records of short-term rental guest(s) renting on premises, periods and dates of stay, and the number of persons occupying the short-term rental in each individual stay.

Section 222.1

Any owner or operator of a pre-existing short-term rental in operation prior to the effective date of this Section may submit an annual license application to the City Clerk from April 1, 2024 until July 1, 2024, which must also include documented evidence of the location of the short-term rental unit, a description of the unit, how long the unit has been rented/leased/contracted and whether the unit has been hosted or non-hosted per definition under Chapter 24 Article 4. Applications received after July 1, 2024, shall be processed as first-time applications.

City Council Minutes
Tuesday, May 14, 2024

Section 222.1.1

The property owner shall provide the following information when applying for the annual license:

1. Proof of residency
2. Proof of property ownership
3. Evidence the short-term rental unit complies with all requirements of the Life Safety Code, Brewer City Ordinances, and all land use approvals including but not limited to, site plan approval, departmental review, building permit, and certificate of occupancy.
4. Proof that all property tax bills, assessments, and other charges affecting the property are paid to date.

Section 222.1.2

No more than two (2) overnight short-term rental guests shall be allowed per legal bedroom identified on the property's Certificate of Occupancy. Occupancy levels may be further limited based on septic system design and off-lot connection and capacity.

Section 222.1.3

Licenses shall only be issued to the property owner of record and a property owner shall be limited to and issued only one (1) short-term rental license for one (1) dwelling unit on a legal lot of record to be used as a short-term rental.

Section 222.1.4

Licensing, registration, and inspection approvals shall not transfer with any change of ownership or transfer to a different short-term rental either on premises or to another location.

Section 222.1.5

It shall be the responsibility of the license holder to provide current information to the City Clerk's office at such time that any information in the license application changes.

Section 222.1.6

Prior to the issuance of a license, the unit to be used as a short-term rental must pass an inspection to be conducted by the Code Enforcement Officer to determine if the rental complies with all applicable City Codes and Ordinances.

Section 222.1.7

Violations including but not limited to three (3) or more substantiated complaints in connection with the short-term rental, substantiated Land Use Code complaints or violations, and/or operation of a short-term rental without a license shall be grounds

City Council Minutes
Tuesday, May 14, 2024

for suspension, revocation or non-issuance of an annual license in accordance with this Chapter.

Section 222.1.8

E-911 address numbering must be posted on the outside of the dwelling in accordance with E-911 Ordinance standards of Chapter 50.

Section 222.1.9

Issuance of a license pursuant to this Article is subject to payment by the applicant of an application and license fee. The fee for said license shall be in accordance with Article 4 of this Chapter.

Statement of Fact: This amendment to Chapter 20 is proposed to align with the recently adopted amendments to Chapter 24 Land Use Code, Article 4, Section 444, to include regulations on short-term rentals.

2024-C010

April 9, 2024

TITLE: ORDER, AMEND CHAPTER 9 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “FIRE PREVENTION”, ARTICLE 7, SECTION 703.

Filed April 2, 2024
By William Kimball

BE IT ORDAINED, by the Brewer City Council that Chapter 9, of the Charter, Codes and Ordinances of the City of Brewer, entitled “Fire Prevention”, Article 7, Section 703, be amended as follows:

SECTION 703

No person, partnership, corporation or other legal entity shall blast within the limits of the City of Brewer without issuance of a blasting permit from the providing the City Clerk Code Enforcement Officer in accordance with Brewer City Ordinances, Chapter 24 Land Use Code, Article 4, Section 413.4 at his or her office, during normal business hours, and providing written proof of a license to blast issued by the State of Maine and proof of liability insurance covering the blasting at least forty-eight (48) hours before the blasting is to take place. The City Clerk Code Enforcement Office shall provide the Fire Chief with copies of the license and proof of liability insurance filed with the City Clerk's Code Enforcement office prior to blasting, detonation or display. The Fire Chief or Officer in Charge can order a temporary halt to any blasting, detonation or display for the purpose of securing the safety of persons or property.

City Council Minutes

Tuesday, May 14, 2024

Statement of Fact: This ordinance amendment to Chapter 9 is proposed to align with the recently proposed amendments to Chapter 24 “Land Use Code”, Article 4, Section 413.4, to include regulations on blasting. The Planning Board held a public hearing on March 4, 2024 and unanimously made the recommendation to adopt the amendments to Chapter 24 “Land Use Code”, Article 4, Section 413.4 as written. There were no public comments.

ACTION: Councilor Phanthay moved that the amendments on the consent calendar be enacted. Councilor Daniels seconded the motion. The motion passed with a vote of 4 to 0.

