

City Council Minutes
Tuesday, September 10, 2024

Regular Meeting
City Hall Council Chambers

Tuesday, September 10, 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-absent
Mayor Morin-present

Councilor O’Halloran-present
Councilor Phanthay-absent

Mayor Morin declared that a quorum was present. Acting City Manager Eric Glidden and Acting City Solicitor Sarah Newell 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, September 10, 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			09/06/2024	
Dani O’Halloran			09/06/2024	
William Kimball			09/06/2024	
Soubanh Phanthay			09/06/2024	
Jenn Morin			09/06/2024	

CITY COUNCIL REGULAR MEETING
Tuesday, September 10, 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 August 13, 2024 Regular Meeting and Minutes of the August 30, 2024 Special Meeting** (Councilor Phanthay)
- B. Awards, Petitions and Public Comments**
 - 1. Proclamation: Substance-Abuse Recovery Month.
(Mayor Morin)
 - 2. Proclamation: Firefighter’s Recognition Day.
(Mayor Morin)
 - 3. Swearing-In Ceremony Brewer Police Corporal, Chris Woodman
 - 4. Acting City Manager’s Report
 - 5. Public Comments
- C. Consent Calendar**
 - 1. (2024-A162) ORDER Accept donation from Apex Metals to Brewer Parks and Recreation Department for Fall Program.
(Councilor Daniels)
 - 2. (2024-A163) ORDER Accept donation from Twin City Tire & Service to Brewer Parks and Recreation Department for Fall Program.
(Councilor O’Halloran)
 - 3. (2024-A164) ORDER Accept donation from Kivell Electric to Brewer Parks and Recreation Department for Fall Program.
(Councilor Kimball)
 - 4. (2024-A165) ORDER Accept donation from Mad Kat & Company Bar & Grill to Brewer Parks and Recreation Department for Fall Program.
(Councilor Phanthay)
 - 5. (2024-A166) ORDER Accept donation from Walker’s Garage to Brewer Parks and Recreation Department for Fall Program.
(Councilor Daniels)
 - 6. (2024-A167) ORDER Authorize purchase of replacement lighting system for Doyle Field. (Councilor O’Halloran)
 - 7. (2024-A168) ORDER Authorize City Manager to sign Freedom Park Transfer Agreement. (Councilor Kimball)
 - 8. (2024-A169) ORDER Authorize City of Brewer’s participation in net energy billing program. (Councilor Phanthay)
 - 9. (2024-A170) ORDER Commit water assessment to Treasurer for collection.
(Councilor Daniels)
 - 10. (2024-A171) ORDER Commit sewer assessment to Treasurer for collection.
(Councilor O’Halloran)

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11. (2024-A172) ORDER Approve carry forward encumbrance of appropriated, but not expended, Fiscal Year 2024 funds for approved projects. (Councilor Kimball)

D. Monthly Reports (Councilor Phanthay)

E. Nominations, Appointments, Elections

1. Consent Calendar

1. (2024-A173) ORDER Appoint members to the City of Brewer Culture and Arts Committee. (Councilor Daniels)
2. (2024-A174) ORDER Appoint members to the City of Brewer Culture and Arts Committee. (Councilor O'Halloran)

2. Appointment of Council Liaisons to the City of Brewer Culture and Arts Committee

F. Unfinished 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)

G. New Business

1. (2024-A175) ORDER Convene in executive session pursuant to Title 1, M.R.S.A. §405(6)(D) for an update on collective bargaining. (Councilor Kimball)

H. New Items with Leave of Council

I. ADJOURN

A. Minutes of the August 13, 2024 Regular Meeting and Minutes of the August 30, 2024 Special Meeting

ACTION: Councilor O'Halloran moved that the minutes to the August 13, 2024 Regular Meeting and the August 30, Special Meeting be accepted and placed on file. Councilor Daniels seconded the motion. The motion passed with a vote of 3 to 0.

B. Awards, Petitions and Public Comments

- 1. Proclamation: Substance-Abuse Recovery Month.**

Mayor Morin read the proclamation.

