

CITY COUNCIL REGULAR MEETING

Tuesday, August 13, 2024 6:00 P.M.

Brewer City Hall Council Chambers

I. Call to Order (Mayor Morin)

II. Roll Call (City Clerk)

III. Pledge of Allegiance to the Flag of the United States of America (Mayor Morin)

A. Minutes of the July 9, 2024 Regular Meeting and Minutes of the July 29, 2024 Special Meeting (Councilor Daniels)

B. Awards, Petitions and Public Comments

1. Acting City Manager's Report

2. Public Meeting To consider Maine Department of Environmental Protection Analysis of Brownfields Cleanup Alternatives conducted for the property located at 1 & 11 Union Street (Tax Map 29, Lot 124 & Lot 126), Brewer, Maine.

3. Public Comments

IV. Public Hearing

1. To consider extending moratorium on large-scale solar energy systems.

V. Adjourn Public Hearing

C. Consent Calendar

1. (2024-A141) ORDER Authorize issuance of the City's General Obligation Bonds to finance the City's Fiscal Year 2025 Capital Improvement Plan and a Tax Levy Therefor. (Councilor O'Halloran)
2. (2024-A142) ORDER Tax Release Deed, Map 29, Lot 6, land and buildings on 22 Blake Street, Brewer, Maine. (Councilor Kimball)
3. (2024-A143) ORDER Accept donation to the Brewer Youth Public Safety Academy from Brewer Kiwanis Club. (Councilor Phanthay)
4. (2024-A144) ORDER Accept donation to the Brewer Youth Public Safety Academy from Nichols Plumbing. (Councilor Daniels)
5. (2024-A145) ORDER Accept donation to Brewer Parks and Recreation from Darryl & Michelle Rowles in memory of Michael Henderson. (Councilor O'Halloran)
6. (2024-A146) ORDER Authorize sale of City Property, Tax Map 7, Lot 1A, in Brewer, Maine, to Panther Development. (Councilor Kimball)
7. (2024-A147) ORDER Accept donation to the Brewer Youth Public Safety Academy from Michael and Emmi Wilson. (Councilor Phanthay)
8. (2024-A148) ORDER Award Contract for Indian Trail Park Amphitheater Seating Project. (Councilor Daniels)
9. (2024-A149) ORDER Award Contract for Lambert Road Drainage Improvements Project. (Councilor O'Halloran)
10. (2024-A150) ORDER Authorize purchase of rock salt. (Councilor Kimball)

11. (2024-A151) ORDER Authorize repairs to fueling island at Green Point Road facility. (Councilor Phanthay)
12. (2024-A152) ORDER Designate trailer as surplus and authorize disposal. (Councilor Daniels)
13. (2024-A153) ORDER Designate zero-turn mower as surplus and authorize disposal. (Councilor O'Halloran)
14. (2024-A154) ORDER Authorize contract with Woodard & Curran for construction services for Sherwood Forest water lines. (Councilor Kimball)
15. (2024-B035) RESOLVE Resolution to extend moratorium on large-scale solar energy systems. (Councilor Phanthay)
16. (2024-B036) RESOLVE Approve use of School Capital Reserve Funds for Center Street building improvements. (Councilor Daniels)
17. (2024-B037) RESOLVE Ratify Brewer Firefighters' collective bargaining contract. (Councilor O'Halloran)
18. (2024-A155) ORDER Accept donation to Brewer Fire Department from First National Bank. (Councilor Kimball)
19. (2024-A156) ORDER Authorize adjustment of additional sewer manholes on Parkway South and State Street as part of Maine Department of Transportation project. (Councilor Phanthay)
20. (2024-A157) ORDER Accept grant award from Maine Drinking Water Program for lead service line inventory development. (Councilor Daniels)
21. (2024-A158) ORDER Authorize amendment to Maine Public Employees Retirement System plan for Firefighters. (Councilor O'Halloran and Councilor Kimball)

D. Monthly Reports (Councilor Phanthay)

E. Nominations, Appointments, Elections

Consent Calendar

1. (2024-A159) ORDER, Issue warrant for November 5, 2024 City of Brewer Municipal Annual Election and set polling hours for the November 5, 2024 City of Brewer Municipal Annual Election and State of Maine General Election. (Councilor Kimball)
2. (2023-B038) RESOLVE, Prescribe Registrar of Voters Hourly Schedule for the November 5, 2024 City of Brewer Municipal Annual Election and the State of Maine General Election. (Councilor Phanthay)

F. Unfinished Business

1. (2024-C012) ORDER Amend Chapter 31 of the Charter, Codes and Ordinances of the City of Brewer, entitled "Environmental Ordinance", Article 12 "Schedule of Sewer Rates", Section 1200. (Councilor Daniels)

G. New Business

1. (2024-C013) ORDER Amend Chapter 31 of the Charter, Codes and Ordinances of the City of Brewer, entitled “Environmental Ordinance”, to remove Appendix A from the Ordinance.
(Councilor O’Halloran)

H. New Items with Leave of Council

I. ADJOURN

CITY OF BREWER PUBLIC NOTICE

Notice is hereby given that the City of Brewer will hold a 30-day public comment period beginning July 25, 2024 and ending on August 24, 2024 to consider the Analysis of Brownfields Cleanup Alternatives conducted for the property located at 1 & 11 Union Street (Tax Map 29 Lot 124 & 126).

A public meeting to discuss the remediation and cleanup at 1 & 11 Union Street (Tax Map 29 Lot 124 & 126) will be held on **Tuesday, August 13, 2024 at 6:00 p.m. in the Council Chambers at Brewer City Hall located at 80 North Main St.**

- The City of Brewer received an MEDEP 128a Brownfields Cleanup Grant to investigate the potential for environmental contamination at the Former Getchell Brothers Ice property located at 1 & 11 Union Street in Brewer (the Site). As a requirement of the Brownfields Grant, the City is providing this notification of the availability of the Analysis of Brownfields Cleanup Alternatives (ABCA) for the cleanup planned for the property. As part of the Grant, the ABCA is available for public review and comment. The ABCA and previously prepared environmental assessment reports for the Site, can be downloaded and reviewed at the City's website www.brewermaine.gov, or reviewed in person at City Hall located at 80 North Main Street Monday – Friday 8 am-4 pm.

Any person may attend this public meeting. Written comments may also be submitted. **Comments on the ABCA and on the proposed cleanup and remediation of the Former Getchell Brothers Site can be submitted in writing to: Beacon Environmental Consultants, LLC, PO Box 2154, Windham, Maine 04062; Attention John Cressey, (207) 376-5001 or jcressey@beaconmaine.com.**

CITY OF BREWER PUBLIC NOTICE

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

Vincent P. Migliore
City Clerk

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2024-A141

August 13, 2024

TITLE: ORDER, AUTHORIZE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BONDS TO FINANCE THE CITY'S FISCAL YEAR 2025 CAPITAL IMPROVEMENT PLAN AND A TAX LEVY THEREFORE.

Filed June 10, 2024
By Dani O'Halloran

BY THE CITY COUNCIL OF THE CITY OF BREWER, BE IT HEREBY ORDERED:

THAT the City of Brewer Treasurer / Finance Director is authorized, in the name of and on behalf of the City, to borrow at one time or from time-to-time, an amount not to exceed One Million Nine Hundred Forty-four Thousand Dollars (\$1,944,000) to finance costs related to the City's FY2025 Capital Improvement Plan as more specifically listed on Attachment A hereto (the "Projects").