2. Continuation of hearing initiated on April 9, 2024 to determine the building, or portion thereof, located at 499 Wilson Street (Tax Map 13, Lot 19) may be structurally unsafe, unsanitary; constitute a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment or is otherwise dangerous to life or property pursuant to Title 17 M.R.S.A. §2851, et seq.

2024-A101

May 14, 2024

TITLE: ORDER, ADOPT DANGEROUS BUILDING DECISION AND ORDER
REGARDING BUILDING AT 499 WILSON STREET.

Filed May 7, 2024
By Soubanh Phanthay

WHEREAS, the City of Brewer initiated a municipal dangerous building proceeding of and concerning a building on property having an address of 499 Wilson Street; and

WHEREAS, on April 9, 2024, the City Council held a public hearing of and concerning the aforescribed building; and

WHEREAS, based on the evidence presented, the Council finds and determines the aforescribed building is a dangerous building within the meaning of the Maine Dangerous Building Statutes and has prescribed remedies to abate the dangerous conditions, as detailed in the attached Dangerous Building Decision and Order.

NOW, THEREFORE, BE IT ORDERED, that the City Council of the City of Brewer Maine, hereby approves and adopts the attached Dangerous Building Decision and Order of and concerning a building on property having an address of 499 Wilson Street (“Decision and Order”); and

BE IT FURTHER ORDERED, that the City Manager or his designee, and where noted in the Decision and Order the City Clerk or his designee and the Code Enforcement Officer or her designee, are hereby authorized and directed to take such other necessary and appropriate steps to implement the attached Decision and Order.

City Council Minutes
Tuesday, May 14, 2024

Statement of fact: As a follow-up to the public hearing on April 9, 2024, this Council Order approves the attached Dangerous Building Decision and Order regarding a building on property having an address of 499 Wilson Street.

City Council Minutes
Tuesday, May 14, 2024

**DANGEROUS BUILDING
DECISION AND ORDER**

Pursuant to 17 M.R.S. §§ 2851-2859

Building at 499 Wilson Street, Brewer, Maine

The Brewer City Council, acting as the municipal officers of the City of Brewer, hereby adopt and issue this Dangerous Building Decision and Order pursuant to 17 M.R.S. § 2851 et seq. (Maine Dangerous Buildings statutes) with respect to a building on property with an address of 499 Wilson Street, Brewer, Maine, as more particularly described in a Warranty Deed from Helen H. Fonsell to Helen H. Fonsell and Nancy J. Bell, dated July 10, 2004, and recorded in the Penobscot County Registry of Deeds in Book 9441, Page 131. The property is further designated as Tax Map 13, Lot 19 in the City of Brewer's tax maps on file at the City Hall. The City of Brewer has since acquired title due to lien foreclosures.

Preliminary

This is a dangerous building proceeding under Title 17 M.R.S. § 2851-2859. Notices were provided to the former owner and all potential parties-in-interest, in accordance with 17 M.R.S. §§ 2851 and 2857.

The City Council convened a hearing on the matter in accordance with the Dangerous Buildings statute on April 9, 2024 at 6:00 p.m. at Brewer City Hall at 80 North Main Street, Brewer.

Participants at the April 9, 2024 public hearing included Kristie Rines, Brewer Code Enforcement Officer ("CEO Rines"), who made a presentation to the Council and made reference to the City reports and other property file materials provided as part of this dangerous building proceeding.

Factual Findings

Based on the testimony and other evidence presented, including without limitation photographs, reports, and testimony of CEO Rines, the City Council hereby finds as follows:

1. The aforescribed building is located on property having a street address of 499 Wilson Street, Brewer, Maine, and as depicted on the City Assessor's maps as Tax Map 13, Lot 19.
2. The current owner is the City of Brewer by virtue of municipal lien foreclosures. The former owner is Nancy Bell.
3. The building located at 499 Wilson Street is in extremely poor condition evidenced by the large scope and amount of garbage, rotten perishable substances, human and animal feces, bug and insect infestation within and throughout the building, and presence of other harmful substances to human and public health (e.g., mold). As testified to by CEO Rines, this building is in a severe state of disrepair.
4. It was CEO Rines' conclusion that the aforescribed building, as it currently exists, poses a hazard due to its deteriorated state and inadequate maintenance, and is a nuisance or is dangerous in its present state in accordance with 17 M.R.S. § 2851.