**PROCLAMATION
SEPTEMBER 2024 SUBSTANCE-ABUSE RECOVERY
MONTH**

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WHEREAS, substance use disorders are a major public health problem that affect people of all ages and backgrounds and create significant medical, societal, and economic costs; and

WHEREAS, in the year 2020, the number of Recovery Community Centers throughout the state of Maine increased from 9 to 13 locations funded by the Maine Recovery Hub, currently there are 19 Recovery Community Centers; and

WHEREAS, in the year 2021, an estimated 631 deaths were caused by drug overdoses in Maine out of a reported 9,538 overdoses, an all-time high for the state, representing a 23% increase over 2020 with 77% of the deaths attributed to the consumption of fentanyl; in 2022 there were 723 deaths with 10,483 total overdoses recorded through emergency departments, EMS, reported community reversals, and law enforcement; the total number of overdoses recorded do not reflect reversed overdoses in which no emergency services were utilized; and

WHEREAS, in 2023 Maine Public Safety (Law Enforcement and EMS) reported 9889 nonfatal overdoses and 1049 fatal overdoses, and in 2024 (January to June) there were 4276 reported nonfatal overdoses and 276 fatal overdoses; and

WHEREAS, during 2022 the State of Maine increased the number of harm reduction supplies administered: the Maine Naloxone Distribution Initiative purchased 42,267 kits (84,534 doses of naloxone), Tier 1 distributors issued 60,015 kits (120,030 doses of naloxone), and the Office of the Maine Attorney General distributed 1,498 kits (2,996 doses of naloxone); and the Maine Syringe Access Program reported distributing 2,368,746 syringes in 2022; and

WHEREAS, the City of Brewer has been a solid partner with local individuals, support groups, and other entities committed to reducing substance abuse in our community and finding programs that prevent, treat and eliminate illicit drug use in all its forms; and

WHEREAS, the City of Brewer believes that substance abuse adversely impacts the quality of life for all and this requires a comprehensive and balanced approach focused on providing access to treatment and recovery services, education, and enforcement; and

WHEREAS, the City of Brewer recognizes that recovery is possible, bringing light where there was darkness, hope where there was despair, connections when there was isolation, accomplishment, and love; recovery restores the sense of health and purpose; and is attainable with the right supports and personal commitment; and

WHEREAS, the City of Brewer encourages all people adversely impacted by substance use disorder to connect with resources and supports to make recovery possible and begin the journey towards a better life; and

WHEREAS, the City of Brewer recognizes and celebrates those in recovery for their journey and accomplishments, who are an example of what is possible.

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NOW, THEREFORE, I, JENN M. MORIN, Mayor of the City of Brewer, on behalf of the City Council and citizens of Brewer, do hereby proclaim the month of September 2024 as

SUBSTANCE-ABUSE RECOVERY MONTH

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

Signed this tenth day of September, 2024

Jenn M. Morin, Mayor

2. Proclamation: Firefighter’s Recognition Day.

Mayor Morin read the proclamation.

**PROCLAMATION
FIREFIGHTER’S RECONIGATION DAY**

WHEREAS, in honor of the brave men and women who protect the life and property of Maine people, the State of Maine and its citizens observe the first Saturday in October as Firefighter’s Recognition Day in accordance with Title 1 M.R.S.A., § 135; and

WHEREAS, Maine has over three hundred thirty fire departments across the state dedicated to keeping communities safe through fire response, medical emergencies, search and rescue, fire prevention, and code enforcement; and

WHEREAS, the City of Brewer has nineteen professional firefighters dedicated to protecting the life and well-being of Brewer residents and the surrounding communities; and

WHEREAS, Brewer firefighters face risks and potential dangers every day in the performance of their duties to ensure the safety and well-being of Brewer residents; and

WHEREAS, Brewer firefighters have faithfully responded to over 3,000 incidents over the last year; and

WHEREAS, the Brewer City Council recognizes the hard work, sacrifice, professionalism and dedication that Brewer firefighters demonstrate on a daily basis.

NOW, THEREFORE, I, JENN M. MORIN, Mayor of the City of Brewer, on behalf of the City Council and citizens of Brewer, do hereby proclaim the first Saturday of October 2024 as

FIREFIGHTER’S RECONIGATION DAY

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

Signed this tenth day of September, 2024

Jenn M. Morin, Mayor

Mayor Morin praised the Brewer Fire Department and said that not all communities had the good fortune to receive the level of service the Brewer team provides. Councilor Daniels expressed gratitude and thanks to the Brewer Fire Department. Councilor O'Halloran said that her life had been saved by the Brewer Fire Department many years ago, and that she would always be grateful to the Brewer Fire Department.

3. Swearing-In Ceremony Brewer Police Corporal, Chris Woodman

The city clerk swore in Brewer Police Corporal Chris Woodman. Councilor Daniels presented a Brewer Challenge Coin to Corporal Woodman.

4. Acting City Manager's Report

Acting City Manager Eric Glidden gave a report on the ongoing operations of the City Manager's Office. The Acting City Manager said that paving had been completed for all City-maintained streets, and that follow up work and repairs were all that remained: the Acting City Manager praised Public Works Director Dave Cote for completing the task. The Acting City Manager said the City continued to support the Brewer Historical Society in its transition after voting to dissolve in March. The Acting City Manager said that the Wreaths Across America project was continuing to move forward, and praised Brewer resident Susan Xirinachs for her work on the project. The Acting City Manager said that on the evening's agenda were inaugural appointments to the City of Brewer Culture and Arts Committee, and that the Committee's first meeting would be held later that week. The Acting City Manager noted that Maine Department of Transportation road work projects in the City were ongoing, and are expected to be completed by mid-October. The Acting City Manager extended thanks and gratitude to City of Brewer Staff.

Public Comments

There were no public comments.

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C. Consent Calendar

2024-A162

September 10, 2024

TITLE: ORDER, ACCEPT DONATION FROM APEX METALS TO BREWER PARKS
AND RECREATION DEPARTMENT FOR FALL PROGRAM.

Filed August 20, 2024

By Michele Daniels

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$100 from Apex Metals, Inc. for support of the Fall Soccer Program; and

WHEREAS, it is the recommendation and request of the Parks & Recreation Director and the donor that this donation be appropriated and expended to supplement the Fall Program.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council herewith accepts this donation and directs that the donation be receipted to the Fall Program/League revenue account (0107123-300328); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of this money from the Fall Program/League expense account (0117121-506130).

Statement of Fact: This order accepts a donation of \$100 from Apex Metals, Inc. to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Fall Soccer Program.

2024-A163

September 10, 2024

TITLE: ORDER, ACCEPT DONATION FROM TWIN CITY TIRE & SERVICE TO
BREWER PARKS AND RECREATION DEPARTMENT FOR FALL
PROGRAM.

Filed August 20, 2024

By Dani O'Halloran

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$100 from Twin City Tire & Service for support of the Fall Soccer Program; and

WHEREAS, it is the recommendation and request of the Parks & Recreation Director and the donor that this donation be appropriated and expended to supplement the Fall Program.

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NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council herewith accepts this donation and directs that the donation be receipted to the Fall Program/League revenue account (0107123-300328); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of this money from the Fall Program/League expense account (0117121-506130).

Statement of Fact: This order accepts a donation of \$100 from Twin City Tire & Service to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Fall Soccer Program.

2024-A164

September 10, 2024

TITLE: ORDER, ACCEPT DONATION FROM KIVELL ELECTRIC TO BREWER PARKS AND RECREATION DEPARTMENT FOR FALL PROGRAM.

Filed August 20, 2024
By William Kimball

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$100 from Kivell Electric, LLC. for support of the Fall Soccer Program; and

WHEREAS, it is the recommendation and request of the Parks & Recreation Director and the donor that this donation be appropriated and expended to supplement the Fall Program.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council herewith accepts this donation and directs that the donation be receipted to the Fall Program/League revenue account (0107123-300328); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of this money from the Fall Program/League expense account (0117121-506130).

Statement of Fact: This order accepts a donation of \$100 from Kivell Electric, LLC. to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Fall Soccer Program.

2024-A165

September 10, 2024

TITLE: ORDER, ACCEPT DONATION FROM MAD KAT & COMPANY BAR & GRILL TO BREWER PARKS AND RECREATION DEPARTMENT FOR FALL PROGRAM.

Filed August 20, 2024
By Soubanh Phanthay

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2024-A167

September 10, 2024

TITLE: ORDER, AUTHORIZE PURCHASE OF REPLACEMENT LIGHTING SYSTEM FOR DOYLE FIELD.