THAT pursuant to Title 30-A, §5772 of the Maine Revised Statutes, as amended, Article VI, Section 7 of the City Charter, and all other authority thereto enabling, to evidence such borrowing, the Treasurer/ Finance Director is authorized, in the name of and on behalf of the City, to issue and sell the City's general obligation bonds (and temporary notes of the City in anticipation thereof), at one time and from time to time, in an amount not to exceed \$1,944,000 aggregate principal amount, the proceeds of which, including premium, if any, and investment earnings thereon, may be used and are hereby appropriated to pay the costs of the Projects.

THAT said bonds and notes (including any bonds or notes required to provide for exchanges or transfers of bonds or notes authorized hereby and previously issued), shall be signed by the Treasurer / Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk.

THAT the Treasurer / Finance Director is authorized, in the name of and on behalf of the City, to establish, determine and approve the time of the sale, award and settlement of the bonds and notes, which may be issued at one time or from time-to-time, through a public offering or a private sale (on a competitive or negotiated basis or a combination thereof), through the Maine Municipal Bond Bank (the "Bond Bank") general resolution or SRF borrowing programs or with and to another qualified purchaser, or a combination thereof, and such bonds and notes may be issued in serial form or as term debt, or some combination thereof, all in such manner as the Treasurer / Finance Director deems appropriate in her sole discretion, the establishment, determination and approval thereof to be conclusively evidenced by the execution thereof.

THAT the Treasurer / Finance Director is authorized, in the name of and on behalf of the City, to establish, determine and approve the form, date, maturities (not to exceed the maximum term permitted by law), denominations, interest rates, place of payment, provisions for redemption prior to the stated maturity date(s), with or without a premium, as provided in Title 30-A, §5772(6) of the Maine Revised Statutes, as amended, and all other details of said bonds and notes, all in such manner as the Treasurer / Finance Director deems appropriate in her sole discretion, the establishment, determination and approval thereof to be conclusively evidenced by the execution thereof.

THAT the Treasurer/ Finance Director is authorized, in the name of and on behalf of the City, to do or cause to be done all such acts and things, including to approve, execute and deliver all contracts, agreements, loan agreements (including but not limited to one or more loan agreements between the City and the Maine Municipal Bond Bank (the “Bond Bank”), with such usual and customary terms and provisions, not contrary to the general tenor hereof, as the Bond Bank may require), investment agreements, bond purchase agreements, continuing disclosure agreements, tax compliance agreements, official statements or other offering documents, instruments, a Letter of Representation or other agreement required to allow the bonds or notes to be issued through the Depository Trust Company Book-Entry Only System, and such other documents and closing certificates, as may be necessary or desirable in order to accomplish the issuance of the bonds and notes and the investment of the proceeds thereof (the “Bond Documents”), as may be necessary or advisable in order to accomplish the issuance of the bonds and notes, and the investment of the proceeds thereof, which Bond Documents may be in such form and contain such terms and provisions including, without limitation, the waiving of the City’s sovereign or governmental immunity with respect to the enforceability of any of the forgoing, and such other details as she shall approve, such approval to be conclusively evidenced by her execution thereof.

THAT in each of the years during which any of the bonds are outstanding, there shall be levied a tax in an amount that, with other revenues, if any, available for that purpose, shall be sufficient to pay the interest on said bonds, payable in such year, and the principal of such bonds maturing in such year.

THAT the Treasurer / Finance Director is authorized and directed, in the name of and on behalf of the City:

- To covenant and agree (i) that no part of the proceeds of the bonds or notes, or the Projects, shall be used directly or indirectly in any manner that would cause the bonds or notes to be “private activity bonds” or “arbitrage bonds” within the meaning of Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the “Code”), and (ii) that the City will take all such action as may be necessary to ensure that interest on the bonds and notes will remain exempt from federal income taxation and that the City will refrain from any action that would cause interest on the bonds and notes to be subject to federal income taxation; and
- To designate the bonds and notes as qualified tax-exempt obligations for purposes of Section 265(b)(3) of the Code, to the extent such designation is available and permissible under said Section 265(b)(3).

- To covenant, certify, and agree for the benefit of the holders of the bonds or notes, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met.

THAT the term “cost” or “costs” as used herein and applied to the Projects, or any portion thereof, includes, but is not limited to: (1) the purchase price or acquisition cost of all or any portion of the Projects; (2) the cost to design, construct or reconstruct, renovate, improve, repair, furnish and equip the Projects; (3) the cost of land, easements and other real property interests, landscaping and site preparation, all appurtenances and other fixtures, facilities, buildings and structures either on, above, or under the ground which are used or usable in connection with the Projects; (4) the cost of feasibility studies, surveys, environmental studies and assessments, engineering, plans and specifications, legal and other professional services associated with the Projects; (5) the costs of demolition and disposal related to the Projects, and (6) issuance costs, including premiums for insurance, capitalized interest and other fees and expenses relating to the financing transaction.

THAT the proceeds of the bonds and notes (including premium, if any), and the investment earnings thereon, if any, are appropriated to pay the costs of the Projects. To the extent there are any proceeds remaining after the Projects have been completed or abandoned, such remaining proceeds may be used and are hereby appropriated for the following purposes, such proceeds to be held and applied in the order of priority determined by the Treasurer / Finance Director:

- To pay debt service on the bonds or notes;
- To any other project or improvement authorized by the City Council; and
- To the City’s general fund.

If the bonds or notes are issued as tax-exempt obligations, any remaining proceeds shall be used in accordance with applicable terms and provisions of the Arbitrage and the Use of Proceeds Certificate or tax certificate delivered in connection with the sale of such bonds or notes.

THAT in addition to the allocation of proceeds in the forgoing vote, if the actual cost of any Project differs from the estimated cost listed on Attachment A, whether due to completion, delay or abandonment of the Project, or for any other reason, the Treasurer / Finance Director is authorized, in her sole discretion, to reallocate proceeds of the bonds or notes to any other listed Project or to any other project or improvement that the City Council has approved or may in the future approve as part of the City’s annual capital improvement plan.

THAT if the Treasurer / Finance Director, Chair of the City Council, or Clerk are for any reason unavailable to approve and execute the bonds or notes or any related Bond Documents, the person or persons then acting in any such capacity, whether on an interim or acting or temporary basis, as an assistant, a deputy, or otherwise, is authorized to act for such official, in the name of and on behalf of the City, with the same force and effect as if such official had himself or herself performed such act.

THAT if any of the officers or officials of the City who have signed or sealed the bonds or notes shall cease to be such officers or officials before such bonds or notes so signed and sealed shall have been actually authenticated or delivered by the City, such bonds or notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds notes had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed in the name of and on behalf of the City by those persons who, at the actual date of the execution of such bonds or notes, shall be the proper officers and officials of the City, although at the nominal date of such bonds or notes any such person shall not have been such officer or official.