City Council Minutes
Tuesday, May 14, 2024

Conclusions of Law

Based on the foregoing findings of fact, the Brewer City Council finds that the aforescribed building located on the property at 499 Wilson Street constitutes a dangerous building within the meaning of 17 M.R.S. § 2851. Specifically, the City Council finds that this building is unsafe; constitutes a fire hazard; is unfit for human occupancy; and is otherwise dangerous to life or property.

Disposal and Expenses

Based on the foregoing findings of fact and conclusions of law, the City Council hereby determines:

1. The aforescribed building at 499 Wilson Street is a dangerous building within the meaning of 17 M.R.S. § 2851, as evidenced by the photographs City reports, and testimony of CEO Rines, and must be disposed of by demolition. Upon election, and at the owner's sole discretion, the building may be salvaged if all dangerous building conditions are completely abated within sixty (60) days from the date of this Decision and Order, evidenced by an official inspection report from the Brewer Code Enforcement Officer.

ORDER

NOW THEREFORE, based on the foregoing, the City Council hereby ORDERS as follows:

1. Within sixty (60) days from the date of this Decision and Order, the property owner shall:
 - a. Demolish the aforescribed building at 499 Wilson Street, including removal of all structural appurtenances, debris, trash, footers, etc., and shall fill and compact the remaining foundation/hole to grade level of the lot with appropriate soil erosion and sedimentation control measures.

OR

- b. Otherwise, at the property owner's sole discretion, within sixty (60) days from the date of this Decision and Order completely abate all dangerous building conditions at 499 Wilson Street, evidenced by an inspection report of the Brewer Code Enforcement Officer in consultation with other Brewer Departments, Officials, or third-party vendors, as deemed necessary and appropriate by the Code Enforcement Officer.
2. No occupancy or use of the aforescribed building at 499 Wilson Street may occur unless in compliance with this Decision and Order and all applicable City of Brewer ordinances and codes.
3. The property owner shall follow applicable procedures and requirements as set forth in 30-A M.R.S. §3106 regarding any "covered property" as defined therein.

City Council Minutes

Tuesday, May 14, 2024

4. The City Clerk shall record and cause service of attested copies of this Decision and Order in accordance with 17 M.R.S. § 2851(3).

This decision may be appealed to Superior Court under the Maine Rules of Civil Procedure, Rule 80B. If this order is not timely complied with and no timely appeal is taken, the Brewer City Council may undertake the ordered corrective action at City's expense and recover all expenses, including without limitation reasonable attorney's fees by means of a special tax or civil action.

[Signatures appear on next page]

City Council Minutes
Tuesday, May 14, 2024
Dated this 14th day of May, 2024.

BREWER CITY COUNCIL

Jenn Morin, Mayor

Soubanh Phanthay, Deputy Mayor

Michele Daniels

Dani O'Halloran

William Kimball

#####

A true copy, attest:

Vincent Migliore, City Clerk
Brewer, Maine

[seal]

City Council Minutes
Tuesday, May 14, 2024

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

G. New Business

2024-A102

May 14, 2024

TITLE: ORDER, CREATE THE CITY OF BREWER CULTURE AND ARTS COMMITTEE.

Filed May 1, 2024
By Michele Daniels

WHEREAS, it is the desire of the Brewer City Council to facilitate, enrich, and enhance community events that promote local arts for the residents of the City of Brewer; and

WHEREAS, the City Council understands the benefits of active, diverse, and engaging events to promote the building of the community, encouraging economic growth, attracting visitors, and providing a means to spotlight the cultural offerings of the City of Brewer and its residents; and

WHEREAS, the City Council desires to enhance the quality of life of Brewer residents by providing them with insightful and engaging community opportunities.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith creates the City of Brewer Culture and Arts Committee; and

BE IT FURTHER ORDERED, that the Culture and Arts Committee shall serve in an advisory capacity to the City Council to enhance the quality of life and increase opportunities for community-building in Brewer; and

BE IT FURTHER ORDERED, the Culture and Arts Committee is charged with the following duties and responsibilities:

- To facilitate and enhance community events that promote local arts for the residents of the City of Brewer
- Create a deep sense of community among the City's residents by organizing varied events and activities that benefit residents of all ages and interests
- Provide occasions to meet and interact with one another
- Provide new City residents with the information they need to be active participants in the City

Statement of Fact: This order creates the City of Brewer Culture and Arts Committee.

City Council Minutes
Tuesday, May 14, 2024

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

H. New Items with Leave of Council

There were no new items with leave of Council.

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 6:54 P.M.

ADJOURNED, ATTEST: _____ Vincent P. Migliore
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine