

# CITY COUNCIL REGULAR MEETING

February 11, 2025 6:00 P.M.

Brewer City Hall Council Chambers

- I. **Call to Order** (Mayor Daniels)
- II. **Roll Call** (City Clerk)
- III. **Pledge of Allegiance to the Flag of the United States of America** (Mayor Daniels)
- A. **Minutes of the January 14, 2025 Special Meeting, Minutes of the January 14, 2025 Regular Meeting and Minutes of the January 27, 2025 Special Meeting** (Councilor Kimball)
- B. **Awards, Petitions and Public Comments**
  - 1. Presentation: Proposal to construct a new Penobscot County Jail, Troy Morton, Penobscot County Sheriff.
  - 2. (2025-B005) RESOLVE Resolution to support construction of new Penobscot County Jail. (Councilor Morin, Councilor Phanthay, Councilor O'Halloran, Councilor Kimball, and Mayor Daniels)
  - 3. City Manager's Report
  - 4. Public Comments
- IV. **Recess for Public Hearing**
  - 1. To consider extending moratorium on large-scale solar energy systems.
- V. **Adjourn Public Hearing**
- C. **Consent Calendar**
  - 1. (2025-B006) RESOLVE Accept final recommendations for Center Street Village Partnership Initiative Study. (Councilor Phanthay)
  - 2. (2025-A022) ORDER Award contract for Nottingham Way and Birchwood Boulevard storm drain and erosion control work. (Councilor O'Halloran)
  - 3. (2025-A023) ORDER Accept donations to City of Brewer to support Brewer Riverwalk Festival. (Councilor Kimball)
  - 4. (2025-A024) ORDER Declare property located at 499 Wilson Street, Brewer, Maine, and more specifically described in Penobscot County Registry of Deeds, Book 9441, Page 131, to be surplus and authorize its disposal. (Councilor Morin)
  - 5. (2025-A025) ORDER Authorize emergency repair of sewer main for South Brewer Drive at Goupee Street. (Councilor Phanthay)
  - 6. (2025-B007) RESOLVE Resolution to extend moratorium on large-scale solar energy systems. (Councilor O'Halloran)
- D. **Monthly Reports** (Councilor O'Halloran)

**E. Nominations, Appointments, Elections**

**Consent Calendar**

1. (2025-A026) ORDER Appoint member to the Cemetery Board of the City of Brewer. (Councilor Kimball)
2. (2025-A027) ORDER Appoint member to the City of Brewer Board of Ethics. (Councilor Morin)
3. (2025-A028) ORDER Appoint member to Parks and Recreational Advisory Commission of the City of Brewer. (Councilor Phanthay)

**F. Unfinished Business (none)**

**G. New Business**

**1. Consent Calendar**

1. (2025-C001) ORDER Repeal Chapter 38 of the Charter, Codes and Ordinances of the City of Brewer, entitled “Development Ordinance”. (Councilor O’Halloran)
2. (2024-C002) ORDER Amend Chapter 24 of the Charter, Codes and Ordinances of the City of Brewer, entitled “Land Use Code”, Article 4, “Performance Standards”, Section 445.5, “Operation, Maintenance and Inspections”, to add Subsection c. (Councilor Kimball)
2. (2025-B008) RESOLVE Authorize PILOT agreement regarding leased area on property owned by Brewer Housing Authority. (Councilor Morin and Mayor Daniels)
3. (2025-A029) ORDER Convene in executive session pursuant to Title 1, M.R.S.A. §405(6)(E) to consult with legal counsel regarding City Council rights and duties. (Councilor Phanthay)

**H. New Items with Leave of Council**

**I. ADJOURN**

# CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2025-B005

February 11, 2025

TITLE: RESOLVE, RESOLUTION TO SUPPORT CONSTRUCTION OF NEW PENOBSCOT COUNTY JAIL.

Filed February 5, 2025

By Jenn M. Morin, Soubanh Phanthay,  
Dani O'Halloran, William Kimball,  
and Michele Daniels

WHEREAS, the current Penobscot County Jail is outdated, overcrowded, and no longer adequately meets the needs of law enforcement, corrections staff, and the communities it serves; and

WHEREAS, the lack of sufficient capacity at the existing facility has led to increased operational challenges, including the costly and inefficient practice of transporting inmates to other counties, and early releases; and

WHEREAS, a new, modern jail facility would enhance public safety, improve conditions for inmates and staff, provide additional space to provide mental health services, and ensure compliance with state and federal standards for corrections; and

WHEREAS, the construction of a new jail would reduce financial burdens associated with out-of-county housing and transportation costs while providing the necessary infrastructure to support the long-term needs of Penobscot County and its municipalities; and

WHEREAS, the City of Brewer recognizes the importance of investing in a facility that upholds the safety, security, and well-being of all residents while supporting the effective administration of justice.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Brewer, Maine, hereby expresses its full support for the construction of a new jail for Penobscot County and urges county officials and stakeholders to take all necessary steps to advance this critical project; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Penobscot County Commissioners, the Maine Department of Corrections, and the City's legislative delegation.

# CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2025-B006

February 11, 2025

TITLE: RESOLVE, ACCEPT FINAL RECOMMENDATIONS FOR CENTER STREET VILLAGE PARTNERSHIP INITIATIVE STUDY.

Filed January 21, 2025

By Soubanh Phanthay

WHEREAS, the City of Brewer approached the Maine Department of Transportation (MaineDOT) in 2023 to partner in a Center Street Village Partnership Initiative (VPI) Study to improve safety, accessibility and efficiency for all modes of transportation; and

WHEREAS, the City of Brewer and MaineDOT completed the Center Street VPI project through a collaborative approach involving multiple public meetings, City Council presentations, a project Open House, public survey for public comments, along with data and engineering analysis; and

WHEREAS, the demand for transportation funding for capital projects greatly exceeds available resources.

NOW, THEREFORE, BE IT RESOLVED, that the City of Brewer, by vote of its City Council, herewith formally accepts the Final Center Street VPI Recommendations Report and requests MaineDOT continue to work with Brewer on implementation under a collaborative process as follows:

- 1) Work with the Brewer City Manager and/or other City staff to pursue all available potential funding sources;
- 2) Identify a timeline to begin preliminary engineering and design for the project;
- 3) Maine DOT projects design engineering to total 15% of the cost of construction, the City of Brewer understands that implementation will involve a future commitment of local funding anticipated to be 10% of design engineering and construction costs;
- 4) Study implementation will include additional opportunities for municipal and public input, but project implementation will follow all applicable state and federal design standards.

**Statement of Fact:** This Order provides the support of the Council to MaineDOT to move forward into the next step of the process for the Center Street Village Partnership Initiative (VPI) project which includes improvements adjacent to the North Main and State Street intersection and on the lower portion of Wilson Street. MaineDOT is exploring several different sources for funding the work, which may include completing the work in phases. The City will have a responsibility of a 10% share of costs incurred for design and construction.

# CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2025-A022

February 11, 2025

TITLE: ORDER, AWARD CONTRACT FOR NOTTINGHAM WAY AND BIRCHWOOD BOULEVARD STORM DRAIN AND EROSION CONTROL WORK.

Filed January 23, 2025

By Dani O'Halloran

WHEREAS, the storm drain evaluation of the Sherwood Forest neighborhood of the City of Brewer, completed in 2021, identified several erosion control and storm drain repairs needed in the area; and

WHEREAS, a large waterline replacement project on both Nottingham Way and Birchwood Boulevard began in 2024 and will be completed in 2025 by Eastwood Contractors, Inc.; and

WHEREAS, Nottingham Way has two erosion control issue areas and Birchwood Boulevard has a section of failing storm drain pipe, all three items should be addressed as soon as possible; and

WHEREAS, the Brewer Engineering Department solicited a quote from Eastwood Contractors, Inc. for this work, and received a quote of \$52,400, and the Engineering Department finds the quote to be reasonable to complete repairs at the three locations; and

WHEREAS, the City has unanticipated revenue in its Interest Earnings account it could apply to fund this unanticipated expense.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to execute a contract with Eastwood Contractors, Inc. of Brewer, Maine in the amount of \$57,640 (quoted amount plus 10% contingency) for the erosion control and storm drain repairs; and

BE IT FURTHER ORDERED, that the Brewer City Council herewith exercises its authority under Chapter 36, Section 404, of the Purchasing Ordinance for the provision of these services; and

BE IT FURTHER ORDERED, that the cost of this project shall be charged to CIP account 0510113-551600-66503 to be funded by a transfer of \$57,640 in unanticipated interest earnings revenue from 0105504-300400.

**Statement of Fact:** This order authorizes a construction contract with Eastwood Contractors for two erosion control repairs and a storm drain pipe replacement. Eastwood Contractors was previously awarded a contract for waterline work in Sherwood Forest. Contracting with Eastwood Contractors while they are mobilized in the area already, maximizes savings and reduces disruption to the area property owners. This contract is for the quoted price plus a 10% contingency. The contractor has indicated they will complete the work in conjunction with the water line work this spring/summer.



# CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2025-A024

February 11, 2025

TITLE: ORDER, DECLARE PROPERTY SITUATED AT 499 WILSON STREET, BREWER, MAINE, AND MORE SPECIFICALLY DESCRIBED IN PENOSBCOT COUNTY REGISTRY OF DEEDS, BOOK 9441, PAGE 131, TO BE SURPLUS AND AUTHORIZE ITS DISPOSAL.

Filed February 4, 2025

By Jenn M. Morin

WHEREAS, multiple sewer liens against the property situated at 499 Wilson Street, Brewer, Maine, (now Tax Assessor's Map 13, Lot 19) and more specifically described in the Penobscot County Registry of Deeds in Book 9441, Page 131 (herein after referred to as the "Property") have automatically foreclosed; and

WHEREAS, the City of Brewer has acquired title to the Property; and

WHEREAS, City staff has concluded that the Property is not required for public purposes and recommends to the City Council that it be declared surplus and sold or otherwise disposed of as would be in the best interest of the citizens of Brewer.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council, hereby declares the Property situated at 499 Wilson Street, Brewer, Maine, to be surplus property for public purposes; and authorizes the City Manager, or his designee, to sell or otherwise dispose of the Property; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to take any and all further action he, or his designee, deem necessary and to sign any and all documents that he, or his designee, deem appropriate to effectuate the sale or transfer of said Property; and

BE IT FURTHER ORDERED, that any funds received from the sale of the above-mentioned property be handled in accordance with State law, with proceeds going first to reimburse the City for all eligible costs associated with the property as outlined in Title 36, M.R.S. § 943-C; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City to follow the provisions of Title 36, M.R.S. § 943-C with regard to excess proceeds, if any.

**Statement of Fact:** This order declares the property located at 499 Wilson Street surplus and authorizes the City Manager to sell it. Excess proceeds, if any, will be returned to the former owner in accordance with 36 M.R.S. § 943-C. The City obtained the property, formerly owned by Nancy Bell, through the automatic foreclosure of multiple sewer liens.

# CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2025-A025

February 11, 2025

TITLE: ORDER, AUTHORIZE EMERGENCY REPAIR OF SEWER MAIN FOR SOUTH BREWER DRIVE AT GOUPEE STREET.

Filed February 5, 2025  
By Soubanh Phanthay

WHEREAS, the City of Brewer owns and maintains the sewer main on South Brewer Drive and, is responsible for the sewer main's upkeep and maintenance; and

WHEREAS, there exists an issue causing wastewater to back-up into a residence on Goupee Street that must be addressed before it causes damage to the home or the environment; and

WHEREAS, this issue is at the sewer main and is not the fault of the homeowner.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the expenditure of up to \$17,000 from sewer account 0818101-501291 (Sewer Back-up Expenses) to complete this vital repair; and

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

**Statement of Fact:** This order authorizes the Department of Environmental Services to pay Lou Silver, Inc. to correct a breakage located at Goupee Street between the sewer main and the residential sewer connection. This break has caused wastewater to slowly leech out of the homeowner's service and into the ground, and has caused a back-up over time. This repair will correct both issues.



# CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2025-B007

February 11, 2025

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

Filed January 21, 2025

By Dani O'Halloran

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

WHEREAS, the Brewer City Council has twice voted to extend the Moratorium, each time for an additional one-hundred-and-eighty-days, at meetings on February 13, 2024 and August 13, 2024, and the moratorium is set to expire on March 5, 2025; and

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

WHEREAS, a properly noticed public hearing was held on the 11th day of February, 2025, to allow the City Council to consider the need to extend the Moratorium and whether reasonable progress has been made to alleviate said need, at which the City Council heard from all persons wishing to speak to the issue of extending the Moratorium; and

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

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

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

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

**Statement of Fact:** The Brewer City Council enacted a moratorium on large-scale solar energy systems in September of 2023. The Moratorium has twice been extended by additional one-hundred-and-eighty-day periods, and is set to expire on March 5, 2025. This resolution extends the moratorium for an additional one-hundred-and-eighty days with a new expiration of September 1, 2025.

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

2025-A026

February 11, 2025

TITLE: ORDER, APPOINT MEMBER TO THE CEMETERY BOARD OF THE CITY OF  
BREWER.

Filed January 31, 2025  
By William Kimball

BE IT ORDERED, that Amanda Ouellette-Clark of 9 Darby Lane is herewith appointed to the Cemetery Board of the City of Brewer; and

BE IT FURTHER ORDERED, that Ms. Clark's term will commence February 16, 2025 and expire March 31, 2027.

**Statement of Fact:** This order appoints Amanda Ouellette-Clark to the Cemetery Board for the vacant seat previously held by Jennifer Jacobs.

# CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2025-A027

February 11, 2025

TITLE: ORDER, APPOINT MEMBER TO THE CITY OF BREWER BOARD OF  
ETHICS.

Filed February 3, 2025

By Jenn M. Morin

BE IT ORDERED, that Bruce Graybill of 75 Lambert Road is herewith appointed to the City of Brewer Board of Ethics; and

BE IT FURTHER ORDERED, that Mr. Graybill's term shall commence February 16, 2025 and shall expire on December 31, 2027.

**Statement of Fact:** The City of Brewer Code of Ethics Ordinance, enacted in December 2024, established the City of Brewer Board of Ethics. This order appoints the second inaugural member of the three-member board.

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

2025-A028

February 11, 2025

TITLE: ORDER, APPOINT MEMBER TO THE PARKS AND RECREATIONAL  
ADVISORY COMMISSION OF THE CITY OF BREWER.

Filed February 3, 2025  
By Soubanh Phanthay

BE IT ORDERED, that Susan Xirinachs of 116 Parkway North is herewith appointed to the Parks and Recreational Advisory Commission of the City of Brewer; and

BE IT FURTHER ORDERED, that Ms. Xirinachs' term will commence February 16, 2025 and expire March 31, 2027.

**Statement of Fact:** This order appoints Susan Xirinachs to the Parks and Recreational Advisory Commission for the vacant seat previously held by Paul Soucy.

# CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2025-C001

February 11, 2025

TITLE: ORDER, REPEAL CHAPTER 38 OF THE CHARTER, CODES, AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “DEVELOPMENT ORDINANCE”.

Filed January 27, 2025

By Dani O’Halloran

WHEREAS, Chapter 38 of the Charter, Codes, and Ordinances of the City of Brewer, entitled “Development Ordinance”, outlines provisions that are no longer relevant to the operations of the City of Brewer Economic Development Department; and

WHEREAS, the regulations contained in Chapter 38 have become outdated and do not reflect the current needs or practices of the City of Brewer; and

WHEREAS, removing Chapter 38 will streamline the City’s ordinances, ensuring they remain relevant, accurate, and supportive of the City’s operational goals.

NOW, THEREFORE, BE IT ORDERED, that Chapter 38 of the Charter, Codes, and Ordinances of the City of Brewer is hereby repealed in its entirety; and

BE IT FURTHER ORDERED, that the City Clerk is directed to amend the City of Brewer’s Charter, Codes, and Ordinances to reflect this repeal, and to remove or update any references to Chapter 38 in all City documents as appropriate.

**Statement of Fact:** This order repeals Chapter 38 of the City of Brewer Charter, Codes, and Ordinances as its provisions are no longer used by the Economic Development Department and are considered obsolete. This action ensures that the City's ordinances are current and relevant to municipal operations.

# CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2025-C002

February 11, 2025

TITLE: ORDER, AMEND CHAPTER 24 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “LAND USE CODE”, ARTICLE 4, “PERFORMANCE STANDARDS”, SECTION 445.5, “OPERATION, MAINTENANCE AND INSPECTIONS”, TO ADD SUBSECTION C.

Filed February 3, 2025

By William Kimball

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”, shall be amended by adding the following subsection to Article 4, “Performance Standards”, Section 445.5, “Operation, Maintenance and Inspections.”:

#### **445. ELECTRIC VEHICLE CHARGING INFRASTRUCTURE (#71)**

445.5 Operation, Maintenance and Inspections.

c.) Within ninety (90) days of cessation of use of the Electric Vehicle Charging Station(s) and components, the property owner, their successors, and/or assigns shall restore the site to its original condition.

**Statement of Fact:** In December 2024, the Brewer Planning Board recommended an amendment to Chapter 24, “Land Use Code”, including the addition of Section 445, “Electric Vehicle Charging Infrastructure”, which was largely enacted at the January Council Meeting per Order 2024-C019. Subsection 445.5 (c), which was recommended by the Planning Board, was not included in Order 2024-C019, due to a clerical error. This amendment corrects that error by added Subsection 445.5(c) per the Planning Board’s original recommendation.

# CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2025-B008

February 11, 2025

TITLE: RESOLVE, AUTHORIZE PILOT AGREEMENT REGARDING LEASED AREA ON  
PROPERTY OWNED BY BREWER HOUSING AUTHORITY.

Filed February 6, 2025

By Jenn M. Morin and

Michele Daniels

WHEREAS, the Brewer Housing Authority has expressed a desire to lease a portion of its property having an address of 10 Cutler Place, Brewer, Maine, to a day care provider business; and

WHEREAS, the Brewer Housing Authority and its property is generally recognized as tax exempt under the laws of the State of Maine; and

WHEREAS, the Brewer Housing Authority and its tenant have expressed a desire to utilize a payment in lieu of taxes agreement, or PILOT agreement, regarding the leased premises for the day care provider business; and

WHEREAS, City Staff, in consultation with the City Attorney, recommend that a PILOT agreement be authorized by the City Council by and between the City of Brewer and the day care provider business as the tenant in possession.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Manager or his designee, in consultation with the City Assessor and City Attorney, is hereby authorized to enter into a PILOT agreement of and concerning a day care provider business located at 10 Cutler Place, Brewer, Maine, on terms and conditions the City Manager or his designee deem advisable and in the best interests of the City of Brewer; and

BE IT FURTHER RESOLVED, that the City Manager or his designee is authorized to take any other necessary and appropriate steps to implement this Resolve.

**Statement of Fact:** This Resolve authorizes a PILOT agreement regarding a day care provider business at 10 Cutler Place, which is on property owned by the Brewer Housing Authority. The day care will have a lease with the Brewer Housing Authority. A PILOT agreement results in revenues to the City that the City would have otherwise realized from taxes on taxable property (e.g., from a tenant in possession that is a taxable entity).

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

2025-A029

February 11, 2025

TITLE: ORDER, CONVENE IN EXECUTIVE SESSION PURSUANT TO TITLE 1,  
M.R.S.A. §405(6)(E) TO CONSULT WITH LEGAL COUNSEL  
REGARDING CITY COUNCIL RIGHTS AND DUTIES.

Filed February 3, 2025  
By Soubanh Phanthay

BE IT ORDERED, that the Brewer City Council convene in executive session pursuant to Title 1, Maine Revised Statutes Annotated, §405(6)(E) to consult with legal counsel regarding City Council rights and duties.