THAT if, following issuance of some but less than all of the bonds authorized hereby, the Treasurer / Finance Director determines, in her sole discretion, that the remaining authorized but unissued bonds will not be issued in furtherance of the Projects, then the Treasurer / Finance Director may so note on the financial books and records of the City, in the form and manner as she shall determine to be appropriate, that such authorized but unissued bonds will not be issued, following which notation the remaining unissued bonds shall not thereafter be issued and the authority established pursuant to this Order to issue such remaining unissued bonds shall be extinguished and of no further force and effect.

THAT the bonds and notes may be consolidated with and issued at the same time as any other authorized issue of bonds or notes, and the bonds and notes may be divided into multiple series and issued in separate plans of financing.

THAT while any of the bonds are outstanding, the Treasurer / Finance Director is authorized, in the name and in the name of and on behalf of the City, to issue and deliver refunding bonds on either a current or advance refunding basis, to refund some or all of the bonds then outstanding, and to determine the date, form, interest rate, maturities (not to exceed 30 years from the date of issuance of the original bonds), provision for early redemption, and all other details of such refunding bonds, and to determine the form and manner of their sale and award, which refunding bonds shall be signed in like manner as the bonds authorized hereby.

THAT the City may pay certain costs of the Projects prior to the issuance of the bonds and notes authorized hereby (referred to as "original expenditures"); to that end, the City hereby declares its official intent to reimburse itself for such original expenditures from the proceeds of such bonds and notes, and this Order shall constitute the City's declaration of official intent pursuant to Treasury Regulation §1.150-2.

Attachment A

FY2025 Capital Improvement Program

POLICE UNMARKED/ADMIN VEHICLES	\$ 55,000
#431 STERLIN MULTI USE	171,000
#419 TRACKLSS MT5 SIDEWALK PLOW	160,000
REC FORD F150 1/2 TON PICKUP	40,000
FLING STREET PLAYGROUND	30,000
BATHHOUSE REHABILITATION	20,000
AUDITORIUM REHABILITATION	50,000
AUDITORIUM ROOF REPAIR	70,000
PAVING	250,000
GENERAL ROAD CONSTRUCTION	35,000
PARKWAY SOUTH RESURFACE	95,000
Pierce Rd MPI	280,000
State Street Resurface	178,000
Elm Street (Lower) MPI - S Main to RR tracks	90,000
Tibbetts Street Guardrail and Curb	25,000
Pleasant St Reconstruction & Storm Drain Replacement	350,000
CITY HALL INFRASTRUCTURE	35,000
CIP BOND FINANCING COST	10,000
Total	\$1,944,000

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A142

August 13, 2024

TITLE: ORDER, TAX RELEASE DEED, MAP 29, LOT 6, LAND AND BUILDINGS
ON 22 BLAKE STREET, BREWER, MAINE.

Filed July 8, 2024
By William Kimball

BE IT ORDERED, that a municipal Release Deed be issued to Burk Dorothy A & Burk Roy E of Brewer, County of Penobscot, releasing all interest in Tax Map 29, Lot 6, land and buildings on 22 Blake Street, Brewer, Maine, that the City of Brewer may have acquired by virtue of Tax liens on the property; and

BE IT FURTHER ORDERED, that the City Manager be herewith authorized to execute this Release Deed on behalf of the City of Brewer.

Statement of Fact: This order authorizes the release of the interest in 22 Blake Street that the City acquired by virtue of foreclosed Tax liens, which has now been paid in full. A total of \$9,793.00 was collected, \$8,705.81 along with \$833.55 in interest and \$253.64 in costs.

**RELEASE DEED
BURK DOROTHY A. & BURK ROY E.**

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

Map 29, Lot 6 of the Assessor's Tax Maps of the
City of Brewer, Maine.

Excepting and reserving all public easements or other public interests in the
above-described parcel for roads, sewers, or other purposes

The purpose of this deed is to release any interest the
City of Brewer has in and to the above described
Property by virtue of the following Liens:

<u>Volume</u>	<u>Page</u>
15569	46
16081	36
16523	290
16864	213

City of Brewer has caused this deed to be sealed with its corporate seal and signed in its corporate name by Eric Glidden, Acting City Manager, duly authorized this 14 day of August AD 2024

WITNESS:

CITY OF BREWER

Eric Glidden
Acting City Manager
Duly authorized

STATE OF MAINE

PENOBSBOT, ss

DATE August 14, 2024

Personally appeared the above named Eric Glidden, Acting City Manager, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the said City of Brewer.

Before me,

Mary J. Marquis, Notary Public-Maine
My Commission expires February 4, 2029

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A143

August 13, 2024

TITLE: ORDER, ACCEPT DONATION TO THE BREWER YOUTH PUBLIC SAFETY
ACADEMY FROM BREWER KIWANIS CLUB.

Filed July 12, 2024
By Soubanh Phanthay

WHEREAS, the City of Brewer has received a donation of \$1,000 from the Brewer Kiwanis Club; and

WHEREAS, the Fire Department and Police Department will use these funds to offset costs associated with the 2024 Youth Public Safety Academy.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this generous donation, from The Brewer Kiwanis Club and directs that the donated funds be receipted to account 0600058-360015-58062 (Public Safety Jr Academy Revenue); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0600058-560000-58062 (Public Safety Jr Academy Expense).

Statement of Fact: The City of Brewer received a \$1,000 donation from the Brewer Kiwanis Club. The funds will be used to offset expenses for the Junior Public Safety Academy hosted by the Police and Fire Departments.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A144

August 13, 2024

TITLE: ORDER, ACCEPT DONATION TO THE BREWER YOUTH PUBLIC SAFETY
ACADEMY FROM NICHOLS PLUMBING.

Filed July 16, 2024
By Michele Daniels

WHEREAS, the City of Brewer has received a donation of \$1,000 from Nichols Plumbing and Drain Cleaning; and

WHEREAS, the Fire Department and Police Department will use these funds to offset costs associated with the 2024 Youth Public Safety Academy.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this generous donation, from Nichols Plumbing and Drain Cleaning and directs that the donated funds be receipted to account 0600058-360015-58062 (Public Safety Jr Academy Revenue) and;

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0600058-560000-58062 (Public Safety Jr Academy Expense).

Statement of Fact: The City of Brewer received a \$1,000 donation from Nichols Plumbing and Drain Cleaning. The funds will be used to offset expenses for the Junior Public Safety Academy hosted by the Fire Department and Police Department.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A145

August 13, 2024

TITLE: ORDER, ACCEPT DONATION TO BREWER PARKS AND RECREATION
FROM DARRYL & MICHELLE ROWLES IN MEMORY OF
MICHAEL HENDERSON.

Filed April 8, 2024
By Dani O'Halloran

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$100 from Darryl & Michelle Rowles in memory of Michael Henderson to benefit the After-School Program and Summer Camp programs; and

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

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

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

Statement of Fact: This order accepts a contribution of \$100 from Darryl & Michelle Rowles to the City of Brewer Parks & Recreation Department in memory of Michael Henderson and authorizes its expenditure to support the After-School Program and the Summer Camp programs.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A146

August 13, 2024

TITLE: ORDER, AUTHORIZE SALE OF CITY PROPERTY, TAX MAP 7, LOT 1A, IN BREWER, MAINE, TO PANTHER DEVELOPMENT.

Filed July 29, 2024
By William Kimball

WHEREAS, the City of Brewer owns a parcel of land identified as Tax Map 7, Lot 1A, in Brewer, Maine; and

WHEREAS, Panther Development has approached the City with an offer to purchase this property for the purpose of development; and

WHEREAS, an agreed upon purchase price of \$425,000 has been reached after negotiations; and

WHEREAS, the sale of this property will contribute to the economic development of the City by allowing Panther Development to proceed with their planned development; and

WHEREAS, the proceeds from this sale will benefit the City and facilitate development in the area.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, hereby authorizes the sale of city property identified as Tax Map 7, Lot 1A, in Brewer, Maine, to Panther Development for the amount of \$425,000; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to execute any and all documents necessary to complete the sale of the property and to take any other actions necessary to implement this order; and

BE IT FURTHER ORDERED, that the proceeds from this sale be deposited into the City's Sale of Assets Revenue Account (0106904-300410).

Statement of Fact: This order authorizes the sale of city-owned property, Tax Map 7, Lot 1A, to Panther Development for \$425,000. The sale will facilitate development on the property and contribute to the economic growth of the City of Brewer.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A147

August 13, 2024

TITLE: ORDER, ACCEPT DONATION TO THE BREWER YOUTH PUBLIC SAFETY
ACADEMY FROM MICHAEL AND EMMI WILSON.

Filed July 31, 2024
By Soubanh Phanthay

WHEREAS, the City of Brewer has received a donation of \$200 from Michael and Emmi Wilson; and

WHEREAS, the Brewer Fire Department and Brewer Police Department will use these funds to offset costs associated with the 2024 Youth Public Safety Academy.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this generous donation, from Michael and Emmi Wilson and directs that the donated funds be receipted to account 0600058-360015-58062 (Public Safety Jr Academy Revenue); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0600058-560000-58062 (Public Safety Jr Academy Expense).

Statement of Fact: The City of Brewer received a \$200 donation from the Michael and Emmi Wilson of Palm Harbor, Florida. The funds will be used to offset expenses for the Junior Public Safety Academy hosted by the Brewer Fire Department and Brewer Police Department.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A148

August 13, 2024

TITLE: ORDER, AWARD CONTRACT FOR INDIAN TRAIL PARK AMPHITHEATER SEATING PROJECT.

Filed August 1, 2024

By Michele Daniels

WHEREAS, Indian Trail Park in Brewer, Maine, has been used for various outdoor performances and events for numerous years; and

WHEREAS, a more formal performance area has been desired by several entities for some time; and

WHEREAS, funding in the amount of \$300,000 was approved in the Fiscal Year 2024 (FY24) Capital Improvement Program (CIP) for the Indian Trail Park Amphitheater Project; and

WHEREAS, the City of Brewer Engineering Department has prepared specifications and bid documents for the project to construct seating and access paths; and

WHEREAS, the Engineering Department requested bids for this work, and the bids have been received and reviewed (see attached Bid Summary).

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to execute a contract with Lou Silver, Inc. of Veazie, Maine in the amount of \$265,000 (bid amount plus approximately 10 % contingency) for the Indian Trail Park Amphitheater Seating Project; and

BE IT FURTHER ORDERED, that the cost of this project shall be charged to CIP account 0510101-551130-57030 (Indian Trail Park Amphitheater).

Statement of Fact: This order authorizes a construction contract with Lou Silver, Inc. for the Indian Trail Park Amphitheater Seating Project for \$265,000 (bid amount plus contingency). This work will include installation of granite seating, stairs, a paved access ramp, and bringing the stage area to rough grade (the stage will be built as a separate contract at a later time).

Indian Trail Park Amphitheater Seating Project																
Bid Tabulation																
Bids Opened on 7/30/2024																
City of Brewer																
Bid Items:	Quantity	Unit	Bidder:	Total	Bidder:	Total	Bidder:	Total	Bidder:	Total						
1. Btc. Pavement (9.5 mm)	15	Tons	Lou Silver, Inc.	\$4,500.00	Bidder:	\$350.00	Dorr Construction	\$5,250.00	Bidder:	\$375.00	RF Jordan	\$5,625.00	Bidder:	\$865.00	Gordon Contracting	\$5,475.00
2. Common Borrow	800	CY		\$32,000.00		\$30.00		\$24,000.00		\$63.00		\$50,400.00		\$58.00		\$46,400.00
3. Gravel	220	CY		\$40.00		\$56.00		\$12,320.00		\$100.00		\$22,000.00		\$107.00		\$23,540.00
4. Crusher Dust	30	CY		\$60.00		\$80.00		\$2,400.00		\$235.00		\$7,050.00		\$218.00		\$6,540.00
5. Precast Stairs	4	EA		\$7,000.00		\$28,000.00		\$28,000.00		\$9,000.00		\$36,000.00		\$9,750.00		\$39,000.00
6. Granite Seating	24	EA		\$3,000.00		\$72,000.00		\$72,000.00		\$2,625.00		\$76,800.00		\$335.00		\$61,200.00
7. Handrail	180	LF		\$300.00		\$54,000.00		\$54,000.00		\$275.00		\$76,500.00		\$18.00		\$18,900.00
8. 1" Electrical Conduit	1050	LF		\$20.00		\$21,000.00		\$11,287.50		\$20.50		\$21,525.00		\$475.00		\$1,900.00
9. Electrical Junction Boxes	4	EA		\$1,000.00		\$4,000.00		\$1,500.00		\$325.00		\$65,000.00		\$189,000.00		\$189,000.00
10. Mobilization	1	LS		\$4,000.00		\$4,000.00		\$54,958.55		\$12,500.00		\$12,500.00		\$17,500.00		\$17,500.00
11. Erosion Control	1	LS		\$10,000.00		\$10,000.00		\$24,040.00		\$12,500.00		\$12,500.00		\$17,500.00		\$17,500.00
				**\$240,100.00					\$275,256.05					\$374,700.00		
** Bid total varied by \$100.00 due to a mathematical error																

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A149

August 13, 2024

TITLE: ORDER, AWARD CONTRACT FOR LAMBERT ROAD DRAINAGE
IMPROVEMENTS PROJECT.

Filed August 1, 2024

By Dani O'Halloran

WHEREAS, Lambert Road, between Eastern Avenue and Day Road, has several areas that are flat and have standing water on both sides of the road; and

WHEREAS, standing water near a roadside leads to roadway damage and deterioration over time; and

WHEREAS, two drainage issues need to be addressed in the immediate future to improve pavement performance; and

WHEREAS, funding in the amount of \$70,000 was approved in the Fiscal Year 2025 (FY25) Capital Improvement Program (CIP) for this work; and

WHEREAS, the City of Brewer Engineering Department has prepared specifications and bid documents for this proposed project; and

WHEREAS, the Engineering Department requested bids for this work and the bids have been received and reviewed (see attached Bid Summary).

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to execute a contract with Lou Silver, Inc. of Veazie, Maine in the amount of \$70,000 (bid amount plus contingency) for the Lambert Road Drainage Improvement Project; and

BE IT FURTHER ORDERED, that the cost of this project shall be charged to CIP account 0510113-551600-66520 (Drainage Improvements – Lambert Road).

Statement of Fact: This order authorizes a construction contract with Lou Silver, Inc. for the Lambert Road Drainage Improvements Project for \$70,000 (bid amount plus contingency).

Lambert Road Drainage Improvements Project									
Bid Tabulation									
Bids Opened on 7/30/2024									
City of Brewer									
Bidder: Lou Silver Inc									
Bidder: Eastwood Contractors									
Bidder: Dorr Construction									
Bid Items:	Quantity	Unit	Bid Price	Total	Bid Price	Total	Bid Price	Total	
1. Bit. Pavement (19.0 mm)	30	Tons	\$300.00	\$9,000.00	\$200.00	\$6,000.00	\$280.00	\$8,400.00	
2. Bit. Pavement (12.5mm (Fine))	20	Tons	\$300.00	\$6,000.00	\$200.00	\$4,000.00	\$282.50	\$5,650.00	
3. Trench Gravel	130	CY	\$30.00	\$3,900.00	\$150.00	\$19,500.00	\$65.00	\$8,450.00	
4. Rock Sandwch Installation	225	SY	\$70.00	\$15,750.00	\$62.00	\$13,950.00	\$97.50	\$21,937.50	
5. 18" HDPE Culvert	50	LF	\$200.00	\$10,000.00	\$200.00	\$10,000.00	\$40.00	\$2,000.00	
6. Riprap Installation	10	sy	\$70.00	\$700.00	\$170.00	\$1,700.00	\$100.00	\$1,000.00	
8. Mobilization	1	LS	\$1,500.00	\$1,500.00	\$4,000.00	\$4,000.00	\$11,500.00	\$11,500.00	
9. Traffic Control	1	LS	\$5,000.00	\$5,000.00	\$1,000.00	\$1,000.00	\$7,550.00	\$7,550.00	
10. Erosion Control	1	LS	\$3,500.00	\$3,500.00	\$1,000.00	\$1,000.00	\$3,500.00	\$3,500.00	
				\$55,350.00		\$61,150.00		\$69,987.50	
Bidder: Sunset Development Inc.									
Bidder: Hopkins Paving LLC									
Bidder: RF Jordan									
Bid Items:	Quantity	Unit	Bid Price	Total	Bid Price	Total	Bid Price	Total	
1. Bit. Pavement (19.0 mm)	30	Tons	\$185.00	\$5,550.00	\$500.00	\$15,000.00	\$285.00	\$8,550.00	
2. Bit. Pavement (12.5mm (Fine))	20	Tons	\$275.00	\$5,500.00	\$500.00	\$10,000.00	\$285.00	\$5,700.00	
3. Trench Gravel	130	CY	\$100.00	\$13,000.00	\$70.00	\$9,100.00	\$56.50	\$7,345.00	
4. Rock Sandwch Installation	225	SY	\$100.00	\$22,500.00	\$85.00	\$19,125.00	\$115.00	\$25,875.00	
5. 18" HDPE Culvert	50	LF	\$90.00	\$4,500.00	\$150.00	\$7,500.00	\$250.00	\$12,500.00	
6. Riprap Installation	10	sy	\$100.00	\$1,000.00	\$540.00	\$5,400.00	\$200.00	\$2,000.00	
8. Mobilization	1	LS	\$3,750.00	\$3,750.00	\$10,000.00	\$10,000.00	\$27,500.00	\$27,500.00	
9. Traffic Control	1	LS	\$16,000.00	\$16,000.00	\$10,000.00	\$10,000.00	\$12,500.00	\$12,500.00	
10. Erosion Control	1	LS	\$8,000.00	\$8,000.00	\$10,000.00	\$10,000.00	\$7,500.00	\$7,500.00	
				\$79,800.00		\$96,125.00		\$109,470.00	

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A150

August 13, 2024

TITLE: ORDER, AUTHORIZE PURCHASE OF ROCK SALT.

Filed August 1, 2024
By William Kimball

WHEREAS, a joint bid with the City of Bangor was solicited, received and evaluated for the purchase and delivery of rock salt during Fiscal Year 2025 (FY25) to the Cities of Brewer and Bangor; and

WHEREAS, of the bids received, New England Salt Company of Bangor, Maine offered the lowest price per ton on acceptable material.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to sign a purchase order to New England Salt Company in the amount of \$154,000 for supply and delivery of rock salt at \$66.45 per ton for the FY25 winter season; and

BE IT FURTHER ORDERED, funds for this purchase shall be charged to the Public Works account 0116671-502530 titled "Rock Salt".

Statement of Fact: This is an annual order for the City's rock salt purchases for winter maintenance. Other bids were received (per ton) from: Morton Salt at \$70.77, Eastern Salt Company at \$67.00, and Kingsco Transport at \$92.77. From the information available, we appear to have received one of the lowest prices per ton in the State once again.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A151

August 13, 2024

TITLE: ORDER, AUTHORIZE REPAIRS TO FUELING ISLAND AT GREEN POINT ROAD FACILITY.

Filed August 1, 2024
By Soubanh Phanthay

WHEREAS, the City of Brewer's fueling island at the Green Point Road facility is reaching the end of its permitted life according to the Maine Department of Environment Protection; and

WHEREAS, certain upgrades, repairs and testing will be required to extend the life of the Green Point Road facility fueling island without full replacement; and

WHEREAS, quotes have been solicited and received from qualified vendors to have the required work done; and

WHEREAS, Gaftek, Inc. of Bangor has provided the City with a complete quote to perform the needed work and to replace the existing gasoline and diesel pumps.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to sign a purchase order to Gaftek, Inc. up to the amount of \$60,000 for upgrades, repairs, and testing of the Green Point Road facility fueling island along with the replacement of the gasoline and diesel pumps; and

BE IT FURTHER ORDERED, that the cost of this work shall be charged to 0116651 – 504000, Public Works Facility Maintenance; and

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

Statement of Fact: This order authorizes work required to extend the City's underground fuel tank permit with the Maine Department of Environment Protection for the Green Point Road facility fueling island. This order will also replace the existing fueling island pumps which are more than twenty years old. This order includes contingency money as several factors will be impossible to predict until after the work has begun. For reference, full replacement of the existing fuel system would cost between \$400,000 and \$500,000.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A152

August 13, 2024

TITLE: ORDER, DESIGNATE TRAILER AS SURPLUS AND AUTHORIZE DISPOSAL.

Filed August 5, 2024

By Michele Daniels

WHEREAS, the City of Brewer owns and maintains pull behind trailers to move equipment and supplies across the City for construction and maintenance; and

WHEREAS, these trailers need to be in proper condition to ensure the safe delivery of equipment and be maintained to protect vehicles and pedestrians from possible accidents or damage that stems from the use of these trailers; and

WHEREAS, the Department of Environmental Services purchased a new travel trailer in 2019 (#711, Sure-Trac Utility Trailer) to replace an older 2004 Harvey Trailer (#715), that is no longer safe to operate.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council declares the Harvey Trailer (Unit #715) as surplus equipment and authorizes the Director of Environmental Services, or his designee, to dispose of it as would be in the best interest of Brewer sewer ratepayers and to deposit any proceeds in the Employee Wellness account (0680001-300410); and

BE IT FURTHER ORDERED, that the City Council authorizes the appropriation and expenditure of the proceeds from account 0680001-500844 (Sewer Wellness Expense) to support the sewer wellness program, which is funded by proceeds from the sale and/or scrapping of surplus City property.

Statement of Fact: Harvey trailer (#715) is in need of a new wiring system, new decking, and some metal work on the ramp and rails. Currently it is used for storage and has not been on the road since the purchase of a newer trailer in 2019. The cost to repair the Harvey trailer is roughly equal to the value of the trailer itself.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A153

August 13, 2024

TITLE: ORDER, DESIGNATE ZERO-TURN MOWER AS SURPLUS AND
AUTHORIZE DISPOSAL.

Filed August 5, 2024

By Dani O'Halloran

WHEREAS, the City of Brewer owns and maintains the grounds surrounding the Water Pollution Control Facility and fourteen pump stations across two communities; and

WHEREAS, maintenance of those grounds includes regular mowing and trimming of the properties; and

WHEREAS, the Department of Environmental Services purchased a new Toro Titan Zero-Turn mower last year to replace the older Toro Zero-Turn Mower (Model 74731, Serial Number 315002469) in order to better maintain the grounds.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council declares the older Toro Zero-Turn model 74731 as surplus equipment and authorizes the Director of Environmental Services, or his designee, to dispose of it as would be in the best interest of Brewer sewer ratepayers and to deposit any proceeds in the Employee Wellness account (0680001-300410); and

BE IT FURTHER ORDERED, that the City Council authorizes the appropriation and expenditure of the proceeds from account 0680001-500844 (Sewer Wellness Expense) to support the sewer wellness program, which is funded by proceeds from the sale and/or scrapping of surplus City property.

Statement of Fact: The old Toro Zero-Turn was bought new nearly 10 years ago. Routine maintenance evolved into bigger problems, more often, including having to weld the frame and deck in places after many years of use. Last summer the Department decided to purchase a new mower rather than make several costly repairs. The old mower does not start and needs multiple repairs, and is well past restoring for municipal use.

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2024-A154

August 13, 2024

TITLE: ORDER, AUTHORIZE CONTRACT WITH WOODARD & CURRAN FOR CONSTRUCTION SERVICES FOR SHERWOOD FOREST WATER LINES.

Filed August 6, 2024

By William Kimball

WHEREAS, the water lines in Sherwood Forest in Brewer on Nottingham Way, Alan-A-Dale Road, and Birchwood Boulevard are prone to failure; and

WHEREAS, the replacement of these lines is an approved Fiscal Year 2024 (FY24) Capital Improvement Program (CIP) project; and

WHEREAS, the Brewer Water Department has been approved for an \$1,583,000 Maine Drinking Water State Revolving Fund (DWSRF) low interest loan with 35% (\$554,050) principal forgiveness, leaving the rate payers a total obligation of \$1,028,950; and

WHEREAS, the Brewer City Council has awarded the construction bid to Eastwood Contractors, Inc., of Brewer, Maine, submitting the low bid of \$1,359,325; and

WHEREAS, this project will require stringent review of submittals, payrolls to assure compliance with DWSRF rules and federal regulations; and

WHEREAS, Woodard & Curran (W&C) of Bangor, Maine, has experience with these rules and regulations as well as inspection expertise and knowledge of Brewer Water specifications.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the City Manager, or his designee, to enter into a contract for the amount of \$110,000 with W&C for construction administration, on-site construction oversight, and post-construction services; and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of up to \$110,000 for this work from Water CIP account 0571001-571017 (Main replacements-Alan-a-dale, Birchwood, Nottingham), to be funded by the DWSRF loan and principal forgiveness; 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 Water Department to enter into a contract with the engineering firm Woodard & Curran for construction services and inspections to replace the main lines on Birchwood Boulevard from Edgewood Drive to the first intersection of Lorraine Avenue, Alan-a-Dale Road and Nottingham Way. This order calls for part-time on-site services to keep costs low as Brewer Water staff will also be stopping by this project frequently to oversee the construction.



WOODARD & CURRAN TERMS & CONDITIONS

WORK ORDER 10

Issued Pursuant to the Engineering Services Agreement – Work Order Basis Between Woodard & Curran, Inc., and the City of Brewer, ME, dated as of March 8, 2016.

This Work Order is issued pursuant to, and in accordance with the Agreement, the terms and conditions of which are incorporated herein by this reference. Unless otherwise specified, all capitalized terms used in this Work Order shall have the same meaning as used in the Agreement. This Work Order will not be deemed valid and binding upon the Parties until both Engineer and Client have both signed below.

Project: Brewer Water Main Replacement – Contract 1 Construction Administration and Periodic Inspection

Project Understanding:

The Project involves the replacement of water mains, hydrants, and valves on a portion of Birchwood Boulevard, Nottingham Way, and Alan-A-Dale Road. The existing cast iron mains experience frequent leaks.

The project went out to bid in April of 2024 and Eastwood Contractors, Inc. was the apparent low bidder with a Base Bid of \$1,359,325.

Scope of Services:

The scope of this work includes construction phase engineering services to assist the City to administer and oversee the Contract with Eastwood Contractors Inc. The engineer agrees to provide the following services to Client:

1. Construction Administration
 - a. General Administration including award contract signing, submittals and shop drawing review, and processing pay requests.
 - b. Conduct monthly progress meeting and Project close-out meeting.
 - c. Respond to Contractor questions clarifying design elements and communication of construction progress and updates to Owner.
 - d. Coordinate Davis-Bacon Wage requirements during construction, including certifying of Contractor supplied payrolls, conducting wage interviews, and following up with the Contractor when discrepancies are found.
2. Periodic Inspection
 - a. Part-time Contractor supervision, verification of proper construction methods, documentation, and weekly updates. This estimate assumes approximately 20 hours per week for W&C office staff to oversee the work as necessary or as requested.
3. Post Construction Services
 - a. Provide Record Drawings Utilizing the Contractor supplied As-Builts.



WOODARD & CURRAN TERMS & CONDITIONS

- b. Coordinate with the Contractor to address Warranty Items that may arise
- c. Coordinate any project close-out necessary for the Town to obtain funding agency reimbursement

Proposed Schedule:

We have initiated our coordination with Eastwood Contractors so that they are prepared to mobilize to the project site as soon as materials have arrived and the Notice to Proceed is executed. It is the intent of the schedule to be substantially complete by the end of 2024.

Compensation:

We propose to complete the Construction Administration and Periodic Inspection services for a lump sum, not-to-exceed cost of \$110,000 as broken down below. W&C submitted an application on behalf of the City to the Drinking Water Program for consideration in the Drinking Water State Revolving Fund (DWSRF) program. As a result of this effort, the City received funding for the project, including 35% Principal Forgiveness. The project cost submitted in that application included \$110,000 for Construction Administration and Periodic Inspection Services.

Description	Labor Costs
Construction Administration	\$45,000
On-Site Construction Oversight	\$55,000
Post-Construction Services	\$10,000
TOTAL FEE	\$110,000



~~WOODARD & CURRAN~~
TERMS & CONDITIONS

Designated Project Representatives

Client: City of Brewer, ME

Engineer: Woodard & Curran, Inc.

Effective date: _____

IN WITNESS WHEREOF, the undersigned have caused this Work Order to be duly executed by their authorized representatives set forth below.

City of Brewer, ME

By _____

Name _____

Title _____

Woodard & Curran, Inc.

By  _____

Name Nathan McLaughlin, P.E.

Title Senior Principal

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-B035

August 13, 2024

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

Filed August 6, 2024
By Soubanh Phanthay

WHEREAS, on September 12, 2023 the Brewer City Council enacted the “City of Brewer Moratorium Ordinance on Large-Scale Solar Energy Systems” (hereinafter “Moratorium”); and

WHEREAS, at the Brewer City Council Meeting on February 13, 2024 the Moratorium was extended for an additional one-hundred-and-eighty-days and is set to expire on September 6, 2024; and

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

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

WHEREAS, pursuant to the aforescribed hearing, the City Council finds the problem giving rise to the Moratorium still exists; and

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

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

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

Statement of Fact: The Brewer City Council enacted a moratorium on large-scale solar energy systems in September of 2023. The moratorium was then extended for an additional one-hundred-and-eighty days and is set to expire on September 6, 2024. This resolution extends the moratorium for an additional one-hundred-and-eighty days with a new expiration of March 5, 2025.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-B036

August 13, 2024

TITLE: RESOLVE, APPROVE USE OF SCHOOL CAPITAL RESERVE FUNDS FOR
CENTER STREET BUILDING IMPROVEMENTS.

Filed August 6, 2024

By Michele Daniels

WHEREAS, in June 2021, the Brewer City Council adopted Resolve 2021-B006 approving the Brewer School Department's establishment of a capital reserve account for major maintenance and improvements to school facilities; and

WHEREAS, on July 12, 2022, January 17, 2023, and January 9, 2024, the City Council approved transfers of \$400,000, \$500,000 and \$100,000 respectively into the Capital Reserve Account; and

WHEREAS, on June 3, 2024, the Brewer School Committee approved the use of \$183,500 of the Capital Reserve Account balance to replace the gymnasium roof and to replace one boiler at the School Department's Center Street building; and

WHEREAS, expenditures from the School Capital Reserve Fund are subject to final review and approval by the City Council.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council hereby approves the School Department's use of \$183,500 from its Capital Reserve Fund for Center Street building improvements.

Statement of Fact: This order approves the School Department's use of \$183,500 from its Capital Reserve Fund as follows: \$108,500 for the replacement of the Center Street Gymnasium roof and \$75,000 for the replacement of one Center Street boiler. The roof over the gymnasium had numerous, regular leaks and is well past its useful life. The School Department experienced boiler failure in May 2024 and had been operating on one small back-up boiler. These improvements will extend the life of the Center Street building which houses the Dr. Daniel Lee administrative offices, the Brewer High School Alternative Education Program, as well as the Center Street Gymnasium. The City Council has final review and approval of School Committee expenditures from this fund.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-B037

August 13, 2024

TITLE: RESOLVE, RATIFY BREWER FIREFIGHTERS' COLLECTIVE BARGAINING
CONTRACT.

Filed August 7, 2024

By Dani O'Halloran

WHEREAS, a collective bargaining agreement between the City of Brewer and the International Association of Fire Fighters (IAFF), which represents Brewer Firefighters, has recently been negotiated; and

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

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

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

Statement of Fact: This order ratifies, on behalf of the City of Brewer the collective bargaining agreement between the City and the IAFF which represents Brewer Firefighters. This agreement will be in effect until June 30, 2027.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A155

August 13, 2024

TITLE: ORDER, ACCEPT DONATION TO BREWER FIRE DEPARTMENT FROM
FIRST NATIONAL BANK.

Filed August 7, 2024
By William Kimball

WHEREAS, the City of Brewer Fire Department has received a donation of \$200 from First National Bank in recognition of National Emergency Medical Services (EMS) Week; and

WHEREAS, the Fire Department will use these funds to offset EMS training equipment expenses.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this generous donation from First National Bank and directs that the donated funds be receipted to account 0105904-300490 (Fire Miscellaneous Revenue); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0115911-500860 (Fire Training & Conferences).

Statement of Fact: The City of Brewer Fire Department received a donation of \$200 from First National Bank in recognition of National EMS Week. These funds will be used to offset EMS training equipment expenses.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A156

August 13, 2024

TITLE: ORDER, AUTHORIZE ADJUSTMENT OF ADDITIONAL SEWER MANHOLES ON PARKWAY SOUTH AND STATE STREET AS PART OF MAINE DEPARTMENT OF TRANSPORTATION PROJECT.

Filed August 7, 2024
By Soubanh Phanthay

WHEREAS, at its July 2024 meeting, the Brewer City Council approved Order 2024-A131, which appropriated \$50,000 to have Facility Construction Services of Old Town, Maine, lower and raise sewer manhole covers on sections of Parkway South and State Street as part of paving projects being undertaken by Maine Department of Transportation (MDOT); and

WHEREAS, it has come to light there are more manholes that need adjustment than originally thought; and

WHEREAS, the sewer fund has money available in its asset reserve to cover this additional expense.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the expenditure of an additional \$60,000 from account 0818101-502700 (Sewer Line Materials and Supplies) to pay Facility Construction Services to complete the process of lowering and raising manholes during the MDOT paving project on Parkway South and State Street; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of up to \$60,000 from the Sewer Asset Reserve (0800000-110805) to cover the cost of this 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 an additional \$60,000 to adjust sewer manhole covers as needed for the MDOT paving projects taking place on Parkway South and State Street, because we discovered that the manhole order the Council passed in July only encompassed about half the manholes needing adjustment.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A157

August 13, 2024

TITLE: ORDER, ACCEPT GRANT AWARD FROM MAINE DRINKING WATER
PROGRAM FOR LEAD SERVICE LINE INVENTORY
DEVELOPMENT.

Filed August 7, 2024
By Michele Daniels

WHEREAS, the Brewer Water Department has been engaged for the last year in developing the federally mandated Lead Service Line (LSL) Inventory; and

WHEREAS, Maine Drinking Water Program (MDWP) offered a \$25,000 grant to assist with the development of the LSL Inventory which the Brewer Water Department applied for and was awarded.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith accepts the grant funds and authorizes their deposit into the General Capital Reserve account (0700000-110805); and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to prepare and sign any and all documents required to receive these grant funds.

Statement of Fact: The City of Brewer Water Department was awarded grant assistance through the Maine Drinking Water Program that will offset a significant portion of the cost associated with the development of the federally mandated Lead Service Line Inventory.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A158

August 13, 2024

TITLE: ORDER, AUTHORIZE AMENDMENT TO MAINE PUBLIC EMPLOYEES
RETIREMENT SYSTEM PLAN FOR FIREFIGHTERS.

Filed August 8, 2024
By Dani O'Halloran and
William Kimball

WHEREAS, to retain and attract quality firefighters and in accordance with recently completed union contract negotiations, the City of Brewer seeks to amend its retirement plan for firefighters from Maine Public Employees Retirement System (MPERS) Special Plan 2C to Special Plan 3C, which will enhance the competitiveness of Brewer's salary and benefit package; and

WHEREAS, this change would be effective the first of the month following MPERS' receipt of an Amended Agreement signed by the City and be applied to firefighters' service on or after that date only, with all service prior to the effective date remaining under the MPERS' Special Plan 2C.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith approves participation in Maine Public Employees Retirement System Special Plan 3C for its firefighters, for future service only; service rendered prior to the effective date of the plan change will remain under Special Plan 2C; and

BE IT FURTHER ORDERED, that the City Council authorizes the City Manager, or his designee, to sign the Amended Agreement between the City and the Maine Public Employees Retirement System.

Statement of Fact: This order is needed to implement a change included in the new union contract for firefighters. The change enhances the City's ability to attract and retain firefighters by amending the retirement plan for firefighters from Special Plan 2C to Special Plan 3C, effective the first of the month following MPERS' receipt of an Amended Agreement.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A159

August 13, 2024

TITLE: ORDER, ISSUE WARRANT FOR NOVEMBER 5, 2024 CITY OF BREWER MUNICIPAL ANNUAL ELECTION AND SET POLLING HOURS FOR THE NOVEMBER 5, 2024 CITY OF BREWER MUNICIPAL ANNUAL ELECTION AND STATE OF MAINE GENERAL ELECTION.

Filed July 9, 2024
By William Kimball

WHEREAS, the City of Brewer Municipal Annual Election and State of Maine General Election will be held on Tuesday, November 5, 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 November 5, 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 November 5, 2024 City of Brewer Municipal Annual Election and State of Maine General Election; and

BE IT FURTHER ORDERED, that the municipal officers issue the warrant for the City of Brewer Municipal Annual Election to be held on November 5, 2024 with the polls to open at 7:00 a.m. and close at 8:00 p.m.

Statement of Fact: This order issues a warrant for the Municipal Annual Election, and sets the opening of the polls on November 5 at 7:00 a.m.

**CITY OF BREWER
MUNICIPAL ANNUAL ELECTION**

Penobscot ss.

State of Maine

To: _____, a Constable in the City of Brewer.

You are hereby required in the name of the State of Maine to notify the voters of the City of Brewer of the election described in this warrant.

**TO THE VOTERS OF THE CITY OF BREWER
WARD 1, PRECINCT 1**

You are hereby notified that the municipal annual election in the City of Brewer will be held at the Joseph L. Ferris Community Center, 318 Wilson Street in Brewer, Maine, on Tuesday, the fifth day of November 2024 for the purpose of affecting the election of:

- TWO MEMBERS OF THE CITY COUNCIL FOR THREE-YEAR TERMS
- TWO MEMBERS OF THE SUPERINTENDING SCHOOL COMMITTEE FOR THREE-YEAR TERMS
- ONE TRUSTEE OF THE BREWER HIGH SCHOOL DISTRICT FOR A FIVE-YEAR TERM

The polls shall be open at 7:00 A.M. and close at 8:00 P.M.

The Registrar of Voters shall hold office hours while the polls are open to correct any error in or change of name or address on the voting list, to accept the registration of any person eligible to vote and to accept new registrations.

A person who is not registered as a voter may not vote in any election.

Dated at Brewer, Maine this 13th day of August in the year of Our Lord, Two-Thousand-and-Twenty-Four.

Majority of the Municipal Officers of Brewer

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-B038

August 13, 2024

TITLE: RESOLVE, PRESCRIBE REGISTRAR OF VOTERS HOURLY SCHEDULE FOR THE NOVEMBER 5, 2024 CITY OF BREWER MUNICIPAL ANNUAL ELECTION AND STATE OF MAINE GENERAL ELECTION.

Filed July 9, 2024
By Soubanh Phanthay

WHEREAS, the City of Brewer Municipal Annual Election and State of Maine General Election will be held on Tuesday, November 5, 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, October 30, 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 City and State Elections to be held on November 5, 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, October 30, 2024.

Statement of Fact: This resolve prescribes the hours of the Registrar of Voters, 8:00 a.m. to 4:00 p.m. on the last 5 business days before election day, and 5:00 p.m. to 7:00 p.m. on Wednesday, October 30.

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2024-C012

July 9, 2024

TITLE: ORDER, AMEND CHAPTER 31 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “ENVIRONMENTAL ORDINANCE”, ARTICLE 12, “SCHEDULE OF SEWER RATES”, SECTION 1200.

Filed June 10, 2024
By Michele Daniels

BE IT ORDAINED, by the City Council of the City of Brewer in City Council assembled that Chapter 31 of the Charter, Codes and Ordinances of the City of Brewer entitled “Environmental Ordinance” be amended by changing Article 12, Section 1200 to read as follows:

ARTICLE 12 - SCHEDULE OF SEWER RATES

SECTION 1200. METER RATES

Rates based on water meter readings for the use of and for the services furnished, or to be furnished by the municipal sewer facility on property having water metered service, not including meters used exclusively for water not draining into sewers:

QUARTERLY

Effective beginning with and retroactive, the period covered by the September, ~~2023~~ 2024 billing, the following rates shall apply:

For the first 1,000 cu. ft. per quarter: ~~\$115.20~~ \$121.00 minimum charge for Residential customers classified in the billing system as User Type 9.

For the first 1,200 cu. ft. per quarter: ~~\$138.24~~ \$145.20 minimum charge for all other users not otherwise classified as a Residential customer.

Effective beginning with the period covered by the September, ~~2023~~ 2024 billing, the following rates shall apply:

For all in excess of 1,000 cu. ft. per quarter: ~~\$11.52~~ \$12.10 per 100 cu. ft.

Statement of Fact: The Fiscal Year 2025 budget approved by the Brewer City Council includes an increase of 5% in the sewer rate, or about \$8.05 per quarter for the average residential sewer user. This order amends City Ordinance to reflect this change in rate.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-C013

August 13, 2024

TITLE: ORDER, AMEND CHAPTER 31 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “ENVIRONMENTAL ORDINANCE”, TO REMOVE APPENDIX A FROM THE ORDINANCE.

Filed August 5, 2024
By Dani O’Halloran

WHEREAS, the City of Brewer is a Municipal Separate Stormwater Sewer System (MS4) community, and has obligations to further protect the environment and handle stormwater differently than non-MS4 communities, and

WHEREAS, the City often enters into maintenance agreements with landowners whose property has private stormwater infrastructure that is either tied into or effects the City and its stormwater system; and

WHEREAS, that maintenance agreement is Appendix A in Chapter 31 of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, from time-to-time individual properties require special considerations or changes to the language found in the agreement to better provide for the protection of the environment, to enforce the maintenance of the infrastructure, or to protect the City’s interests.

NOW, THEREFORE, BE IT ORDERED, that the stormwater maintenance agreement found in Appendix A of Chapter 31 of the City of Brewer ordinances be removed from Chapter 31 and referenced as a requirement, but kept on file as a maintenance agreement with the Department of Environmental Services.

Statement of Fact: The maintenance agreement found in appendix A of Chapter 31 of the Brewer Ordinances is an important tool to help ensure the City’s compliance with State and Federal regulations, as well as ensure that in the event the landowner fails the maintain the infrastructure, the City has a mechanism to do so. By referencing the Appendix, it is still a requirement for landowners in areas subject to MS4 requirements, but any changes or special conditions can be easily added without having to change the ordinance every time.