Filed September 2, 2024
By Dani O'Halloran

WHEREAS, Doyle Field is a centerpiece of the greater Brewer community, hosting numerous events, including Brewer High School athletic contests, and its current sport lighting system is over 35 years old; and

WHEREAS, proposals were solicited, received and evaluated for the removal and replacement of the current lighting system with a new energy efficient Light-Emitting Diode (LED) lighting system; and

WHEREAS, the City of Brewer was awarded a \$232,000 grant from the United States Department of Energy to offset the cost of this purchase, which will improve energy efficiency and reduce light spill; and

WHEREAS, as part of its Fiscal Year 2024 (FY24) Capital Improvement Program (CIP), the City has allocated a portion of its American Rescue Plan Act (ARPA) funds to cover its 50% required cost share of this community project; and

WHEREAS, it was determined that R.L. Todd & Sons, Inc., from Caribou, Maine, has submitted the proposal with the maximum value that would best meet the needs of the City.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to sign a contract and purchase order to R.L. Todd & Sons, Inc., in the amount of \$428,019 for the removal of the existing lighting system at Doyle Field in Brewer, Maine, and the purchase and installation of a new lighting system; and

BE IT FURTHER ORDERED, that the Brewer City Council hereby authorizes the expenditure of up to an additional \$65,000 in contingency funding to address unforeseen issues, such as ledge, that may arise during the project; and

BE IT FURTHER ORDERED, that costs associated with this project be charged to the account 0200001-520000-20613 (Doyle Field Light Replacement), funding for which was approved as part of the FY24 CIP.

Statement of Fact: This order provides for the replacement of the Sports Lighting System at Doyle Field as approved in the FY24 CIP budget. Funding for the project comes from a Department of Energy grant and ARPA funds.

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Request For Proposal Results:

<u>Vendor</u>	<u>System</u>	<u>Cost</u>
RL Todd & Sons	Musco Lighting System	\$428,019
Hampden Electric	Qualite Lighting System	\$474,517
Moulison Electric	Musco Lighting System	\$539,668

2024-A168

September 10, 2024

TITLE: ORDER, AUTHORIZE CITY MANAGER TO SIGN FREEDOM PARK
TRANSFER AGREEMENT.

Filed September 3, 2024
By William Kimball

WHEREAS, Maine Department of Transportation (MDOT) and the Brewer Historical Society entered into a License Agreement on December 6, 2022, of and concerning occupancy and related activities associated with a portion of Freedom Park in the City of Brewer, Maine, a copy of which is attached hereto as Exhibit A (the “License Agreement”); and

WHEREAS, the City of Brewer desires to have the Brewer Historical Society assign the License Agreement to the City of Brewer for the City to assume, the Brewer Historical Society desires to make such assignment, and MDOT has approved such assignment and assumption; and

WHEREAS, the current condition of Freedom Park is in need of enhancements to align with the City’s high standards of beauty and cleanliness; and

WHEREAS, assumption of this license agreement provides the City of Brewer with an opportunity to create an attractive point of entry into the City.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith authorizes the City Manager, or his designee, to sign a transfer of License Agreement, transferring assignment of Freedom Park in Brewer, Maine, from the Brewer Historical Society to the City of Brewer, and to begin developing a plan for Freedom Park’s beautification and maintenance.

Statement of Fact: Maine Department of Transportation and the Brewer Historical Society entered into a license agreement on December 6, 2022 that allowed the Historical Society to occupy and maintain Freedom Park. The Historical Society is no longer able to maintain this parcel of land. Transfer of this license agreement to the City of Brewer will allow the parcel to be maintained by the City.

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LICENSE AGREEMENT

This License agreement is made this 16th day of Dec., 2022, between the State of Maine, by and through its Department of Transportation ("MaineDOT"), and the Brewer Historical Society ("Licensee").

WHEREAS, the State of Maine, by and through its Department of Transportation, owns property in the City of Brewer, County of Penobscot, State of Maine, as described in a Notice of Layout and Taking and recorded on February 27, 1995 in the Penobscot County Registry of Deeds, Book 5811, Page 156, as shown on a plan entitled "State of Maine Department of Transportation, Right of Way Map, State Highway '43, Brewer, Penobscot County, Federal Aid Project No. BR-038-1 (35), Part 1 BR-BRE-038-1(35), Part 2" dated June, 1994 and referenced as DOT File No. 0-354, Sheets 7 and 8 recorded in Plan Book 2002, Pages 101 and 102 in said Registry of Deeds (the "MaineDOT Property").

WHEREAS, a portion of the MaineDOT Property was previously the subject of a lease between MaineDOT and the Licensee that expired on June 30, 2022 (the "Lease"). MaineDOT and the Licensee are entering into this License Agreement in lieu of extending the recently expired Lease.

WHEREAS, MaineDOT is willing to enter into this License Agreement with the Licensee to permit the Licensee's continued occupancy of the portion of the MaineDOT Property formerly benefitting from the Lease, subject to the terms and conditions set out herein.

NOW THEREFORE, in consideration of the foregoing, MaineDOT and Licensee hereby agree as follows:

1. Maine DOT hereby grants to Licensee a license to enter upon that portion of the MaineDOT Property situated on the northeast quadrant of State Street and North Main Street and depicted as the shaded area on the above-referenced plan attached hereto as **Exhibit A** for the sole purpose of operating and maintain an existing Civil War memorial (the "Licensed Parcel"), subject to the following terms and conditions:
 - a. Licensee shall be allowed to landscape the Licensed Parcel at its sole expense. Excavations of any kind and the use of pesticides, fertilizers, or herbicides is prohibited on the Licensed Parcel.
 - b. All work and activities performed pursuant to or under authority of this License Agreement shall be done in accordance with all applicable federal, state and local laws and regulations, and other legal requirements.
 - c. Licensee shall provide, at its sole expense, routine maintenance on the Licensed Parcel for the term of this License Agreement. Such maintenance shall include, without limitation, keeping the Licensed Parcel clear of refuse and debris,

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performing all appropriate snow and ice removal and treatment activities, and removing all winter sand each spring.

- d. Licensee shall ensure that its use of the Licensed Parcel does not impede the traffic flow or otherwise interfere with traffic safety on State Street or North Main Street.
2. The term of this License Agreement shall be ten (10) years, commencing retroactively on July 1, 2022 and ending June 30, 2032. This License Agreement may be renewed for an additional ten (10) year term upon mutual agreement of the parties as to the appropriate terms and conditions of such renewals.
3. This License Agreement shall not be assignable or transferable without the prior written consent of MaineDOT, which determination shall be in MaineDOT sole discretion.
4. Licensee acknowledges that any and all rights conveyed by this License Agreement may be terminated and this License Agreement revoked by MaineDOT at any time in the event Licensee breaches any of the terms or conditions of this License Agreement or if MaineDOT, in its sole discretion, determines that the Licensed Parcel is needed for transportation purposes. MaineDOT shall give Licensee thirty (30) days written notice of such termination under either circumstance.
5. MaineDOT reserves the right to enter upon the Licensed Parcel to perform any required or emergency maintenance as deemed necessary. In the event that MaineDOT's maintenance activities affecting the nearby bridge require MaineDOT's use of the Licensed Parcel, MaineDOT shall strive to provide Licensee with 24-hour advanced notice to move any obstructions that may prevent said maintenance from being safely or effectively carried out.
6. Licensee agrees to defend, indemnify and hold harmless MaineDOT, its agents, representatives, employees or independent contractors from all claims, actions, damages, liability or expense of any nature whatsoever attributable to, resulting from, or arising out of any negligent or intentional wrongful act, error, omission or breach of agreement by the Licensee, its agents, representatives, employees, invitees or independent contractors resulting from or in connection with Licensee's occupancy of the Licensed Parcel.
7. All correspondence and notices required or appropriate to be given under this License Agreement shall be sent as follows:

To MaineDOT: Property Manager, Property Office
MaineDOT
16 State House Station
Augusta, ME 04333-0016

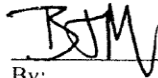
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To Licensee: Brewer Historical Society
Board of Directors
P.O. Box 602
Brewer, Maine 04412

By acceptance and execution of this License Agreement, Licensee agrees that this License constitutes a personal right only and does not constitute a real property right.

SEEN AND AGREED TO BY:

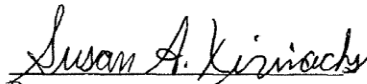
State of Maine
Department of Transportation



By:

Its:

LICENSEE: Brewer Historical Society



By:

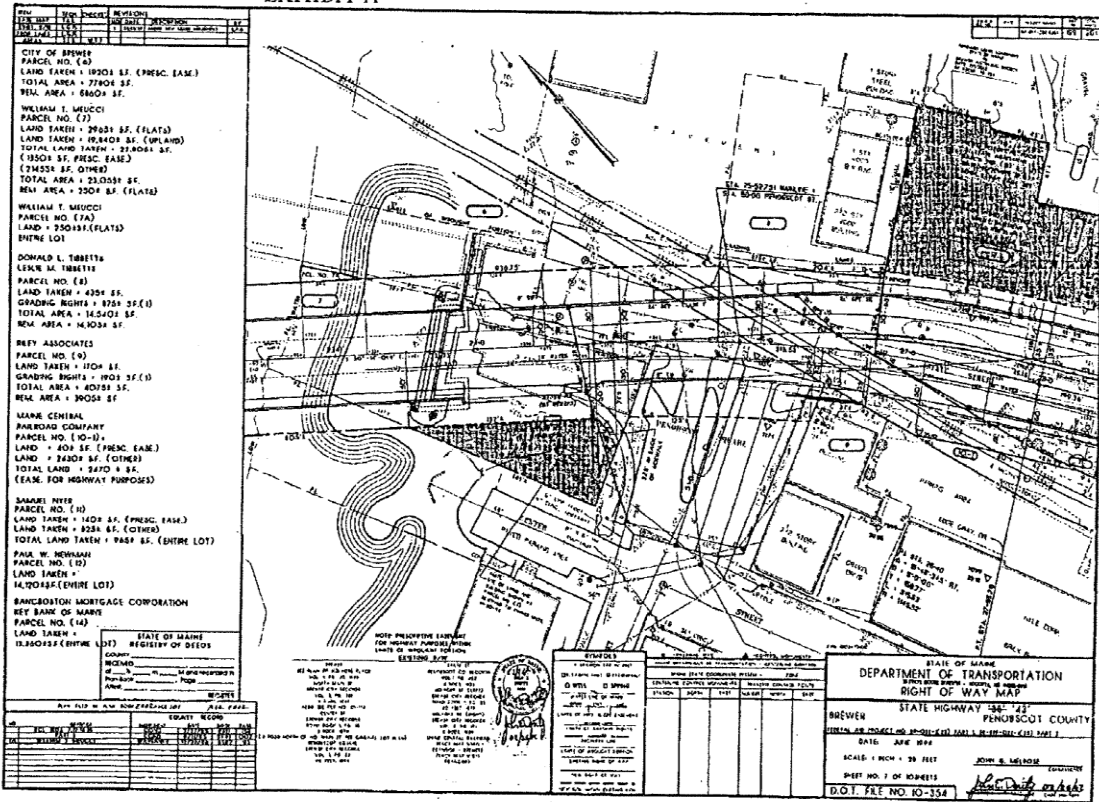
Its:

PLACE EXHIBIT A AFTER THIS PAGE

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EXHIBIT A



City Council Minutes
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2024-A169

September 10, 2024

TITLE: ORDER, AUTHORIZE CITY OF BREWER'S PARTICIPATION IN NET ENERGY BILLING PROGRAM.

Filed September 3, 2024
By Soubanh Phanthay

WHEREAS, under the State of Maine's net energy billing law, utility customers can offset their electricity bills using output from small renewable generators; and

WHEREAS, the City of Brewer spent over \$700,000 on electricity costs in Fiscal Year 2024; and

WHEREAS, one solar provider estimates the City could save \$22,000 annually by joining a community solar project that would cover the City's smaller electrical accounts, and more savings could be achieved if the City is able join a project that is accepting larger accounts; and

WHEREAS, participating in net energy billing could provide the City with years of savings while offering the ability to opt out with six months' notice.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the City Manager, his designee, to execute the necessary documents to enter into one or more net energy billing arrangements for the City of Brewer's utility accounts as would be in the best interests of the citizens of Brewer.

Statement of Fact: This order authorizes the City to enter into one or more net energy billing arrangements to achieve savings on the City's electricity costs.

2024-A170

September 10, 2024

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

Filed September 3, 2024
By Michele Daniels

WHEREAS, under Chapter 40 of the Charter, Codes and Ordinances of the City of Brewer, entitled "Water Department", a water charge is assessed to water users.

