

CITY COUNCIL REGULAR MEETING & 2024 ANNUAL MEETING

Tuesday, November 19, 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 October 8, 2024 Regular Meeting, Minutes of the October 23, 2024 Special Meeting, and Minutes of the October 30, 2024 Special Meeting** (Councilor Kimball)
- B. Awards, Petitions and Public Comments**
 - 1. (2024-B046) RESOLVE Resolution of Respect for George N. Bishop.
(Councilor Daniels)
 - 2. Acting City Manager's Report
 - 3. Public Comments
- IV. Recess for Public Hearing**
 - 1. To consider changes to the Brewer City Council Remote Participation Policy.
- V. Adjourn Public Hearing**
- C. Consent Calendar**
 - 1. (2024-A199) ORDER Accept easement consent from Versant Power for property located at 290 Elm Street. (Councilor O'Halloran)
 - 2. (2024-A200) ORDER Accept donation from Elaine Albright to Brewer Public Library. (Councilor Kimball)
 - 3. (2024-A201) ORDER Declare items surplus and authorize disposition.
(Councilor Daniels)
 - 4. (2024-A202) ORDER Accept Fiscal Year 2022 Edward Byrne Memorial Justice Assistance Grant Program funds. (Councilor O'Halloran)
 - 5. (2024-A203) ORDER Authorize use of Water Standpipe Reserve funds for inspection and cleaning of water tanks.
(Councilor Kimball)
 - 6. (2024-B047) RESOLVE Adopt City of Brewer City Councilor Handbook.
(Councilor Daniels)
 - 7. (2024-B048) RESOLVE Adopt City of Brewer City Council Remote Participation Policy by complete substitution. (Councilor O'Halloran)
 - 8. (2024-A204) ORDER Accept improvements to Brewer Community Pool and Brewer Public Library from Lowe's Home Improvement.
(Councilor Kimball)
 - 9. (2024-A205) ORDER Authorize payment to Hopkins Landscape and Paving for milling and paving services on North Main Street.
(Councilor Daniels)
 - 10. (2024-A206) ORDER Authorize payment to Eastwood Contractors, Inc. for completion of emergency water main and road repairs.
(Councilor O'Halloran)

11. (2024-A207) ORDER Authorize reallocation of American Rescue Plan Act funding to ensure use before deadline.
(Councilor Kimball)
12. (2024-B049) RESOLVE Adopt policy regarding City Council Member communications with City employees. (Mayor Morin)
13. (2024-A208) ORDER Authorize Fire Department Engine Control Unit repairs for Ladder 305. (Councilor O'Halloran)

D. Monthly Reports (Councilor O'Halloran)

E. Nominations, Appointments, Elections

1. (2022-B050) RESOLVE Declare the results of November 5, 2024 City of Brewer Municipal Election, United Technologies Center Referendum Election, and State of Maine Referendum Election and General Election. (Councilor Kimball)

F. Unfinished Business

1. (2024-C015) ORDER Amend Chapter 19 of the Charter, Codes and Ordinances of the City of Brewer, entitled "Traffic Code", to amend Article 3, Schedule C, to improve emergency vehicle access on Vista Way. (Councilor Phanthay)

G. New Business

1. Consent Calendar

1. (2024-C016) ORDER Amend Chapter 36 of the Charter, Codes and Ordinances of the City of Brewer, entitled "Purchasing Ordinance", Article 3, entitled "Functions and Policies", to strengthen controls.
(Councilor Daniels)
 2. (2024-C017) ORDER Amend Chapter 24 of the Charter, Codes and Ordinances of the City of Brewer, entitled "Land Use Code", Article 3, "Zoning Districts", Sections 306 and 307, and Article 4, "Performance Standards", Section 413. (Councilor O'Halloran)
 3. (2024-C018) ORDER Create Chapter 53 of the Charter, Codes and Ordinances of the City of Brewer, entitled "City of Brewer Code of Ethics Ordinance."
(Councilor Kimball)
2. (2024-A209) ORDER Appoint City of Brewer City Manager.
(Councilor Kimball)

H. New Items with Leave of Council

I. ADJOURN

VI. Call to Order 2024 Annual Meeting. (city clerk)

VII. Roll Call. (city clerk)

A. Swearing in of Elected Officials (city clerk)

1. City Council Members
2. Superintending School Committee Members
3. Student Representative Member of the School Committee
4. Trustee of the High School District Trustees

B. Election of Mayor (city clerk)

C. Election of Deputy Mayor (Mayor)

D. Mayor's Remarks (Mayor)

1. Outgoing Mayor's Remarks
2. Incoming Mayor's Remarks

E. Establishment of Committees (Mayor)

1. Committee on Finance
2. Sub-committee for Standing Boards & Committees
3. Council's Liaison for the City Budget
4. Council's Liaison to the School Committee
5. Council's Liaison to the High School District Trustees
6. Council's Liaison to the Brewer Planning Board
7. Council's Liaison to the Penobscot County Budget Committee
8. Council's Liaison to the Parks & Recreation Advisory Commission
9. Council's Liaison and Representative to the Bangor Area Recovery Network
10. Council's Liaison to the Housing Authority
11. Council's Liaison to the Brewer Culture and Arts Committee
12. Council's Liaison to the Board of Appeals and the Board of Assessment Review

F. Discussion of Councilor Goals for the upcoming term (Mayor)

G. Establishment of Chair and Vice-Chair of the Brewer School Committee (Mayor)

H. New Business

1. (2023-B051) RESOLVE Establish Location for Regular Meetings.
2. (2023-B052) RESOLVE Establish Time and Dates of Regular Meetings and Special Meetings.
3. (2023-B053) RESOLVE Adopt Ethical Principles for Excellence in Government.
4. (2023-B054) RESOLVE Adopt 10 Habits of Highly Effective City Councils.

VIII. Adjourn 2024 Annual Meeting

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-B046

November 19, 2024

TITLE: RESOLVE, RESOLUTION OF RESPECT FOR GEORGE N. BISHOP.

Filed March 7, 2024
By Michele Daniels

WHEREAS, on the third day of March 2024, death brought to a close the full and active life of George N. Bishop; and

WHEREAS, George was born in Rhode Island in 1958 and moved with his family to Maine in 1977; and

WHEREAS, George married the love of his life Linda in 1989, and they shared thirty-five years of marriage and raised a family together; and

WHEREAS, George and Linda bought Penobscot Cleaning Services in 1990 which they owned and operated until early 2024; and

WHEREAS, in 2013 George and Linda purchased Penobscot Ice Arena and made major renovations to the facility; and

WHEREAS, Penobscot Ice Area provided precious ice time to youth hockey throughout the area; and

WHEREAS, the Brewer Witches and the Hampden Broncos Ice Hockey Teams flourished with Penobscot Ice Arena serving as home ice for both teams; and

WHEREAS, creation of the Penobscot Pioneers Girls' Ice Hockey Team was possible because Penobscot Ice Arena provided a place to play; and

WHEREAS, operating Penobscot Ice Arena was a labor of love for George, and he enjoyed every aspect, from facility maintenance, to helping kids learn to skate and play, coaching various hockey teams, taking part in fundraisers, and playing in the adult hockey leagues; and

WHEREAS, George especially loved coaching his daughter and having a hockey team for the girls; and

WHEREAS, George also enjoyed restoring antique dirt bikes, landscaping at home, and spending time at camp with family and friends; and

WHEREAS, George was a beloved pillar of the hockey community.

NOW, THEREFORE BE IT RESOLVED, that the Brewer City Council does by this resolution and public pronouncement, recognize the positive influence of George N. Bishop to the well-being and development of his community and he earned the respect of all who knew him; and

BE IT FURTHER RESOLVED, that this resolution be spread upon the permanent records of the City of Brewer and that copies thereof be distributed to members of his family in testimony to the high esteem held for George N. Bishop by the citizens and officials of the City of Brewer, Maine.

CITY OF BREWER PUBLIC NOTICE

Notice is hereby given that the Brewer City Council will hold a public hearing on **Tuesday, November 19, 2024 at 6:00 p.m. in the Council Chambers at Brewer City Hall located at 80 North Main Street, Brewer, Maine** to consider changes to the Brewer City Council Remote Participation Policy. 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

BREWER CITY COUNCIL
REMOTE PARTICIPATION POLICY

Explanatory Note: This updated policy authorizes remote participation by the Brewer City Council under emergency or urgent conditions as well as by individual Council Members when in-person attendance is not practicable pursuant to 1 M.R.S. § 403-B.

Pursuant to 1 M.R.S. § 403-B, and after public notice and hearing, the Brewer City Council hereby amends by complete replacement the current Brewer City Council Remote Participation Policy by adopting the following new policy to govern remote participation for meetings that are public proceedings as defined in the Maine Freedom of Access Act.

Consistent with 1 M.R.S. § 403-B, Brewer City Council Members are expected to be physically present for meetings except when not practicable. Without limiting the generality of the foregoing, the following are situations when physical presence is not practicable:

1. **Emergency/Urgent Issue.** The existence of an emergency or urgent issue requires the Brewer City Council to meet by remote methods.
2. **Illness, Other Physical Condition, or Temporary Absence.** Illness, other physical condition, or physical location causes significant difficulty for a Council Member to travel to the meeting location. Examples include:
 - a. Medical illness or condition
 - b. Disability
 - c. Family or other emergency
 - d. Employment purposes
 - e. Military service
 - f. Travel outside the City of Brewer making it significantly difficult to attend in-person.

A Council Member may not participate by remote methods for mere convenience or ease.

A Council Member who is unable to attend a meeting in person will notify the City Manager as far in advance as possible. The City Manager, in consultation with City Staff and City Solicitor as may be necessary or appropriate, will make a determination that remote methods of participation are necessary in as timely manner as possible under the circumstances and take steps to properly notice and setup the meeting.

Remote methods of participation may include telephonic or video technology allowing simultaneous reception of information and may include other means necessary to accommodate disabled persons. Remote participation will not be by text-only means such as e-mail, text messages, or chat functions.

The public will be provided a meaningful opportunity to attend via remote methods when the Brewer City Council or any Council Member thereof participates via remote methods in a

meeting (i.e., for any all-remote meetings or any hybrid meetings). If public input is allowed or required at the meeting, an effective means of communication between the Brewer City Council and the public will also be provided.

Notice of all meetings will be provided in accordance with 1 M.R.S. § 406 and any applicable bylaw. When a meeting is held via remote methods (whether all remote or hybrid), notice will include the means by which the public may access the meeting remotely and will provide a method for disabled persons to request necessary accommodation to access the meeting. The Brewer City Council will not restrict public attendance to remote methods except in the case of an emergency or urgent issue that requires the Brewer City Council to meet using remote methods of attendance (i.e., the public must be allowed to attend in-person for any hybrid meetings, but may be restricted to remote methods if the entire City Council meets remotely).

The Brewer City Council will make all documents and materials to be considered available, electronically or otherwise, to the public who attend remotely to the same extent customarily available to the public who attend in person, provided no additional costs are incurred by the City.

All votes taken during a meeting using remote methods will be by roll call vote that can be seen and heard if using video technology, or heard if using audio technology only, by other members of the Brewer City Council. A Council Member(s) who participates remotely will be considered present for purposes of a quorum and voting for meetings.

This policy will remain in force unless amended or rescinded.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A199

November 19, 2024

TITLE: ORDER, ACCEPT EASEMENT CONSENT FROM VERSANT POWER FOR
PROPERTY LOCATED AT 290 ELM STREET.

Filed October 31, 2024

By Dani O'Halloran

WHEREAS, a water easement, held by the Brewer Water Department, from Elm Street to Rotherdale Road, runs parallel to an easement held by Versant Power; and

WHEREAS, a new home constructed at 290 Elm Street encroaches upon Versant Power's easement; and

WHEREAS, Versant Power has secured an easement for anchor placements on the opposite side of the City's water line; and

WHEREAS, the proposed easement alleviates the financial burden on the homeowner as the new home would need to be relocated without this easement.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby accepts the permanent easement allowing Versant Power's guide wires to cross aerially over the City's water line; and

BE IT FURTHER ORDERED, that the City Council ratifies all actions taken concerning the permanent easement and the acceptance of the main line located in Brewer, Maine.

Statement of Fact: To assist the homeowner and the contractor at 290 Elm Street, the Water Department has reviewed the proposed aerial easement from Versant Power. Versant's lines do not occupy this easement currently, but if required in the future, an offset with guide wires will be necessary to adequately support the poles. The Brewer Water Department does not find the installation of aerial guide wires to be detrimental when crossing the City's easement.

Easement Consent

CITY OF BREWER, a body politic in Brewer having a mailing address of 80 North Nain Street, Brewer, Maine 04412, (“City”) is the holder of the following easement located in Brewer, Penobscot County, Maine (“the City Easement”):

Easement from Richard M. Coffin to the City of Brewer dated January 18, 2012 and recorded in the Penobscot County Registry of Deeds in Book 12708, Page 93; and

VERSANT POWER, a Maine corporation having a place of business at 970 Illinois Avenue, Bangor, Maine (“the Versant Power Easement”) has acquired the following easement for the installation of anchors and guy wires, and vegetation clearing to support an electrical transmission line:

Easement from Merle M. Bickford to Versant Power of substantially even date and to be recorded in the Penobscot County Registry of Deeds.

The Versant Power Easement is located, in part, on the City Easement. Versant Power is requesting consent from the City for the co-location of the Versant Power Easement within the City Easement and the City hereby consents to the co-location of the Versant Power Easement within the City Easement subject to the following terms and conditions:

1. Versant Power shall not install any appurtenances into the ground within the City Easement.
2. All supports and guy wires extending over the City Easement are allowable, however they shall be temporarily removed, at the expense of Versant Power, as requested by the City, during any necessary repairs and upgrades.
3. To the fullest extent permitted by law, Versant Power shall indemnify and hold harmless the City of Brewer and all of its agents and employees from and against all claims, damages, losses and expenses including, but limited to, attorney’ fees arising out of or resulting from Versant Power’s activities on or within the bounds of the City Easement.
4. Versant Power, by acceptance of this consent, hereby agrees to be bound by the terms and conditions herein.
5. This Agreement, and the rights and obligations described hereunder, shall be binding on the parties successors and assigns.

IN WITNESS WHEREOF, The City of Brewer and Versant Power have caused this instrument to be executed by its duly authorized representatives under seal this ____ day of _____, 2024.

VERSANT POWER

By: _____
Print Name:
Title:

STATE OF MAINE

County of Penobscot, ss: _____, 20__

Then personally appeared the above-named _____,
_____ of said Versant Power and acknowledged the above instrument to be his/her free act and deed, in his/her said capacity and the free act and deed of said Versant Power.

Before me,

Notary Public

Print Name of Notary: _____

CITY OF BREWER

By: _____
Print Name:
Title:

STATE OF MAINE

County of Penobscot, ss: _____, 20__

Then personally appeared the above-named _____,
_____ of said City of Brewer Power and acknowledged the above instrument to be his/her free act and deed, in his/her said capacity and the free act and deed of said City of Brewer.

Before me,

Notary Public

Print Name of Notary: _____

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A200

November 19, 2024

TITLE: ORDER, ACCEPT DONATION FROM ELAINE ALBRIGHT TO BREWER
PUBLIC LIBRARY.

Filed November 1, 2024
By William Kimball

WHEREAS, the Brewer Public Library received a generous donation of \$1,000 from Elaine Albright; and

WHEREAS, Elaine Albright specified that the donation be used for purposes determined by the Library Director; and

WHEREAS, it is the recommendation and request of the Library Director that the donation be used toward library programming and in support of Hoopla, an online streaming library resource.

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts this \$1,000 donation from Elaine Albright to the City of Brewer Public Library, authorizes its deposit into account 0600072-360000-72034, and further authorizes its appropriation and expenditure from 0600072-560000-72034.

Statement of Fact: This order accepts a \$1,000 donation from Elaine Albright to support programming and Hoopla purchases at the City of Brewer Public Library.

NOTE: The Brewer Public Library sends a letter of acknowledgement and appreciation on behalf of the City Council and the Library to all who contribute to the library.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A201

November 19, 2024

TITLE: ORDER, DECLARE ITEMS SURPLUS AND AUTHORIZE DISPOSITION.

Filed November 7, 2024

By Michele Daniels

WHEREAS, from time to time, the City of Brewer has furniture, fixture, and equipment items that have reached the end of their useful lives, are no longer needed, and would otherwise be sent to the landfill for disposal; and

WHEREAS, to reduce the volume of material the City sends to landfill, the City would like to offer these items to City employees on a first come, first served and/or auction-type basis.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith declares items scheduled to be thrown away as surplus and authorizes the City Manager, or his designee, to the extent practical, to sell or secure alternate disposition of such items as would be in the best interest of the citizens of Brewer.

Statement of Fact: This order declares items slated to be thrown away as surplus and authorizes their sale and/or disposition to City employees or others.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A202

November 19, 2024

TITLE: ORDER, ACCEPT FISCAL YEAR 2022 EDWARD BYRNE MEMORIAL
JUSTICE ASSISTANCE GRANT PROGRAM FUNDS.

Filed November 7, 2024

By Dani O'Halloran

WHEREAS, the Brewer Police Department has received a grant for \$2,580 through the U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG) program that requires no local matching funds; and

WHEREAS, this grant is designated to support Police Department training costs related to hosting the National Tactical Officers Association Basic Special Weapons and Tactics (SWAT) 40-hour school; and

WHEREAS, the grant funds will be used to make the class more accessible to law enforcement agencies across our region by eliminating travel and meal costs for attendees as well as to enhance ear protection at Brewer's firing range by purchasing electronic ear protection.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith accept these grant funds and authorizes their deposit into account #0600058-360000-58069 (2022 Byrne JAG Grant Revenue); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds in accordance with the grant terms from account #0600058-560000-58069 (2022 Byrne JAG Grant Expense).

Statement of Fact: This order accepts a \$2,580 grant from the U.S. Department of Justice for training costs and authorizes their expenditure.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A203

November 19, 2024

TITLE: ORDER, AUTHORIZE USE OF WATER STANDPIPE RESERVE FUNDS FOR INSPECTION AND CLEANING OF WATER TANKS.

Filed November 8, 2024

By William Kimball

WHEREAS, the Brewer Water Department's water tanks at Whiting Hill and Hatcase Pond are in need of inspection and cleaning; and

WHEREAS the Water Department maintains a reserve account that is dedicated to supporting costs associated with maintenance and upkeep of its water tanks; and

WHEREAS, the cost to inspect and clean the two tanks is expected to be \$9,912 (\$7,998 for the contractor and \$1,914 for lift rental).

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the transfer of \$9,912 from the Water Department's Standpipe Reserve account (0700000-110802) to the Water Department's Transmission Line Maintenance expense account (0718502-504550); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from Water's Transmission Line Maintenance expense account (0718502-504550) to pay for the inspection and cleaning of the Whiting Hill and Hatcase Pond water tanks.

Statement of Fact: This order authorizes the use of \$9,912 from the Brewer Water Department's Standpipe Reserve account to pay for the inspection and cleaning of the water tanks at Whiting Hill and Hatcase Pond. The internal inspection is required every 5 years.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-B047

November 19, 2024

TITLE: RESOLVE, ADOPT CITY OF BREWER CITY COUNCILOR HANDBOOK.

Filed November 8, 2024

By Michele Daniels

WHEREAS, the City of Brewer is committed to providing its City Council members with tools, resources, and information needed to fulfill their roles and responsibilities effectively; and

WHEREAS, a City Councilor Handbook has been created to outline the duties, responsibilities, and expectations of City Council members, providing a comprehensive reference guide for Councilors in the performance of their official duties; and

WHEREAS, the City Councilor Handbook will serve as a valuable resource for both new and existing Councilors, fostering consistency, transparency, and a shared understanding of the governance processes in the City of Brewer; and

WHEREAS, it is in the best interest of the City of Brewer to formally adopt this Handbook as an official resource for Council members.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Brewer hereby adopts the City of Brewer City Councilor Handbook as the official guide for City Council members; and

BE IT FURTHER RESOLVED, that copies, paper or electronic, of the City of Brewer City Councilor Handbook shall be provided to each current member of the Brewer City Councilor, and shall be issued to newly elected Brewer City Councilors as part of their orientation process; and

BE IT FURTHER RESOLVED, that the City of Brewer City Councilor Handbook may be updated periodically to reflect changes in laws, policies, or best practices, with any amendments requiring approval by the Brewer City Council.

Statement of Fact: The City of Brewer City Councilor Handbook was developed to provide a comprehensive overview of the roles, duties, and responsibilities of City Council members. This Handbook serves as a practical reference tool designed to assist both new and existing Councilors in understanding and fulfilling their obligations effectively. By adopting the Handbook, the City Council of Brewer establishes a unified guide for governance, supports a consistent approach to Councilor responsibilities, and promotes informed decision-making. The adoption of this Handbook will ensure that all Council members have access to up-to-date information, fostering transparency and continuity within the City Council.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-B048

November 19, 2024

TITLE: RESOLVE, ADOPT CITY OF BREWER CITY COUNCIL REMOTE PARTICIPATION POLICY BY COMPLETE SUBSTITUTION.

Filed November 12, 2024

By Dani O'Halloran

WHEREAS, the Brewer City Council recognizes the importance of clear guidelines for remote participation in its meetings; and

WHEREAS, the Brewer City Council wishes to adopt an updated Remote Participation Policy to enable flexibility for Council Members to participate remotely under certain conditions, including emergencies, illness, or other significant circumstances that make in-person attendance impracticable, as permitted under 1 M.R.S. § 403-B; and

WHEREAS, the City of Brewer has provided public notice and conducted a hearing on this matter, in compliance with Maine Freedom of Access Act requirements.

NOW, THEREFORE, BE IT ORDERED, by the City Council of Brewer, Maine, that the current Brewer City Council Remote Participation Policy is hereby amended by adopting, in full substitution, the new Remote Participation Policy as presented.

Statement of Fact: This policy provides for remote participation by City Council Members in situations where in-person attendance is not practicable and ensures the public will have a meaningful opportunity to attend via remote methods when such methods are in use. It also requires that notice and accommodations be provided to ensure accessibility and transparency in accordance with Maine's Freedom of Access Act.

BREWER CITY COUNCIL
REMOTE PARTICIPATION POLICY

Explanatory Note: This updated policy authorizes remote participation by the Brewer City Council under emergency or urgent conditions as well as by individual Council Members when in-person attendance is not practicable pursuant to 1 M.R.S. § 403-B.

Pursuant to 1 M.R.S. § 403-B, and after public notice and hearing, the Brewer City Council hereby amends by complete replacement the current Brewer City Council Remote Participation Policy by adopting the following new policy to govern remote participation for meetings that are public proceedings as defined in the Maine Freedom of Access Act.

Consistent with 1 M.R.S. § 403-B, Brewer City Council Members are expected to be physically present for meetings except when not practicable. Without limiting the generality of the foregoing, the following are situations when physical presence is not practicable:

3. **Emergency/Urgent Issue.** The existence of an emergency or urgent issue requires the Brewer City Council to meet by remote methods.
4. **Illness, Other Physical Condition, or Temporary Absence.** Illness, other physical condition, or physical location causes significant difficulty for a Council Member to travel to the meeting location. Examples include:
 - a. Medical illness or condition
 - b. Disability
 - c. Family or other emergency
 - d. Employment purposes
 - e. Military service
 - f. Travel outside the City of Brewer making it significantly difficult to attend in-person.

A Council Member may not participate by remote methods for mere convenience or ease.

A Council Member who is unable to attend a meeting in person will notify the City Manager as far in advance as possible. The City Manager, in consultation with City Staff and City Solicitor as may be necessary or appropriate, will make a determination that remote methods of participation are necessary in as timely manner as possible under the circumstances and take steps to properly notice and setup the meeting.

Remote methods of participation may include telephonic or video technology allowing simultaneous reception of information and may include other means necessary to accommodate disabled persons. Remote participation will not be by text-only means such as e-mail, text messages, or chat functions.

The public will be provided a meaningful opportunity to attend via remote methods when the Brewer City Council or any Council Member thereof participates via remote methods in a meeting (i.e., for any all-remote meetings or any hybrid meetings). If public input is allowed or required at the meeting, an effective means of communication between the Brewer City Council and the public will also be provided.

Notice of all meetings will be provided in accordance with 1 M.R.S. § 406 and any applicable bylaw. When a meeting is held via remote methods (whether all remote or hybrid), notice will include the means by which the public may access the meeting remotely and will provide a method for disabled persons to request necessary accommodation to access the meeting. The Brewer City Council will not restrict public attendance to remote methods except in the case of an emergency or urgent issue that requires the Brewer City Council to meet using remote methods of attendance (i.e., the public must be allowed to attend in-person for any hybrid meetings, but may be restricted to remote methods if the entire City Council meets remotely).

The Brewer City Council will make all documents and materials to be considered available, electronically or otherwise, to the public who attend remotely to the same extent customarily available to the public who attend in person, provided no additional costs are incurred by the City.

All votes taken during a meeting using remote methods will be by roll call vote that can be seen and heard if using video technology, or heard if using audio technology only, by other members of the Brewer City Council. A Council Member(s) who participates remotely will be considered present for purposes of a quorum and voting for meetings.

This policy will remain in force unless amended or rescinded.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A204

November 19, 2024

TITLE: ORDER, ACCEPT IMPROVEMENTS TO BREWER COMMUNITY POOL AND BREWER PUBLIC LIBRARY FROM LOWE'S HOME IMPROVEMENT.

Filed November 12, 2024

By William Kimball

WHEREAS, Lowe's Home Improvement, through the Lowe's Hero Program, has shown exemplary community service by refurbishing and repainting the Brewer Community Pool bathhouse, a valued community resource, and providing a new refrigerator for the staff break room at the Brewer Public Library; and

WHEREAS, Lowe's Hero Program volunteers dedicated over 130 hours of labor to this effort (an estimated value of over \$2,000), demonstrating their commitment and care for the people of Brewer; and

WHEREAS, Lowe's generously donated over \$9,000 in equipment and supplies, and its paint supplier, Sherwin-Williams, also contributed over \$10,000 in paint, which was used on the bathhouse renovation; and

WHEREAS, the bathhouse project has greatly improved the condition and appeal of the facility, providing a more enjoyable experience for all residents and visitors; and

WHEREAS, the refrigerator replacement at the Brewer Public Library is much appreciated by Library staff.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith recognizes and extends its gratitude to Lowe's Hero Program and Sherwin-Williams for their generous contribution to the beatification and improvement of the City of Brewer; and

BE IT FURTHER ORDERED, that the City Council gratefully accepts these improvements to the Brewer Community Pool bathhouse and the Brewer Public Library that have an estimated combined value of over \$21,000.

Statement of Fact: This order recognizes Lowe's Home Improvement for their recent donations, which include renovations to the Brewer Community Pool bathhouse and a new refrigerator for the Library's staff break room.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A205

November 19, 2024

TITLE: ORDER, AUTHORIZE PAYMENT TO HOPKINS LANDSCAPE AND PAVING FOR MILLING AND PAVING SERVICES ON NORTH MAIN STREET.

Filed November 12, 2024

By Michele Daniels

WHEREAS, the City of Brewer experienced two water main breaks near the intersection of North Main Street and State Street, which required immediate repairs to ensure the safety and functionality of the roadway; and

WHEREAS, these water main repairs necessitated milling and paving work on a portion of North Main Street to restore the road to a suitable condition; and

WHEREAS, Hopkins Landscape and Paving completed the necessary milling and paving work at a cost of \$28,250.

NOW, THEREFORE, BE IT ORDERED, that the City Council of the City of Brewer hereby authorizes payment in the amount of \$28,250 to Hopkins Landscape and Paving for the completion of milling and paving services on North Main Street resulting from emergency water main repairs; and

BE IT FURTHER ORDERED, this purchase is authorized under Chapter 36 of the City's Purchasing Ordinance, Section 302.2.1 "Emergencies," which allows the City Manager to authorize an immediate negotiated purchase of supplies or services necessary to protect the best interest of the City when the public exigency will not permit the delay incident to advertising; and

BE IT FURTHER ORDERED, that costs associated with this repair work be charged to 0718501 501065, WATER TRANS & DIST - CONT SVCS, OTHER SERVICES.

North Main Paving bids	
Contractor	Estimate
B&B Paving	\$55,700
Hopkins Paving	\$28,250
Eastwood Construction	no bid

Statement of Fact: In October, two major water main breaks occurred near the intersection of North Main Street and State Street, requiring immediate attention to maintain roadway safety and prevent further infrastructure damage. Hopkins Landscape and Paving completed necessary milling and paving work at a cost of \$28,250. This order authorizes payment to Hopkins Landscape and Paving for their services, ensuring that the City meets its obligations for emergency repairs and roadway restoration.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A206

November 19, 2024

TITLE: ORDER, AUTHORIZE PAYMENT TO EASTWOOD CONTRACTORS, INC.
FOR COMPLETION OF EMERGENCY WATER MAIN AND ROAD
REPAIRS.

Filed November 12, 2024

By Dani O'Halloran

WHEREAS, the City of Brewer experienced two water main breaks near the intersection of North Main Street and State Street, necessitating immediate repairs to the water main; and

WHEREAS, the extent of the damage required larger equipment, additional personnel, and comprehensive repairs to both the main water line and the roadway to restore water service to customers; and

WHEREAS, the second break necessitated the replacement of approximately 60 feet of the main water line.

NOW, THEREFORE, BE IT ORDERED, that the City Council of the City of Brewer hereby authorizes a payment in the amount of \$18,831 to Eastwood Contractors, Inc. for the completion of emergency water main and road repairs; and

BE IT FURTHER ORDERED, this purchase is authorized under Chapter 36 of the City's Purchasing Ordinance, Section 302.2.1 "Emergencies," which allows the City Manager to authorize an immediate negotiated purchase of supplies or services necessary to protect the best interest of the City when the public exigency will not permit the delay incident to advertising; and

BE IT FURTHER ORDERED, that costs associated with this repair work be charged to 0718501 501065, WATER TRANS & DIST - CONT SVCS, OTHER SERVICES.

Statement of Fact: In October, two significant water main breaks occurred near the intersection of North Main Street and State Street, necessitating immediate repairs to the main line to ensure roadway safety and prevent further infrastructure damage. Consequently, a section of North Main Street required the replacement of a portion of the main line and subsequent road rebuilding. Eastwood Contractors Inc. was engaged to assist in these critical repairs at a cost of \$18,831. This order authorizes payment to Eastwood Contractors Inc. for their services, ensuring that the City fulfills its obligations for emergency repairs and roadway restoration.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A207

November 19, 2024

TITLE: ORDER, AUTHORIZE REALLOCATION OF AMERICAN RESCUE PLAN ACT
FUNDING TO ENSURE USE BEFORE DEADLINE.

Filed November 12, 2024
By William Kimball

WHEREAS, as a result of the federal American Rescue Plan Act of 2021 (ARPA), the City of Brewer received a total of \$955,347.44 in Coronavirus State and Local Fiscal Relief Program (SLFRP) funds (\$954,238.78 in original allotment and \$1,108.66 in a supplemental allotment); and

WHEREAS, between June 2023 and June 2024, through approval of the City’s Capital Improvement Programs (CIPs), the Brewer City Council approved uses for all but the supplemental portion of the ARPA funds as shown in the table below, which also shows amounts expended to date:

ARPA Approved Uses	Approved Amount	Expended to Date	Project Status
Purchase of COVID tests	\$ 2,599.85	\$ 2,599.85	COMPLETE
Replace Street Sweeper	\$279,900.00	\$279,000.00	COMPLETE
Police Computer Replacement	\$ 20,100.00	\$ 20,100.00	COMPLETE
Doyle Field Light Replacement Project	\$298,000.00	\$ -	Contract awarded. Spring build.
Expanded Annual Paving Program	\$145,000.00	\$145,000.00	COMPLETE
Sewer - S Main Pump Station Imprvmnts	\$ 60,000.00	\$ 60,000.00	COMPLETE
Sewer - N Main Pump Station Generator	\$ 48,638.93	\$ 48,545.00	COMPLETE
Water - Hatcase Pond Fiber and Security	\$100,000.00	\$ -	RFP out now. Award contract in Dec.
	<u>\$954,238.78</u>	<u>\$555,244.85</u>	
Late allotment yet to be allocated	\$ 1,108.66	\$400,102.59	Remaining to spend
Total ARPA Allotment	<u><u>\$955,347.44</u></u>	<u><u>\$955,347.44</u></u>	Total APRA Allotment

; and

WHEREAS, federal rules require that ARPA funds be obligated to a project and under contract no later than December 31, 2024, and fully expended no later than December 31, 2026, otherwise the funds must be returned to Washington; and

WHEREAS, of the \$400,102.59 left to expend, we are confident of having \$314,009.50 of that under contract before the December 2024 deadline and expended by the end of 2025 (\$100,000 for Water’s Hatcase Pond project and \$214,009.50 for the Doyle Field project); and

WHEREAS, the other \$86,093.09 of the remaining \$400,102.59, most of which was originally approved for use on the Doyle Field project, needs to be expended or under contract before December 31, 2024 or those funds must be returned to the federal government; and

WHEREAS, the City can meet this deadline by reallocating the \$86,093.09 to fund the City’s 2024 paving program, which is already complete, and moving a portion of the paving program’s bond funding to the Doyle Field project to replace the ARPA funds that can’t be obligated by the December 2024 deadline; and

WHEREAS, this exchange of funding sources is in accordance with both ARPA rules and regulations as well as the City’s bond authorization.

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the appropriation and expenditure of \$86,093.09 in ARPA Coronavirus SLFRP funds from 0200001-520000-20614 (ARPA Paving) to support Brewer’s annual paving program taking place in 2024 and that these funds come from the following reallocation sources:

ARPA Uses	Original Amount	Proposed Reallocation	Revised Amount
Purchase of COVID tests	\$ 2,599.85	\$ -	\$ 2,599.85
Replace Street Sweeper	\$279,900.00	\$ (900.00)	\$279,000.00
Police Computer Replacement	\$ 20,100.00	\$ -	\$ 20,100.00
Doyle Field Light Replacement Project	\$298,000.00	\$(83,990.50)	\$214,009.50
Expanded Annual Paving Program	\$145,000.00	\$ 86,093.09	\$231,093.09
Sewer - S Main Pump Station Improvements	\$ 60,000.00	\$ -	\$ 60,000.00
Sewer - N Main Pump Station Generator	\$ 48,638.93	\$ (93.93)	\$ 48,545.00
Water - Hatcase Pond Fiber and Security	\$100,000.00	\$ -	\$100,000.00
Late APRA allotment yet to be allocated	\$ 1,108.66	\$(1,108.66)	\$ -
Total City of Brewer ARPA Funding	<u>\$955,347.44</u>	<u>\$ (0.00)</u>	<u>\$955,347.44</u>

; and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the reallocation of \$83,990.50 in bond funding from the City’s annual paving program (0510113-551311) to the Doyle Field Light Replacement Project (02000001-520000-20613) to replace the APRA funds that could not be obligated by the deadline.

Statement of Fact: This order ensures that the City meets the December 31, 2024 federal deadline to obligate ARPA funds and is not required to return any of its ARPA money to Washington. The order reallocates a portion of ARPA funds approved for use on the Doyle Field project (which did not get constructed in 2024 as originally anticipated) to the City’s 2024 paving program, which is complete, and moves a portion of the paving program’s bond funding to the Doyle Field project to replace the ARPA funds. This exchange of funding sources is in accordance with both ARPA rules and regulations as well as the City’s bond authorization.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-B049

November 19, 2024

TITLE: RESOLVE, ADOPT POLICY REGARDING CITY COUNCIL MEMBER
COMMUNICATIONS WITH CITY EMPLOYEES.

Filed November 12, 2024

By Jenn M. Morin

BE IT RESOLVED, that the Brewer City Council hereby adopts the “Policy Regarding City Council Member Communications with City Employees” as presented and attached hereto; and

BE IT FURTHER RESOLVED, that this policy shall provide guidance to City Council Members in their communications with City employees, outlining the proper channels and boundaries to ensure respect for the administrative structure and chain of command, in alignment with the City Charter, Code of Ordinances, and the City of Brewer Personnel Policy; and

BE IT FURTHER RESOLVED, that any conflicts between this policy and existing provisions of the City Charter, Code of Ordinances, or City of Brewer Personnel Policy shall default to those controlling documents; and

BE IT FURTHER RESOLVED, that this policy shall be referenced by City Councilors to understand their role in refraining from involvement in administrative activities, directing City employees, or participating in disciplinary matters, except as provided by adopted City policy or state law.

Statement of Fact: The purpose of this order is to adopt a formal policy governing communications between City Council Members and City employees. This policy provides clear guidelines to ensure that Council Members communicate with employees in a manner that respects the established administrative structure and avoids any interference with the duties and responsibilities of City employees. The policy clarifies that Council Members should not involve themselves in daily operations or disciplinary processes, unless otherwise specified by City policy or state law, to maintain an objective and consistent approach to employee management and avoid potential conflicts or misunderstandings. The policy establishes that while Council Members may inquire with department heads or their designees on matters of immediate concern or relevant to Council agenda items, they should refrain from providing direction to employees or involving themselves in administrative actions. Furthermore, it reinforces the City’s chain of command, requiring Council Members to address any concerns about employee performance or conduct through the City Manager. This policy serves to balance Council Members’ access to information needed for decision-making with the operational integrity and administrative authority of the City Manager and department leaders. Adopting this policy is essential for maintaining a professional and efficient working relationship between the Council and City employees.

POLICY REGARDING CITY COUNCIL MEMBER COMMUNICATIONS WITH CITY EMPLOYEES

This Policy is adopted by the City Council to govern and provide guidance to Council Members when communicating with City employees. To the extent this policy conflicts with any provision of the City Charter, Code of Ordinances, or City of Brewer Personnel Policy, the City Charter, Code of Ordinances, or City of Brewer Personnel Policy shall control.

- A. Council Members shall refrain from becoming directly involved in the administrative activities and daily responsibilities of employees. Council Members may make inquiries of department heads or their designee, for the limited, legitimate purpose of informing themselves regarding agenda items or important affairs of an immediate and urgent nature. The City Manager may choose to establish formal procedure for Council Member-department head interaction and staff support of Council committees.
- B. Council Members shall avoid situations that can result in City employees being directed, intentionally or unintentionally, by one or more Members of the Council. While Council Member interaction with the City employees is unavoidable, giving direction regarding City employees, duties, working conditions, supervisors, or discipline is not allowed. If an employee voices a concern or complaint with a Councilor, they may listen to such concerns and complaints, and shall then refer any such complaints back to the City Manager, or if the City Manager is involved in the matter, to the human resources manager, for follow up and action, if needed. Council Members may remind the City's employees that they have a number of resources at their disposal to address employment issues if needed, including the City of Brewer Personnel Policy, or following the grievance procedures set forth in their collective bargaining agreement in the case of a union employee. This section shall not be construed as prohibiting or discouraging employees from reporting criminal acts or serious acts of personal misconduct that violate City ordinance or policy.
- C. In situations in which an employee approaches a Council Member and the communication does not involve a complaint or concern with regard to other City employees, duties, working conditions, supervisors, or other terms of employment, the Council Member(s) may freely speak with the employee.
- D. Nothing herein shall diminish a Council Member's constitutional right to free association or speech with any City employee during any City employee's time when not in work status.

COUNCIL MEMBERS AND THE EMPLOYEE DISCIPLINARY PROCESS:

- A. Council Members shall not become involved in disciplinary matters and the disciplinary or investigative process except where adopted City policy or state law may allow such participation.
- B. Council Members shall operate within the city's established chain of command. The established chain of command requires the City Manager, department heads, managers, and supervisors to oversee and direct their workforce on behalf of the City. The City Manager's Office is required to ensure City policies are consistently applied across all departments. If a Council Member has a concern or complaint about an employee's job performance or ethical behavior, the Council Member must bring the matter to the City Manager for further investigation and/or action. This is to avoid inconsistent or political influences in the investigative or disciplinary process, which may lead to arbitration, civil service proceedings, or litigation.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A208

November 19, 2024

TITLE: ORDER, AUTHORIZE FIRE DEPARTMENT ENGINE CONTROL UNIT
REPAIRS FOR LADDER 305.

Filed November 13, 2024

By Dani O'Halloran

WHEREAS, the Brewer Fire Department's frontline fire truck Ladder 305 began to demonstrate random electrical malfunctions that would shut down essential operational equipment, and activate alarms forcing the operator to shut down the truck; and

WHEREAS, vehicle performance for Ladder 305 became a safety concern for firefighters operating the truck and for emergency personnel depending on truck operation; and

WHEREAS, the City Public Works Department attempted to diagnose issues with Ladder 305, however alarms would not log properly within the trucks system making diagnoses challenging and time consuming; and

WHEREAS, Ladder 305 was sent to Reliance Equipment for further troubleshooting, diagnoses and repair; and

WHEREAS, Reliance Equipment logged twenty-two hours on the unit, and replaced an onboard Electronic Command Unit.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the appropriation and expenditure of \$10,050.41 from 0115911-504200 (Fire Vehicle Maintenance and Repair) to pay for unanticipated diagnostic work and repair for Ladder 305.

Statement of Fact: This order appropriates \$10,050.41 in unanticipated apparatus repair work for Ladder 305.

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

2024-B050

November 19, 2024

TITLE: RESOLVE, DECLARE THE RESULTS OF NOVEMBER 5, 2024 CITY OF BREWER MUNICIPAL ELECTION, UNITED TECHNOLOGIES CENTER REFERENDUM ELECTION, AND STATE OF MAINE REFERENDUM ELECTION AND GENERAL ELECTION.

Filed November 7, 2024
By William Kimball

WHEREAS, the City of Brewer Municipal Election, the United Technologies Center Referendum Election, and the State of Maine Referendum Election and General Election were held on November 5, 2024; and

WHEREAS, Brewer election officials tabulated the results for the vote in the City of Brewer and the City Clerk has verified these results.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council declares the results for the City of Brewer Municipal Election, the United Technologies Center Referendum Election, and the State of Maine Referendum Election and General Election as follows:

**CITY OF BREWER, MAINE
RETURN OF VOTES CAST**

At a legal meeting of the inhabitants of consolidated ward one in the City of Brewer, qualified by the Constitution and Laws of the State of Maine to vote for Representatives held on November 5, 2024 said inhabitants gave in their vote for two members of the City Council for 3-year terms, two members of the School Committee for 3-year terms, and one member of the High School District Trustees for a 5-year term and the same were received, sorted, counted, declared and registered in open ward meeting, by the Warden who presided, and in the presence of the Ward Clerk and City Clerk, who formed a list of the whole number of ballots given in, and of the persons voted for, and made a record thereof as follows:

FOR TWO MEMBERS OF THE CITY COUNCIL (3-YEAR TERMS)

Jenn M. Morin	had	3,644
William Kimball	had	2,861

FOR TWO MEMBERS OF THE SCHOOL COMMITTEE (3-YEAR TERMS)

Erika Largay	had	2,617
Kevin Forrest	had	2,338
Matthew Damon	had	2,039

FOR ONE MEMBER OF THE HIGH SCHOOL DISTRICT TRUSTEES (5-YEAR TERM)

Timothy Daniels	had	4,362
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Total Ballots Cast: 5,346

MUNICIPAL CLERK'S RETURN AND CERTIFICATE
AS TO RESULTS OF VOTING

CITY OF BREWER

I certify that the result of the vote taken on Question 1 of the Warrant and Notice of Election in the City of Brewer, covering the United Technologies Center (Region 4 Southern Penobscot County Vocational Region) Referendum held November 5, 2024 relating to the issuance of bonds or notes for minor capital project purposes by United Technologies Center (Region 4 Southern Penobscot County Vocational Region) is as follows:

QUESTION 1:

Yes	<u>4,149</u>
No	<u>960</u>
Blank	<u>231</u>

STATE OF MAINE RETURN OF VOTES CAST

MUNICIPALITY: BREWER - 1 (1-1)

QUESTION 1: CITIZEN INITIATIVE

3,819 YES

1,280 NO

262 BLANK

QUESTION 2: BOND ISSUE

2,833 YES

2,248 NO

280 BLANK

QUESTION 3: BOND ISSUE

2,469 YES

2,631 NO

261 BLANK

QUESTION 4: BOND ISSUE

2,696 YES

2,355 NO

310 BLANK

QUESTION 5: STATE REFERENDUM

1,804 YES

3,359 NO

198 BLANK

STATE OF MAINE RETURN OF VOTES CAST

MUNICIPALITY: BREWER - 1 (1-1)

PRESIDENT AND VICE PRESIDENT

<u>2,550</u>	HARRIS, KAMALA D. AND WALZ, TIM
<u>39</u>	OLIVER, CHASE AND TER MAAT, MIKE
<u>54</u>	STEIN, JILL AND WARE, RUDOLPH
<u>2,615</u>	TRUMP, DONALD J. AND VANCE, JAMES D.
<u>18</u>	WEST, CORNEL AND ABDULLAH, MELINA
<u>0</u>	AYYADURAI, SHIVA / ELLIS, CRYSTAL (Declared Write-In)
<u>6</u>	DE LA CRUZ, CLAUDIA / GARCIA, KARINA (Declared Write-In)
<u>0</u>	DYER, ROBERT R. / WHITTEN, DANIEL K. (Declared Write-In)
<u>0</u>	SONSKI, PETER A. / ONAK, LAUREN M. (Declared Write-In)
<u>95</u>	BLANK

REGISTER OF PROBATE (PENOBSCOT)

<u>2,605</u>	SIMMONS, HILARI K.
<u>2,427</u>	STUPAK, RENEE M.
<u>345</u>	BLANK

COUNTY COMMISSIONER (District 1)

<u>2,518</u>	TREMBLE, DANIEL J.
<u>2,536</u>	WESTON, CARY M.
<u>323</u>	BLANK

UNITED STATES SENATOR

<u>138</u>	CHERRY, JASON S.
<u>581</u>	COSTELLO, DAVID ALLEN
<u>2,505</u>	KING, ANGUS S. JR.
<u>2,011</u>	KOUZOUNAS, DEMI
<u>142</u>	BLANK

REPRESENTATIVE TO CONGRESS (District 2)

<u>2,840</u>	GOLDEN, JARED FORREST
<u>2,369</u>	THERIAULT, AUSTIN
<u>5</u>	MERENDA, DIANA D. (Declared Write-In)
<u>163</u>	BLANK

STATE SENATOR (District 10)

<u>2,669</u>	DANIELS, MICHELE LABREE
<u>2,466</u>	HAGGAN, DAVID G.
<u>242</u>	BLANK

REPRESENTATIVE TO THE LEGISLATURE (District 20)

<u>2,442</u>	JUDE, PATRICK
<u>2,550</u>	O'HALLORAN, DANIEL
<u>244</u>	BLANK

REPRESENTATIVE TO THE LEGISLATURE (District 24)

<u>64</u>	LAPOINTE, DANIEL
<u>70</u>	PERRY, JOSEPH C.
<u>7</u>	BLANK

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-C015

October 23, 2024

TITLE: ORDER, AMEND CHAPTER 19 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED "TRAFFIC CODE", TO AMEND ARTICLE 3, SCHEDULE C, TO IMPROVE EMERGENCY VEHICLE ACCESS ON VISTA WAY.

Filed October 15, 2024
By Soubanh Phanthay

BE IT ORDAINED, by the Brewer City Council that Chapter 19, of the Charter, Codes and Ordinances of the City of Brewer, entitled "Traffic Code", Article 3, Schedule C, be amended by adding the following:

VISTA WAY

(1) On the westerly side of Vista Way starting approximately 420' south of the intersection with Wilson Street and continuing in a southerly direction for a distance of approximately 560' along Vista Way to back entrance of the Brewer High School lot.

Statement of fact: This ordinance amendment will address a parking problem along Vista Way where emergency vehicle access can be hindered because of vehicles parking on both sides the street during sporting events.

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2024-C016

November 19, 2024

TITLE: ORDER, AMEND CHAPTER 36 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “PURCHASING ORDINANCE”, ARTICLE 3, ENTITLED “FUNCTIONS AND POLICIES”, TO STRENGTHEN CONTROLS.

Filed November 7, 2024
By Michele Daniels

WHEREAS, Chapter 36 of the Charter, Codes, and Ordinances, entitled “Purchasing Ordinance”, currently requires the City Manager “poll” the City Council for approval of purchases that fall between \$10,000 and \$15,000; and

WHEREAS, the process of “polling” is difficult to document and, therefore, to verify compliance with after the fact; and

WHEREAS, best practice in purchasing internal control would be establish a bright line between the City Manager’s purchasing authority and that of the City Council such that each step can be documented and verified after the fact as needed.

NOW, THEREFORE, BE IT ORDAINED, by the Brewer City Council that Chapter 36, of the Charter, Codes and Ordinances of the City of Brewer, entitled “Purchasing Ordinance”, Article 3, entitled “Functions and Policies”, be amended as follows:

ARTICLE 3. FUNCTIONS AND POLICIES

SECTION 302.1.4 APPROVAL

No purchase of supplies or services exceeding Fifteen Thousand Dollars (\$15,000.00) shall be made without the written approval of the City Council. ~~For purchases over Ten Thousand Dollars (\$10,000.00) but less than Fifteen Thousand Dollars (\$15,000.00), the City Manager shall poll all members of the City Council for an approval by consensus.~~

SECTION 302.2.3 MINIMUM PURCHASE

Negotiations may be used for the purchase of supplies and services when the estimated cost does not exceed Fifteen Thousand Dollars (\$15,000.00). ~~For purchases over Ten Thousand Dollars (\$10,000.00) but less than Fifteen Thousand Dollars (\$15,000.00), the City Manager shall poll all members of the City Council for an approval consensus.~~

SECTION 302.3.3 PURCHASES ONE THOUSAND DOLLARS (\$1,000.00) TO FIFTEEN THOUSAND DOLLARS (\$15,000.00)

Negotiated purchases exceeding One Thousand Dollars (\$1,000.00), but not exceeding Fifteen Thousand Dollars (\$15,000.00) in value, must be approved by the City Manager prior to award. Approval requests will include a full statement justifying the award recommendation. ~~For purchases over Ten Thousand Dollars (\$10,000.00), but less than Fifteen Thousand Dollars (15,000.00), the City Manager shall poll all members of the City Council for an approval by consensus.~~

SECTION 302.3.4 PURCHASES EXCEEDING FIFTEEN THOUSAND DOLLARS (\$15,000.00)

Negotiated purchases exceeding Fifteen Thousand Dollars (\$15,000.00) or greater in value must be approved by the City Council prior to award. Request for such approval will be accompanied by a full statement of facts justifying the recommendation for award. ~~For purchases over Ten Thousand Dollars (\$10,000.00) but less than Fifteen Thousand Dollars (\$15,000.00), the City Manager shall poll all members of the City Council for an approval by consensus.~~

SECTION 302.3.5.7 EXCEPTION

These rules and procedures for employing engineers, architects, surveyors or other professions should not apply to those instances where (a) the City contracts for such services ~~of~~ in connection with the review of subdivisions or site plan reviews and where the applicant for the project has paid the City money for an escrow account to offset the City's costs for such services; (b) the cost of said services is expected to be less than Five Thousand Dollars (\$5,000.00) in any one occurrence (up to a maximum of Fifteen Thousand Dollars (\$15,000.00) in any given year); (c) when, in the judgment of the City Manager ~~and upon polling of the members of the City Council~~, a delay in securing such services through public announcement and/or bid solicitation will negatively impact the City, its services, or its ability to meet project requirements in a cost-effective and/or timely way.

Statement of Fact: This order amends the City’s Purchasing Ordinance to improve accountability and controls by removing the “polling” of the City Council for purchases between \$10,000-\$15,000 since the “polling” process is difficult to document and verify. In removing the polling requirement, the Purchasing Ordinance would ensure the following approvals for all purchases:

Approving Body	Approval Required	Approval Method
Department Head	All purchases	Signature or PO approval
City Manager	Purchases \$1,000 and over	Signature or PO approval
City Council	Purchases over \$15,000	Council vote

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-C017

November 19, 2024

TITLE: ORDER, AMEND CHAPTER 24 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “LAND USE CODE”, ARTICLE 3, “ZONING DISTRICTS”, SECTIONS 306 AND 307, AND ARTICLE 4, “PERFORMANCE STANDARDS”, SECTION 413.

Filed November 12, 2024
By Dani O’Halloran

BE IT ORDAINED, by the Brewer City Council that Chapter 24, of the Charter, Codes and Ordinances of the City of Brewer, entitled “Land Use Code”, be changed by making the following amendments to Article 3, “Zoning Districts”, Sections 306 and 307, and Article 4, “Performance Standards”, Section 413:

ARTICLE 3 ZONING DISTRICTS

306.1 ACTIVITY CATEGORIES AND PURPOSES OF ZONING DISTRICTS

The purposes of the several zoning districts are as follows:

“**General Business District**” The purpose of this district is to provide for a variety of commercial uses, including highway oriented types. The area is intended to be the location for the communities major shopping facilities, including shopping centers. The standards of the district are intended to encourage developments which have controlled vehicular access. The basic utilization unit is one acre; ~~on~~ off lot water and sewer are required.

307 DIMENSIONAL REQUIREMENTS (#31)

307.1 SCHEDULE OF DIMENSIONAL REQUIREMENTS (#57)

All parcels of land, structures and uses shall meet or exceed the following minimum dimensional requirements. Non-conforming parcels of land cannot be created unless otherwise indicated in this ordinance. Letters adjacent to some dimensional requirements refer to notes at the end of the schedule which contain additional requirements. “N/A” shall mean “Not Allowed”.

307.2 USE OF ~~TRIANGULAR AREA LAND~~ ADJACENT TO INTERSECTIONS OF PUBLIC STREET CORNERS

The following provisions shall apply to the ~~triangular~~ land adjacent to intersections of public street corners:

1. ~~The location of regulated private land adjacent to public street corners shall be determined and the same as that described in the planting setbacks contained in Article 4 Section 426 of this Land Use Code. On residential properties, the triangle shall be located by measuring a line five (5) feet along each edge of the traveled ways and connecting the ends of the two lines that are farthest from the corner. On commercial properties, the triangle shall be located by measuring a line 10 (ten) feet along each edge of the traveled ways and connecting the ends of the two lines that are farthest from the corner.~~
2. All regulations contained in Article 4 Section 426 of this Land Use Code shall apply.
3. No structure, trees, or plantings shall be allowed within said area described in Section 307.4 above. ~~the triangular area if they interfere with or obstruct sight distance.~~
4. The provisions of this standard shall apply prospectively from the effective date of this Land Use Code.
5. The Code Enforcement Officer shall order the removal of any structure; tree or planting that interferes with or obstructs sight distance.
6. City signs and utilities shall be exempt from the provisions of this standard.

ARTICLE 4 PERFORMANCE STANDARDS

413 EXCAVATION, REMOVAL, AND FILLING AND GRADING OF LANDS (#4)

Any excavation, removal, filling, grading or depositing of inert fill as defined in M.R.S. Title 38 §1303-C within the City of Brewer shall meet the requirements of this Article. The use of land for the excavation, removal, filling, grading or depositing of inert fill as defined in M.R.S. Title 38 §1303-C not prohibited by law, is permitted in the districts set forth in this ordinance provided that such activity will not entail the following:

1. Increase runoff or cause flooding on property of others; or
2. Cause erosion or sedimentation; or
3. Alter any waters of the State, stream, watercourse, natural drainage way or wetland without first having obtained requisite State and/or Federal permits. ~~;~~or
4. Cause disturbance to stormwater treatment measures or Shoreland Zoning setback buffers or disturb or alter any "sensitive area" identified by qualified professions which may include but not be limited to restricted buffers, waters of the State and Shoreland Zoning, protected natural resources, predevelopment drainage ways, and significant and essential wildlife habitats without first having obtained requisite City, State and/or Federal permit approvals.

413.1 APPROVAL REQUIRED

- A. Such excavation, removal and filling and grading shall be in accordance with a fill and grading plan, for approval ~~to~~ by the Planning Board. The City Engineer must approve the plan prior to the approval of the Planning Board. This regulation does not apply to normal soil removal for basement or foundation work when a building permit has previously been issued by the Code Enforcement Officer or filling or removal of material indicated on an approved site plan pursuant to Article 6 of this Land Use Code.
- B. ~~Filing~~ Filling or removal of fill material less than 200 cubic yards per property per calendar year shall not require an approved fill and grading plan when such filling and grading ~~does not encroach on any wetland areas~~ is incidental to, and in connection with, normal soil removal for swimming pool, basement or foundation work when a building permit has been issued by the Code Enforcement Officer or filling or removal of material indicated on an approved site plan pursuant to Article 6 of this Land Use Code and which does not involve activities listed under Section 413 above. However, all such filling or removal shall require written approval from the Code Enforcement Officer and City Engineer to be filed with the Code Enforcement Officer.

413.2 FILL AND GRADING PLAN (#37)

- A. The procedure for Planning Board review and approval of a fill and grading plan shall be the same as outlined in Article 6 of this Land Use Code ordinance for a minor site plan.
- B. Fees for a fill and grading plan shall be a non-refundable application fee set forth in the City Council adopted fee schedule, payable to the City of Brewer, plus the technical review/escrow account fee as defined in Article 6 of this ordinance for a minor site plan. The applicant is responsible for the legal notice fees for the required public hearing as set forth in the then current City Council adopted fee schedule.
- C. The fill and grading submission shall contain the following:
1. Application form.
 2. Demonstration of sufficient right, title or interest in the property. (see Section 606.1 of this Land Use Code ordinance for options).
 3. A 24" x 36" fill and grading plan sheet drawn at a scale of not less than one (1) inch equals twenty feet, fifty (50) feet equals one (1) inch, showing:
 - a. existing and proposed grades, including at no more than two foot contour intervals with corresponding basis of elevation and who/how the contours were determined. If a Maine registered surveyor is not utilized to complete the contours, the plan shall include base point with elevation and several existing grade shots such that accuracy of information can be reviewed;
 - b. drainage and stormwater treatment areas;
 - c. existing site conditions and utility infrastructure (soils, vegetation, property lines, entrances and streets, flood areas, culverts, sewer manholes, catchbasins, water shut offs, gas shut offs, utility poles, buildings, wells, subsurface wastewater disposal systems, location of on-site and adjacent protected natural resources, public drinking water supplies, etc.);

- d. location of sensitive areas on and within one-hundred (100) feet of the site including natural water resources and intermittent channels, significant and essential wildlife habitats, and natural areas and natural communities;
 - e. location of vegetated buffers not to be disturbed;
 - f. limits of disturbance including vegetation clearing and grading which shall be marked on the site and maintained throughout the project;
 - g. project schedule along with erosion control inspection frequency;
 - h. temporary and permanent erosion control measures meeting “Best Management Practices” including an erosion and sedimentation control plan in accordance with the standards and requirements of Chapter 500 defined in this Land Use Code; using 12 point items outline in Erosion and Sedimentation Control: Best Management Practices, published by the Maine Department of Environmental Protection, Bureau of Land and Water Quality, dated March 2003
 - i. Submittal of required information in accordance with Sections 440, 439.2 and 439.2.2 of this Land Use Code as applicable;
 - j. plus other data as may be required by the City Engineer, Code Enforcement Officer and/or City Planner;
 - k. Upon completion of all such excavation, removal and filling of lands, it shall be graded, loamed and seeded.
4. Demonstration that the items listed under Section 413 above will be met.

413.3 MINERAL EXTRACTION- REMOVAL OF FILL, GRAVEL, STONE, LOAM

In the districts set forth in this Land Use Code within the City of Brewer, provided that such operation will not have a significant detrimental effect on the use and peaceful enjoyment of abutting properties as a result of noise, vibrations, fumes, odor, dust, glare, air quality, or other cause and meets the requirements of this Land Use Code and Article, any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed away from the extraction site shall not be permitted within ~~100 75~~ feet of any property line nor within 100 feet of any street right of way line. Areas within 100 feet of said lines shall be maintained as a natural uncut buffer and remain in stable condition. ~~-, without the written permission of the owner of such adjacent property~~

Statement of Fact: These amendments are proposed to make the ordinance current with State and Federal regulations and to be consistent with other local ordinances. The Planning Board held a public hearing on November 4, 2024 and unanimously made the recommendation to adopt these amendments to Chapter 24, “Land Use Code”, as written. There were no public comments.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-C018

November 19, 2024

TITLE: ORDER, CREATE CHAPTER 53 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “CITY OF BREWER CODE OF ETHICS ORDINANCE”.

Filed November 12, 2024

By William Kimball

BE IT ORDAINED, by the Brewer City Council that Chapter 53, of the Charter, Codes and Ordinances of the City of Brewer, entitled “City of Brewer Code of Ethics Ordinance”, shall be adopted as follows:

CITY OF BREWER CODE OF ETHICS ORDINANCE

1. Declaration of Policy

The proper operation of the City of Brewer requires that all City Officials with executive decision-making authority, whether elected or appointed, be impartial, equitable and responsive to the needs of the people and each other in the performance of their respective functions and duties; that proper conduct by City officials be maintained to promote public confidence in the integrity of the City’s government; and that public office not be used for personal or financial gain or advantage. In recognition of these goals, a Code of Ethics is hereby established for City Officials (“Code” or “Ordinance”).

2. Definitions

BUSINESS - any corporation, partnership, individual, sole proprietorship, joint venture, or any other legal recognized entity organized for the purposes of making a profit.

CITY OFFICIAL - any individual who is an elected official or an appointed member of an executive board as defined herein.

CENSURE - a judgment or resolution condemning a person for misconduct.

EXECUTIVE BOARDS - City Council, Board of Assessment Review, Planning Board, and Board of Appeals.

FINANCIAL INTEREST - a direct or indirect interest having monetary or pecuniary value, including, but not limited to, the ownership of shares of stock.

IMMEDIATE FAMILY – spouse, and children, parents, brothers and sisters.

PERSONAL INTEREST – any interest of a City Official acting in their private capacity as a resident, landowner, taxpayer, citizen, or member of the general public.

SPECIAL INTEREST – a direct or indirect interest having value peculiar to a certain individual or group, whether economic or otherwise, which value may accrue to such individual or group as a result of action or failure to act on the part of the City and which interest is not shared by the general public.

3. Purpose

The purpose of this Code is to establish ethical standards of conduct expected of all City Officials by setting forth those acts or actions deemed to be in conflict or incompatible, or that create the appearance of impropriety, with the best interests of the City of Brewer.

4. Statutory Standards

There are certain provisions of the general statutes of the State of Maine which should, while not set forth herein, be considered an integral part of this Ordinance. Accordingly, the provisions of the following sections of the general statutes of the State of Maine, as may be amended, are hereby incorporated by reference and made a part of this Code of Ethics, and shall apply to all City Officials of the City of Brewer whenever applicable as if more fully set forth therein, to wit:

17 MRSA § 3104 Conflicts of Interest; Purchases by the State

17-A MRSA § 456 Tampering with Public Records of Information

17-A MRSA § 602 Bribery in Official and Political Matters

17-A MRSA § 603 Improper Influence

17-A MRSA § 604 Improper Compensation for Past Action

17-A MRSA § 605 Improper Gifts to Public Servants

17-A MRSA § 606 Improper Compensation for Services

17-A MRSA § 607 Purchase of Public Office

17-A MRSA § 608 Official Oppression

17-A MRSA § 609 Misuse of Information

17-A MRSA § 903 Misuse of Entrusted Property

21 MRSA § 533 Persons Ineligible to Serve as Election Officials

30-A MRSA § 2605 Conflicts of Interest

30-A MRSA § 5122 Interest of Public Officials, Trustees or Employees

5. Disclosure of Confidential Information

No City official shall, without authorization, disclose confidential information concerning the property, government or affairs of the City; nor shall they use such information to advance their financial, personal, or special interest of themselves or others. For purposes of this subsection, the term "confidential information" shall mean any information, oral or written, which comes to the attention of, or is available to, such City Official only because of their position with the City and is not a matter of public record. Without limiting the generality of the foregoing, information received and discussed during an executive session of the Brewer City Council called pursuant to 1 M.R.S. § 405 shall be considered within the constraints of this section and shall not be disclosed to any third party unless permitted by an affirmative vote of such body.

6. Contracts, Purchases and Employment

- A. No City Official shall participate directly by means of solicitation, deliberation, approval or disapproval, or recommendation, in the purchase of goods and services for the City, or in the award of any contracts with the City, where to their knowledge there is a financial, personal, or special interest other than that possessed by the public generally in such purchase or award, or held by:
- i. that City Official or a member of their immediate family;
 - ii. a business in which that City Official or a member of their immediate family serves as an officer, director, trustee, partner or employee in a supervisory or management position; or
 - iii. any other person or business with whom or with which that City Official or a member of their immediate family does business, is negotiating to do business, or has an arrangement concerning future employment.
- B. No City Official shall participate, by means of deliberation, approval, disapproval, or recommendation, in the decision to hire, promote, discipline, lay off or to take any other personnel action in respect to any applicant for City employment or City employee, or vote for appointed positions, where said applicant, employee, or potential appointee is:
- i. a member of their immediate family; or
 - ii. a person with whom either they or a member of their immediate family are in business.

7. Gifts and Favors

No City Official, shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person and/or business which to their knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the City; nor shall any City Official: accept any gift, favor or thing of value that tends to influence or could reasonably be expected to influence them in the performance of official duties or was intended as a reward for any official action. This does not prohibit:

- A. gifts or social courtesies related to a family relationship or friendship between the elected or appointed official and the donor, which are not designed to influence the proper judgment or action of the officer or employee in a matter within his authority;
- B. public, government-sponsored or informational events, generally accepted as a condition of office, where refreshments may be served, which are not designed to influence the proper judgment or action of the elected or appointed official in a matter within their authority;
- C. political contributions received in compliance with law;
- D. loans obtained according to commercial practice at the prevailing rate of interest;
- E. customary performance, merit awards or honorariums, consistent with municipal practices.

8. Use of City Property and Facilities

No City Official shall use or authorize others to use City-owned property, including but not limited to, motor vehicles, equipment and buildings except for the following:

- A. for City business;
- C. for purposes and on terms generally available to other persons that is properly authorized by the City;

9. Representing Third Party Interests Before City Agencies

No City Official shall either appear on behalf of any third-party interest before any City agency, or represent a third-party interest in any action, proceeding, or litigation in which the City or one of its agencies is a party. Nothing herein shall prohibit a City Official, on behalf of a constituent in the course of his or her duties as a representative of the electorate, or on behalf of their personal interest, from appearing before a City agency. No City Official shall appear on behalf of any third-party interest before a City agency of which he or she is a current member. Nothing herein shall prohibit a City official, on behalf of his or her personal interest, from appearing before any City agency including that of which he or she is a current member. A City Official who is employed or under retainer by a person having a matter pending before the agency of which the official is a member shall disclose that fact and shall abstain from participation in the matter. Participation includes but is not limited to discussion and/or voting on the matter.

10. Conflicts of Interest

No City Official shall, in such capacity, participate in the deliberation or vote, or otherwise take part in the decision-making process, on any agenda item before their collective body in which they or a member of their immediate family has a financial, personal, or special interest of a pecuniary nature, other than an interest held by the public generally.

11. Disclosure of Conflict

Any City Official who believes that they or a member of their immediate family has a financial, personal, or special interest of a pecuniary nature, other than an interest held by the public generally, in any agenda item before their collective body, shall disclose the nature and possible extent of such interest. The collective body will vote to determine if there is a conflict.

Any City Official who believes that any fellow City Official, or a member of their immediate family has a financial, personal, or special interest of a pecuniary nature, other than an interest held by the public generally, in any item before their collective body, shall disclose the possibility of such interest, and the City Clerk or their designee shall make a record of such disclosure, with a copy forwarded to the Chair of the appropriate Executive Board.

Once the issue of conflict has been initiated relative to an individual City Official, and disclosure has been made as provided in Section 11(B), the Executive Board shall vote on whether or not such individual shall be excused from participating in the deliberation or vote. The member that is the subject of the disclosure shall not participate in the deliberation or voting on whether a conflict exists.

12. Avoidance of Appearance of Conflict

To avoid the appearance of a violation of this section, once any individual City Official is determined to have a conflict of interest in respect to any agenda item, said individual shall immediately remove themselves from the meeting room or to the area of the room occupied by the general public. They shall not return to their regular seat as a member of the body until deliberation and action on the item is completed. Nothing herein shall require an individual City Official to remove themselves for any item contained on a "Consent Agenda" on which there is no deliberation, the individual's conflict has been determined by the other members, and the right to abstain from voting on the item has been granted.

14. Personal Interest

Nothing herein shall be construed to prohibit any City official from representing his/her own personal interest by appearing before his/her collective body on any such agenda item.

15. Disclosure Statement by City Elected and Appointed Municipal Official

Within fifteen (15) days after each annual municipal election, every elected official shall file a completed disclosure form with the City Clerk with a copy forwarded to the Chair of the appropriate Executive Board and to the chair of the City Council. Within thirty (30) days after his/her appointment, every appointed official shall file a completed disclosure form with the City Clerk, with a copy forwarded to the Chair of the appropriate Executive Board. Each executive body is responsible for ensuring that members comply with the filing of a disclosure statement. An extension beyond the stated time frame for filing a disclosure statement may be approved with a majority vote of the appropriate executive body.

Each executive body will review the financial reports of its members. Should a conflict be discovered, a majority vote of the executive body can refer the matter to the Ethics Board for an opinion. Such disclosure forms shall be under oath and shall contain the following information to the best of the disclosing party's knowledge and belief:

- A. the name of each person or entity, whether incorporated or not, doing business with the City in an amount in excess of \$1,000 during the preceding calendar year from which such disclosing party or member of his/her immediate family has received money or other thing of value in an amount in excess of \$1,000 during the preceding calendar year;
- B. the name of each entity, whether incorporated or not, doing business with the City in an amount in excess of \$1,000 for preceding calendar year in which such disclosing party or member of his/her immediate family has a financial interest in an amount in excess of \$1,000, including, but not limited to, the ownership of shares of stock;
- C. the name of each nonprofit and/or for profit entity, whether incorporated or not, for which such disclosing party or member of his/her immediate family holds a position of officer or member of any board. For each such entity, such disclosing party shall provide the following information:

- i. a brief description of the purpose of each board and/or office;
- ii. a short summary of such disclosing party's or family member's duties relative to any such board and/or office;
- iii. the term of service on each such board and/or office;
- iv. whether or not such disclosing party or family member receives compensation for service on such board and/or office and the extent to which such compensation exceeds \$100 in the aggregate annually.

For purposes of this subsection "compensation" shall include, but not be limited to, monetary compensation, gifts, gratuities, perks, fringe benefits, services, and any other thing of value.

- D. Every City official shall amend his/her disclosure statement as may be required to ensure the continued accuracy thereof. Each such amendment shall be made within thirty (30) days following the occurrence which requires the amendment.
- E. For purposes of this Code, a list prepared by the Finance Director of those persons or entities doing business with the City in an amount in excess of \$1,000 for the preceding year shall be determinative for purposes of reporting under this section. Income from, and financial investments in, policies of insurance, and deposits in accounts from commercial or savings banks, savings and loan associations, or credit unions and the ownership of less than 5% of the outstanding shares of stock in a publicly held corporation shall not be considered to be a financial interest within the meaning of this section.

16. Political Standards of Conduct

No City Official shall participate in any political activity which would be in conflict or incompatible with the performance of their official functions and duties for the City. No City Official may use his/her official authority or position for the purposes of influencing or interfering with or affecting the results of any election, nor shall they solicit funds or contributions or accept or receive funds or contributions from City employees for political purposes. No City Official may distribute pamphlets/handbills while he or she is performing their official functions and duties with the City. Notwithstanding the foregoing, nothing herein shall be construed to prohibit any City Official from participating in the political process in their capacity as private citizens.

17. Incompatible Office

No City Official shall occupy any other office, elected or appointed, in any other governmental entity, where the duties of such office are incompatible with the proper discharge of their official duties with the City. For purposes of this Code, the occupancy of any office, elected or appointed, with any other governmental entity by any municipal official is hereby prohibited in any one of the following circumstances:

- A. where the duties of the other office make it a physical impossibility to discharge the duties of the City position; or
- B. where one office is subordinate of the other; or
- C. where one office carries the power of removal of the other; or
- D. where the occupancy of both offices is otherwise prohibited by law.

18. Board of Ethics

- A. BOARD OF ETHICS ESTABLISHED - There is hereby created and established a Board of Ethics consisting of three (3) members who will be sworn in on appointment by the City Council.
- B. TERMS - All members shall be appointed for terms of three (3) years each. Each member shall serve until December 31st of the final year of their appointed term, subject to continuance in office for a period not to exceed six (6) months until a successor is appointed. All members must be residents of the City of Brewer. No member shall serve more than two (2) complete consecutive terms.
- C. OTHER OFFICES PROHIBITED - No member of the Board shall hold any other City office or position or be the member of any City Council appointed committees.
- D. PROCEDURES AND RECORDS - The Board shall establish such rules as it may determine to be necessary to govern its procedures. In addition, the Board shall at all times maintain in the office of the City Clerk appropriate records of its opinions and proceedings subject to Maine's Freedom of Access Law. 1 M.R.S. § 400 et seq.
- E. DUTIES - The Board shall render advisory opinions to any of the Executive Boards regarding any provisions of this Code to any particular situation. In the performance of its duties, the Board shall limit its review and fact finding only to those issues referred to it by the respective Executive Board. The Board shall also perform such other duties as may be prescribed from time to time by the City Council.

- F. PROCEDURE - Any City Official seeking advice as to whether a particular situation constitutes a violation of this Code shall first submit a written statement describing the nature of the matter to the chairperson of the appropriate Executive Board. If a majority of the Executive Board votes that an advisory opinion is necessary, they may so vote and refer the matter in a written statement to the Ethics Board. If the Ethics Board finds any matter referred is based upon allegations it determines to be frivolous, unfounded or with malice, they shall so advise the appropriate Executive Board. It is the purpose and intent of this Code to provide a mechanism by which all such matters shall be investigated by the Ethics Board and reported to the appropriate executive body as a whole within sixty (60) days if its findings warrant further action. Upon written request to the appropriate Executive Board an extension can be obtained.

- G. ORIENTATION OF EXECUTIVE BOARD MEMBERS AND MUNICIPAL OFFICIALS – All Executive Board members are requested to attend an annual orientation meeting to be scheduled during the month of January of each calendar year or as can be reasonably scheduled. All City Officials are encouraged to attend an annual presentation given by the Board or its designee.

- H. DUTIES OF THE BOARD OF ETHICS - The Board shall meet as needed and, upon request, shall prepare and submit to the City Council an annual report outlining its actions during the preceding 12-month period.

- I. PUBLIC RELEASE OF FINDINGS OF NO WRONGDOING - In cases where the respective Executive Board finds the person accused has not committed any violations, they will be publicly cleared at the next regular meeting of the Executive Board.

- J. PENALTIES - In addition to any other penalties or remedies as may be provided by law, violation of this Code shall constitute cause for censure, after notice and hearing conducted by the applicable Executive Board.

19. SEPARABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such validity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of the Ordinance.

Statement of Fact: The City of Brewer Code of Ethics Ordinance has been created to establish a framework of ethical standards for all City officials. This Code outlines guidelines for conduct, conflict of interest, confidentiality, and transparency, ensuring that City officials act in the public’s best interest with integrity and accountability. The adoption of the Code of Ethics will help maintain public trust, foster consistency in decision-making, and protect the reputation of the City government. By adopting this Code, the City Council underscores its commitment to ethical governance and sets clear expectations for all officials serving the City of Brewer.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-A209

November 19, 2024

TITLE: ORDER, APPOINT CITY OF BREWER CITY MANAGER.

Filed November 12, 2024
By William Kimball

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, it is imperative that this order become effective immediately upon its passage to accomplish an orderly transition and so that the appointee may proceed with his duties without interruption; and

WHEREAS, these facts create an emergency within the meaning of the Charter, Codes 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 Brewer City Council herewith appoints Eric Glidden to the position of City Manager for the City of Brewer, effective Tuesday, November 19, 2024 for a term ending June 30, 2027; and

BE IT FURTHER ORDERED, that Mayor Jenn M. Morin is herewith authorized to sign an employment contract with Mr. Glidden for his services as City Manager.

Statement of Fact: This order appoints Acting City Manager Eric Glidden as City of Brewer City Manager. Mr. Glidden was hired as Assistant City Manager in October of 2023, and has served as Acting City Manager since July.

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

2024-B051

November 19, 2024

TITLE: RESOLVE, ESTABLISH LOCATION FOR REGULAR MEETINGS.

Filed November 7, 2024
By Jenn M. Morin

WHEREAS, the Charter of the City of Brewer requires that the City Council establish a place for holding its regular meetings.

NOW, THEREFORE, BE IT RESOLVED, that for and during the year from November 19, 2024 and including November 18, 2025, the place for holding regular meetings of the City Council will be established as the Arthur C. Verow Council Chambers at Brewer City Hall, 80 North Main Street, Brewer, Maine.

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2024-B052

November 19, 2024

TITLE: RESOLVE, ESTABLISH TIME AND DATES OF REGULAR MEETINGS AND SPECIAL MEETINGS.

Filed November 7, 2024

By Dani O'Halloran

WHEREAS, the Charter of the City of Brewer provides that a regular meeting of the City Council shall be held at least once per month; and

WHEREAS, it is the wish of the Brewer City Council to schedule a series of special meetings on a monthly basis.

NOW, THEREFORE, BE IT RESOLVED, that for and during the year from November 19, 2024 to and including November 18, 2025 regular meetings of the City Council shall be held at 6:00 p.m. on the following dates:

Tuesday,	December	10, 2024	6:00 P.M.
Tuesday,	January	14, 2025	6:00 P.M.
Tuesday,	February	11, 2025	6:00 P.M.
Tuesday,	March	18, 2025	6:00 P.M.
Tuesday,	April	08, 2025	6:00 P.M.
Tuesday,	May	13, 2025	6:00 P.M.
Tuesday,	June	10, 2025	6:00 P.M.
Tuesday,	July	08, 2025	6:00 P.M.
Tuesday,	August	12, 2025	6:00 P.M.
Tuesday,	September	09, 2025	6:00 P.M.
Tuesday,	October	14, 2025	6:00 P.M.
Tuesday,	November	18, 2025	6:00 P.M.

; and

BE IT FURTHER RESOLVED, that the following special meetings shall be held at 2:00 p.m. on the following dates:

Tuesday,	December	17, 2024	2:00 P.M.
Tuesday,	January	28, 2025	2:00 P.M.
Tuesday,	February	25, 2025	2:00 P.M.
Tuesday,	March	25, 2025	2:00 P.M.
Tuesday,	April	22, 2025	2:00 P.M.
Tuesday,	May	27, 2025	2:00 P.M.
Tuesday,	June	24, 2025	2:00 P.M.
Tuesday,	July	22, 2025	2:00 P.M.
Tuesday,	August	26, 2025	2:00 P.M.
Tuesday,	September	23, 2025	2:00 P.M.
Tuesday,	October	28, 2025	2:00 P.M.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-B053

November 19, 2024

TITLE: RESOLVE, ADOPT ETHICAL PRINCIPLES FOR EXCELLENCE IN
GOVERNMENT.

Filed November 7, 2024

By William Kimball

WHEREAS, public service is a public trust and public servants have the obligation to serve the public's interest and to perform and serve with integrity; and

WHEREAS, the many difficult decisions facing public servants involve tough choices between competing claims which involve loyalty to the City, respect for authority, recognition of the policy role of City Council positions, responsiveness to the public's right-to-know and sensitivity to the need for confidentiality when appropriate; and

WHEREAS, an individual's character is measured through the management of one's ego, envy, timidity, ambition and/or craving for personal publicity.

NOW, THEREFORE, BE IT RESOLVED, that the true Brewer public servant:

- *will not act out of spite, bias, or favoritism;*
- *contributes to a climate of mutual trust and respect;*
- *does not succumb to peer or political pressure;*
- *refuses to let official action be influenced by personal relationships, including those arising from past or prospective employment;*
- *has the courage of his or her convictions;*
- *does not try to shift blame to others;*
- *never forgets that he or she is working for the people – all the people*

;and

BE IT FURTHER RESOLVED, that the members of the Brewer City Council formally adopt and actively pursue the Ethical Principles for Public Servants provided by the "Council for Excellence in Government," 1992; and

BE IT FURTHER RESOLVED, that copies of this proclamation of ethics be provided to all appointed personnel of the City and the City Manager for dissemination to all employees of the City of Brewer.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2024-B054

November 19, 2024

TITLE: RESOLVE, ADOPT 10 HABITS OF HIGHLY EFFECTIVE CITY COUNCILS.

Filed November 7, 2024
By Jenn M. Morin

WHEREAS, Thomas Cronin, a recognized authority on public policy, has observed hundreds of governing bodies over many years and has identified 10 “habits” of highly effective municipal councils; and

WHEREAS, it is the sense of the Brewer City Council that adopting and observing these 10 “habits” can make the Brewer City Council highly effective and competent in leading the community.

NOW, THEREFORE, BE IT RESOLVED, that the 10 “habits” of Highly Effective Councils, set forth below, are herewith adopted by the Brewer City Council for the 2024 to 2025 term:

1. Think and Act Strategically
2. Understand and Demonstrate the Elements of Teams and Teamwork
3. Master Small-Group Decision Making
4. Clearly Define Roles and Relationships
5. Establish and Abide by a Council-Staff Partnership
6. Make a Systematic Evaluation of Policy Implementation
7. Allocate Council Time and Energy Appropriately
8. Set Clear Rules and Procedures for Council Meetings
9. Get a Valid Assessment of the Public’s Concerns and An Evaluation of the Council’s performance
10. Practice Continuous Personal Learning and Development as a Leader