NOW, THEREFORE, WE, the Brewer City Council does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$827,624.77** at the established rate, as provided by Title 30-A M.R.S.A., §3406 (supp [1991] and Title 38 M.R.S.A., §1208 [1989]) and as such sections may be amended from time to time; and

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BE IT FURTHER ORDERED, that said charges are due and payable on the date of this commitment.

EVENT	COMMITMENT	COMMENTS
September 2024	\$819,649.45	
June 2024	\$3,496.66	
July 2024	\$2,524.18	
August 2024	\$1,954.48	
TOTAL	\$827,624.77	

Statement of Fact: This is a quarterly order.

2024-A171

September 10, 2024

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

Filed September 3, 2024
 By Dani O'Halloran

WHEREAS, under Chapter 31 of the Charter, Codes and Ordinances of the City of Brewer, entitled "Environmental Ordinance", a sewer charge is assessed to users.

NOW, THEREFORE, WE, the Brewer City Council does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$788,657.94** at the established rate, as provided by Title 30-A M.R.S.A., §3406 and Title 38 M.R.S.A., §1208 [1989] and as such sections may be amended from time to time; and

BE IT FURTHER ORDERED, that said charges are due and payable on the date of this commitment.

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EVENT	COMMITMENT	COMMENTS
September 2024	\$789,417.70	
June 2024	\$-4,688.08	
July 2024	\$1,497.60	
August 2024	\$2,430.72	
TOTAL	\$788,657.94	

Statement of Fact: This is a quarterly order.

2024-A172

September 10, 2024

TITLE: ORDER, APPROVE CARRY FORWARD ENCUMBRANCE OF
 APPROPRIATED, BUT NOT EXPENDED, FISCAL YEAR 2024
 FUNDS FOR APPROVED PROJECTS.

Filed September 3, 2024
By William Kimball

BE IT ORDERED, that the Brewer City Council herewith authorizes and approves the carry forward of funds in the following accounts from the end of Fiscal Year 2024 to Fiscal Year 2025 as follows:

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Account #	Description	Carry Forward
0115201-502200	Assessor – Office Supplies	\$800.00
0115400-501005	Legal Services – Assessing	\$15,352.91
0115601-501150	Technology – Network Services	\$2,660.00
0115801-500864	Police Admin – Publications and Dues	\$1,400.00
0116500-501110	Service Agency – Transit Operating Exp	\$43,070.00
0116651-504000	Public Works – Bldg Maint and Repair	\$104,000.00
0116661-501046	Public Works – Contracted Svcs – Tree Removal	\$20,000.00
0117201-502750	Library – Books	\$50.97
0119700-590010	Transfer to Other Funds – Heddericg Bathrooms	\$250,000.00
	General Fund Total	<u>\$437,333.88</u>
0817702-503200	Sewer Plant – Reserve Machinery & Equipment	\$14,131.35
0817702-504100	Sewer Plant – Equipment Maint and Repair	\$17.93
	Sewer Fund Total	<u>\$14,149.28</u>

Statement of Fact: This annual order authorizes funds appropriated for specific uses in the prior fiscal year but not expended to be carried forward to the current fiscal year.

ACTION: Councilor Daniels moved that the orders on the consent calendar have passage. Councilor O’Halloran seconded the motion. The motion passed with a vote of 3 to 0.

D. Monthly Reports

ACTION: Councilor O’Halloran moved that the monthly reports from department heads be accepted and placed on file. Councilor Daniels seconded the motion. The motion passed with a vote of 3 to 0.

E. Nominations, Appointments, Elections

1. Consent Calendar

2024-A173

September 10, 2024

TITLE: ORDER, APPOINT MEMBERS TO THE CITY OF BREWER CULTURE AND ARTS COMMITTEE.

Filed September 3, 2024
By Michele Daniels

City Council Minutes
Tuesday, September 10, 2024
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, appointments the City of Brewer Culture and Arts Committee must be made as soon as possible so that the business of the Committee can conducted without delay; 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.

NOW, THEREFORE, BE IT ORDERED, that the following Brewer residents are herewith appointed to the City of Brewer Culture and Arts Committee for a one-year term:

- Kathleen Kramer of 25 Wild Rose Drive;
- Tammy Lunn of 14 Allen Road

; and

BE IT FURTHER ORDERED, that term of these appointees shall commence on September 10, 2024 and shall expire on March 31, 2025.

Statement of Fact: These are inaugural appointments to the City of Brewer Culture and Arts Committee.

2024-A174

September 10, 2024

TITLE: ORDER, APPOINT MEMBERS TO THE CITY OF BREWER CULTURE AND ARTS COMMITTEE.

Filed September 3, 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, appointments the City of Brewer Culture and Arts Committee must be made as soon as possible so that the business of the Committee can conducted without delay; 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.

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NOW, THEREFORE, BE IT ORDERED, that the following Brewer residents are herewith appointed to the City of Brewer Culture and Arts Committee for a one-year term:

- Ann Colson of 18 Genie Drive;
- Amanda Ouellette-Clark of 9 Darby Lane;
- Joy Sinclair of 211 Center Street;
- Charles Wong of 54 Wilson Street;
- Susan Xirinachs of 116 Parkway North

; and

BE IT FURTHER ORDERED, that term of these appointees shall commence on September 10, 2024 and shall expire on March 31, 2025.

Statement of Fact: These are inaugural appointments to the City of Brewer Culture and Arts Committee.

ACTION: Councilor Daniels moved that the orders on the consent calendar have passage. Councilor O’Halloran seconded the motion. The motion passed with a vote of 3 to 0.

2. Appointment of Council Liaisons to the City of Brewer Culture and Arts Committee

ACTION: Mayor Morin appointed Councilor Phanthay and Councilor Daniels to be Council Liaisons to the City of Brewer Culture and Arts Committee.

F. Unfinished Business

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~~ APPENDIX 1 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

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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~~ Appendix 1 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~~ Appendix 1 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~~ Appendix 1 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 to 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.

ACTION: Councilor O'Halloran moved that the amendment be enacted. Councilor Daniels seconded the motion. Councilor O'Halloran moved the order be amended by changing all references to "Appendix A" to "Appendix 1". Councilor Daniels seconded the motion. The Council voted 3 to 0 to amend the order. The Council voted 3 to 0 to enact the order as amended.

G. New Business

2024-A175

September 10, 2024

TITLE: ORDER, CONVENE IN EXECUTIVE SESSION PURSUANT TO TITLE 1, M.R.S.A. §405(6)(D) FOR AN UPDATE ON COLLECTIVE BARGAINING.

Filed September 4, 2024
By William Kimball

BE IT ORDERED, that the Brewer City Council convene in executive session pursuant to Title 1, Maine Revised Statutes Annotated, §405(6)(D) for an update on collective bargaining.

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Mayor Morin noted that circumstances had changed that the executive session would no longer be necessary. The Acting City Manager agreed that the executive session was no longer necessary. No action was taken.

H. New Items with Leave of Council

ACTION: Mayor Morin introduced Order 2024-A176 “Appoint members to the City of Brewer Culture and Arts Committee.” under suspension of the rules. Mayor Morin asked the city clerk to poll the Council to see if there was unanimous consent to take up the order. The Council members voted 3 to 0 unanimous consent to take up Order 2024-A176 under suspension of the rules.

2024-A176

September 10, 2024

TITLE: ORDER, APPOINT MEMBERS TO THE CITY OF BREWER CULTURE AND ARTS COMMITTEE.

Filed September 6, 2024
By Dani O’Halloran and
Michele Daniels

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, appointments the City of Brewer Culture and Arts Committee must be made as soon as possible so that the business of the Committee can conducted without delay; 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.

NOW, THEREFORE, BE IT ORDERED, that the following Brewer residents are herewith appointed to the City of Brewer Culture and Arts Committee for a one-year term:

- Edner Fago of 29 Washington Street;
- Leslie Ohmart of 73 Sunset Strip;
- Ashlie Page of 24 Longmeadow Drive;

; and

BE IT FURTHER ORDERED, that term of these appointees shall commence on September 10, 2024 and shall expire on March 31, 2025.

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Statement of Fact: These are inaugural appointments to the City of Brewer Culture and Arts Committee.

ACTION: Councilor O'Halloran moved that the order have passage. Councilor Daniels seconded the motion. The motion passed by a vote of 3 to 0.

I. ADJOURN

ACTION: Councilor Daniels moved to adjourn. Councilor O'Halloran seconded the motion. The motion passed with a unanimous vote. The meeting was adjourned at 6:26 P.M.

ADJOURNED, ATTEST: _____ Vincent P. Migliore
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine