

# **CITY COUNCIL REGULAR MEETING**

**May 13, 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 April 8, 2025 Special Meeting, Minutes of the April 8, 2025 Regular Meeting, Minutes of the April 15, 2025 Special Meeting, Minutes of the April 15, 2025 Budget Workshop and Minutes of the April 22, 2025 Special Meeting**

**B.** (Councilor O'Halloran)

**B. Awards, Petitions and Public Comments**

1. Proclamation: Asian American and Pacific Islander Heritage Month.
2. Swearing-In Ceremony Brewer Police Patrol Officer, Nathaniel Collette
3. (2025-B019) RESOLVE Recognize Ali Flagg for 1,000-point career with Brewer High School Girls' Basketball Team. (Councilor Kimball)
4. (2025-B020) RESOLVE Award 2025 Brewer Spirit of America Foundation Tribute to Susan Xirinachs. (Mayor Daniels and Councilor Morin)
5. City Manager's Report
6. Public Comments

**IV. Recess for Public Hearing**

1. To determine if a building, or portion thereof, located at 361 North Main Street, Brewer, Maine (Tax Map 34, Lot 41) may be structurally unsafe, unsanitary; constitute a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment or is otherwise dangerous to life or property pursuant to Title 17 M.R.S.A., §2851, et seq.

**V. Adjourn Public Hearing**

**C. Consent Calendar**

1. (2025-A092) ORDER Appropriate funds to School Department for removal of tennis courts and expansion of parking lot. (Councilor Morin)
2. (2025-A093) ORDER Accept donation from Brewer Kiwanis to Brewer Public Library. (Councilor Phanthay)
3. (2025-A094) ORDER Approve City Hall Renovation Concept Design Service work by WBRC. (Councilor O'Halloran)
4. (2025-A095) ORDER Accept donations to City of Brewer to support Brewer Riverwalk Festival. (Councilor Kimball)
5. (2025-A096) ORDER Authorize facility assessment services contract for Joseph L. Ferris Community Center. (Councilor Morin)
6. (2025-A097) ORDER Authorize purchase of replacement pickup truck for Public Works. (Councilor Phanthay)
7. (2025-A098) ORDER Authorize purchase of new compact loader. (Councilor O'Halloran)

8. (2025-A099) ORDER Reallocate Walmart grant funds.  
(Councilor Kimball)
9. (2025-A100) ORDER Authorize contract with Eastwood Contractors, Inc. for replacement of lower Wilson Street Water Main.  
(Councilor Morin)
10. (2025-A101) ORDER Authorize contract with Woodard & Curran for construction services for Wilson Street Water Main.  
(Councilor Phanthay)
11. (2025-A102) ORDER Reallocate portion of water debt service budget to sewer asset reserve. (Councilor O'Halloran)
12. (2025-A103) ORDER Authorize property survey to support redevelopment of former Getchell property. (Councilor Kimball)
13. (2025-A104) ORDER Accept Maine Emergency Medical Services sustainability grant funds.  
(Councilor Phanthay and Councilor O'Halloran)
14. (2025-A105) ORDER Recapitalize and rename Police Officer Academy Cost, Recruitment, and Retention Reserve.  
(Councilor O'Halloran)
15. (2025-A106) ORDER Authorize contract with private plan administrator for Maine's Paid Family Medical Leave program.  
(Councilor Kimball)

**D. Monthly Reports (Councilor O'Halloran)**

**E. Nominations, Appointments, Elections**

1. (2025-A107) ORDER Appoint member to the City of Brewer Board of Ethics.  
(Councilor Phanthay and Councilor O'Halloran)

**F. Unfinished Business  
Consent Calendar**

1. (2025-C003) ORDER Amend Chapter 31 of the Charter, Codes and Ordinances of the City of Brewer, entitled, "Environmental Ordinance", to remove Subsection 1208 (C)(4). (Councilor Phanthay)
2. (2025-C004) ORDER Amend Chapter 36 of the Charter, Codes and Ordinances of the City of Brewer, entitled, "Purchasing Ordinance", Article 3, "Functions and Policies", to increase threshold for department head approval. (Councilor O'Halloran)

**G. New Business**

1. (2025-C005) ORDER Amend Chapter 1 of the Charter, Codes and Ordinances of the City of Brewer, entitled, "The City Council", Article 3, "Rules of Order", Section 330.8.2. (Councilor Kimball)
2. (2025-A108) ORDER Adopt dangerous building decision and order regarding 361 North Main Street, Brewer, Maine. (Councilor Morin)
3. (2025-A109) 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**

# **PROCLAMATION**

## **Asian American and Pacific Islander Heritage Month**

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

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

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

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

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

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

WHEREAS, one of the City of Brewer's own City Council Members is of Asian and South Pacific decent.

NOW, THEREFORE, I, MICHELE DANIELS, Mayor of the City of Brewer, on behalf of the City Council and citizens of Brewer, do hereby proclaim the month of May 2025 as

## **Asian American and Pacific Islander Heritage Month**

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

*Signed this thirteenth day of May, 2025*

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**Michele Daniels, Mayor**

# **CITY OF BREWER, MAINE**

## **IN CITY COUNCIL ASSEMBLED**

2025-B019

May 13, 2025

TITLE: RESOLVE, RECOGNIZE ALI FLAGG FOR 1,000-POINT CAREER WITH  
BREWER HIGH SCHOOL GIRLS' BASKETBALL TEAM.

Filed April 7, 2025  
By William Kimball

WHEREAS, it is the custom of the Brewer City Council to recognize the outstanding achievements and milestones of Brewer High School student athletes; and

WHEREAS, on February 7, 2025 Brewer High School Girls' Basketball player Ali Flagg scored the 1,000th point of her high school basketball career; and

WHEREAS, Ali went on to score a total of 1,008 points; and

WHEREAS, Ali is one of only eight players in the history of Brewer High School Basketball to score 1,000 points; and

WHEREAS, Ali is only the second ever Brewer High School Girls' Basketball Team member to score 1,000 points; and

WHEREAS, Ali was named to the Kennebec Valley Athletic Conference Girls' High School Basketball All-Conference Rookie Team her freshman year; and

WHEREAS, Ali was named to the Kennebec Valley Athletic Conference Girls' High School Basketball All-Conference Team in her junior year and in her senior year; and

WHEREAS, Ali was named to the Northern Class AA/A/B McDonald's Senior All-Star game in 2025; and

WHEREAS, Ali was also a key member of the Brewer High School Field Hockey Team, which won the State of Maine Class-A North Regional Championship in 2024; and

WHEREAS, Ali served as the chapter president of the Brewer High School Best Buddies program; and

WHEREAS, Ali was a four-year member of the Brewer Unified Basketball Team, serving as student-coach for the last two years.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council on behalf of the citizens of the City of Brewer, Maine, hereby recognizes and congratulates Ali Flagg, Brewer High School student athlete, for her hard work and dedication in completing a 1,000-point high school basketball career, and carrying on the tradition of Brewer excellence.

# **CITY OF BREWER, MAINE**

## **IN CITY COUNCIL ASSEMBLED**

2025-B020

May 13, 2025

TITLE: RESOLVE, AWARD 2025 BREWER SPIRIT OF AMERICA FOUNDATION  
TRIBUTE TO SUSAN XIRINACHS.

Filed May 5, 2025  
By Michele Daniels and  
Jenn M. Morin

WHEREAS, the Spirit of America Foundation Tribute honors individuals, organizations, and projects that exemplify outstanding community service and volunteerism within Maine communities; and

WHEREAS, Susan Xirinachs has dedicated countless hours over many years to the betterment of the City of Brewer, consistently demonstrating a deep commitment to civic engagement and the welfare of her fellow residents; and

WHEREAS, Susan has been a longtime dedicated member of the Brewer Garden and Bird Club, serving as Co-President, and contributing to the beautification and environmental stewardship of the community; and

WHEREAS, Susan served for many years as an active member of the Brewer Historical Society, and served as Chairperson, helping to preserve and celebrate the rich history and heritage of the City of Brewer; and

WHEREAS, Susan was instrumental in organizing the City of Brewer's inaugural Wreaths Across America event in 2024, ensuring the respectful remembrance of veterans, and has committed to continuing this important effort in future years; and

WHEREAS, Susan currently serves on the Brewer Parks and Recreation Advisory Board, where she lends her time and voice to improving recreational opportunities and enhancing the quality of life for residents; and

WHEREAS, Susan also serves as a dedicated member of the Brewer Housing Authority Board, helping to ensure that safe and affordable housing options are available for those in need; and

WHEREAS, Susan is an active participant on the Arts and Culture Committee, working to foster creativity, cultural expression, and community connection through artistic endeavors; and

WHEREAS, through all of her efforts, Susan is known for her generosity, her collaborative spirit, and her unwavering commitment to bringing the community together and supporting neighbors in need.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council on behalf of the citizens of the City of Brewer, Maine, hereby awards Susan Xirinachs the City of Brewer 2025 Spirit of America Foundation Tribute in grateful recognition of her outstanding community service, exemplary volunteerism, and lasting contributions to the City of Brewer.

## **CITY OF BREWER PUBLIC NOTICE**

Notice is hereby given that the Brewer City Council will hold a public hearing on May 13, 2025 at 6:00 p.m. in the Council Chambers at Brewer City Hall to determine if any building or portion thereof, at the following address, may be structurally unsafe, unstable, unsanitary; constitute a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment or is otherwise dangerous to life or property pursuant to Title 17 M.R.S.A. §2851, *et seq.*

- 361 North Main Street, Brewer, Maine (Tax Map 34, Lot 41)

Any person may attend this public hearing and speak on this matter. The deadline for submission of written comments is 4:00 p.m. on the date of the hearing. Written comments should be addressed to Brewer City Council, c/o City Clerk, 80 No. Main Street, Brewer, Maine 04412 or emailed to [city-clerk-office@brewermaine.gov](mailto:city-clerk-office@brewermaine.gov).

Vincent P. Migliore  
City Clerk

published on the bulletin board  
at City Hall on April 11, 2025

# CITY OF BREWER, MAINE

## IN CITY COUNCIL ASSEMBLED

2025-A092

May 13, 2025

TITLE: ORDER, APPROPRIATE FUNDS TO SCHOOL DEPARTMENT FOR REMOVAL  
OF TENNIS COURTS AND EXPANSION OF PARKING LOT.

Filed April 24, 2025

By Jenn M. Morin

WHEREAS, in 2024, the City of Brewer School Department renovated Heddericg Field behind Brewer High School to include a multipurpose artificial turf athletic field, a series of tennis and pickleball courts, and spectator seating; and

WHEREAS, in Fiscal Year 2022, before the new tennis courts were conceived, the City had approved \$105,000 in funding to rehabilitate the old tennis courts adjacent to the High School parking lot; and

WHEREAS, the School Department now wishes to convert the old tennis courts into much-needed additional parking for the High School; and

WHEREAS, the City would like to help the School Department complete this project as part of its Fiscal Year 2026 (FY26) budget.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, hereby authorizes the appropriation and expenditure of up to \$105,000 in Capital Improvement Program (CIP) funding from the Tennis Court Resurfacing account (0510124-551444) to the Brewer School Department (10000000-001213) to be included as funding in its FY26 budget and to be used to remove the old tennis courts and expand the High School parking lot.

**Statement of Fact:** This order authorizes the appropriation of up to \$105,000 in Tennis Court Resurfacing CIP funding to the School Department's FY26 budget be used to remove the old tennis courts and expand the High School parking lot.

# CITY OF BREWER, MAINE

## IN CITY COUNCIL ASSEMBLED

2025-A093

May 13, 2025

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

Filed April 24, 2025  
By Soubanh Phanthay

WHEREAS, the City of Brewer Public Library has received a contribution of \$500 from Brewer Kiwanis; and

WHEREAS, it is the wish of the donor and the recommendation of the Library Director that these funds be used to for the 2025 Summer Reading Program; and

WHEREAS, Brewer Kiwanis has faithfully supported children's reading and literacy efforts at the Brewer Public Library for many years, in particular the annual Summer Reading Program.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council accepts this contribution of \$500 from Brewer Kiwanis and authorizes its deposit in account 060072-360000-72011 (Kiwanis Grant Revenue) and expenditure from account 0600072-560000-72011 (Kiwanis Grant Expenses).

**Statement of Fact:** This order accepts a donation from Brewer Kiwanis to support the 2025 Summer Reading Program at the City of Brewer Public Library.



# CITY OF BREWER, MAINE

## IN CITY COUNCIL ASSEMBLED

2025-A094

May 13, 2025

TITLE: ORDER, APPROVE CITY HALL RENOVATION CONCEPT DESIGN SERVICE WORK BY WBRC.

Filed April 24, 2025

By Dani O'Halloran

WHEREAS, the City of Brewer recognizes the need to renovate City Hall to create additional office space; and

WHEREAS, this renovation is needed to expand and modernize City Hall's workspace, to make the layout of City Hall customer service-oriented, and to improve overall experience for residents and businesses interacting with City departments; and

WHEREAS, the architectural firm WBRC has provided a quote in the amount of \$18,140 for the preparation of two concept design options, including program and adjacency analysis, conceptual layout plans, an opinion of probable project cost, and existing conditions documentation; and

WHEREAS, City staff has recommended the acceptance of this proposal as a critical first step in achieving these goals.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby accepts the proposal from WBRC for City Hall Renovation Concept Design Services in the amount of \$18,140; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to WBRC in the amount of \$18,140 for City Hall renovation concept design services; and

BE IT FURTHER ORDERED, that cost for this work be charged to the City Hall Renovation CIP account (0510120-551032) and be funded by a transfer of unanticipated State Revenue Sharing funds (0106902-300200); 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 acceptance of a quote from WBRC in the amount of \$18,140 for concept design services related to the renovation of Brewer City Hall. The planned renovation will create additional office space within the current gymnasium area. This work will assist the City in planning and prioritizing improvements that align with both operational needs and the City's goal of delivering high-quality public service.

# CITY OF BREWER, MAINE

## IN CITY COUNCIL ASSEMBLED

2025-A095

May 13, 2025

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

Filed May 2, 2025  
By William Kimball

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

WHEREAS, fees in the amount of \$2,250 have been collected for the purpose of securing a spot in the craft fair or business section of the Riverwalk Festival.

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

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

**Statement of Fact:** The City of Brewer Economic Development Office received fees of \$2,250 from craft vendors and businesses for the purpose of securing a spot during the Brewer Riverwalk Festival, to financially support the Riverwalk Festival.

# **CITY OF BREWER, MAINE**

## **IN CITY COUNCIL ASSEMBLED**

2025-A096

May 13, 2025

TITLE: ORDER, AUTHORIZE FACILITY ASSESSMENT SERVICES CONTRACT FOR  
JOSPEH L. FERRIS COMMUNITY CENTER.

Filed May 2, 2025

By Jenn M. Morin

WHEREAS, the Joseph L. Ferris Community Center is a vital community asset serving residents of all ages in the City of Brewer and the surrounding region; and

WHEREAS, the Joseph L. Ferris Community Center has not undergone a major renovation in over twenty-six years, and an updated facility assessment is critical to planning for future investments, programming, and safety improvements; and

WHEREAS, the City of Brewer issued a Request for Proposals (RFP) seeking qualified firms to conduct a comprehensive facility assessment of the Joseph L. Ferris Community Center; and

WHEREAS, ten proposals were received in response to the RFP, and after a thorough evaluation process, Artifex Architects & Engineers was determined to offer the most comprehensive and cost-effective approach to meet the City's needs.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the expenditure of \$31,800 from account # 0510124-551462 as approved in the Fiscal Year 2025 Capital Improvement Program Budget for the Joseph L. Ferris Community Center Facility Assessment; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to take all necessary actions and execute all appropriate documents to effectuate this award on behalf of the City with Artifex Architects & Engineers.

<b>2025 Joseph L. Ferris Community Center Facility Assessment RFP Results</b>		
<b><u>Vendor</u></b>	<b><u>Bid Rating</u></b>	<b><u>Bid Amount</u></b>
Archetype Architects	73	\$ 25,040
<b>Artifex Architects &amp; Engineers</b>	<b>85</b>	<b>\$ 31,800</b>
AtkinsRéalis USA	74	\$ 30,040
Bureau Veritas	81	\$ 12,000
CWS Architecture & Interior Design	76	\$ 41,640
Haley Ward	83	\$ 36,750
Harriman	82	\$ 48,500
Paul Designs Project	71	\$ 41,475
SB Thomas Associates	67	\$ 21,480
Sealanders Architects	83	\$ 32,000

**Statement of Fact:** This order awards the contract for a professional facility assessment of the Ferris Community Center to Artifex Architects & Engineers, determined to best meet the City's criteria through a competitive RFP process. The assessment will guide future improvements and long-term planning for the facility.

# CITY OF BREWER, MAINE

## IN CITY COUNCIL ASSEMBLED

2025-A097

May 13, 2025

TITLE: ORDER, AUTHORIZE PURCHASE OF REPLACEMENT PICKUP TRUCK FOR PUBLIC WORKS.

Filed May 2, 2025  
By Soubanh Phanthay

WHEREAS, bids were solicited, received and evaluated for the purchase of a pickup truck to replace City of Brewer Public Works Department Unit #404, a 2015 Ford F150 extra cab, as approved in the City of Brewer Fiscal Year 2025 (FY25) Capital Improvement Program (CIP); and

WHEREAS, Varney Ford of Newport, Maine provided the City with the lowest bid on an acceptable vehicle of the four (4) bids received in the amount of \$40,720.

NOW, THEREFORE, BE IT ORDERED, that the City Manager of the City of Brewer, or his designee, is authorized to sign a purchase order to Varney Ford in the amount of \$44,615 for the purchase of a 2025, Ford F150 pickup truck: \$40,720 for the truck with trade-in, and \$3,895 for the extended warranty; and

BE IT FURTHER ORDERED, that the current Public Works Unit #404, a 2015 Ford F150 extra cab pickup, be released and transferred ownership to Varney Ford, as a trade-in, once the replacement truck has been delivered to the City of Brewer; and

BE IT FURTHER ORDERED, that the cost of this purchase be charged to the FY25 CIP account #0510133-551603; and

BE IT FURTHER ORDERED, that the Brewer City Council hereby authorizes the appropriation and expenditure of \$4,615 from the CIP Sale of Assets account #0500100-300410 to cover the amount by which the purchase will exceed the approved budget.

**Statement of Fact:** \$40,000 was approved in the FY25 budget to replace Public Works Unit #404. This purchase will exceed the approved amount, mostly due to the addition of the extended warranty. The warranty provides comprehensive coverage, covering most items for eight years or 125,000 miles, a significant value for the cost.

Public Works Truck Bid Canvass FY25					
Unit # 404	Bids Opened 2:00PM 04/30/2025	Attended Opening: Thoma, Randy, and Dave			
	VENDOR	Quirk 04/22/2025 12:45PM	Varney 04/29/2025 12:45PM	Gervais 04/30/2025 10:10AM	Gervais 04/30/2025 10:10AM
1	Year:	2025	2025	Option 1, 2025	Option 2, 2025
2	Make:	Ford	Ford	Ford	Ford
3	Model:	F150 Super Cab	F150	F150 Super Cab	F150 Crew Cab
4	Vehicle Purchase Price:	\$48,065.00	\$47,220.00	\$42,942.00	\$44,060.00
5	Trade-in Allowance:	\$5,900.00	\$6,500.00	\$6,007.00	\$6,007.00
6	Price Less Trade-in:	\$42,165.00	\$40,720.00	\$36,935.00	\$38,053.00
7	OPTIONAL ADD-ONS Warranty A:	\$2,850.00	\$3,895.00	*Call	*Call
8	Warranty B:	\$2,395.00	\$2,995.00	*Call	*Call
9	Warranty C:	\$2,265.00	\$3,295.00	*Call	*Call
10	Total w/Extended Warranty	\$45,015.00	\$44,615.00		
11	Delivery Date:	June, Approx.	14 - 16 Weeks	3 - 4 Months	3 - 4 Months
				Doesn't Meet Specifications (Engine: 2.7 eco)	

# CITY OF BREWER, MAINE

## IN CITY COUNCIL ASSEMBLED

2025-A098

May 13, 2025

TITLE: ORDER, AUTHORIZE PURCHASE OF NEW COMPACT LOADER.

Filed May 2, 2025  
By Dani O'Halloran

WHEREAS, bids were solicited, received and evaluated for the purchase of a new compact loader with numerous attachments for the City of Brewer Public Works Department, as approved in the Fiscal Year 2025 (FY25) Capital Improvement Program (CIP); and

WHEREAS, Central Equipment Company, of Stillwater, Maine provided the City with the lowest bid on an acceptable machine.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to sign a purchase order to Central Equipment Company, up to the amount of \$155,110 for the purchase of a 2025 Wacker Neuson WL28 compact loader with attachments and extended warranty; and

BE IT FURTHER ORDERED, that the cost of this purchase be charged to the CIP account #0510133-551650 titled "419 Mini Loader"; and

BE IT FURTHER ORDERED, that existing Unit #419, a 2013 MT6 Trackless sidewalk plow with all attachments, be declared surplus equipment and sold to the highest bidder once the Mini Loader is delivered to the City; and

BE IT FURTHER ORDERED, that the City Manager or their designee is hereby authorized to finalize all sales of the 2013 MT6 Trackless and all associated attachments; and

BE IT FURTHER ORDERED, that all revenues of the sale of the 2013 MT6 and its attachments be receipted to the CIP Sale of Assets account #0500100-300410 and used to support future capital expenditures; and

BE IT FURTHER ORDERED, that the Brewer City Council hereby authorizes the appropriation and expenditure of \$6,500 of the proceeds from the MT6 sale to purchase a sweeper attachment for the new machine.

**Statement of Fact:** The City received three (3) bids for the purchase of a compact loader with numerous attachments. Anderson Equipment's bid of \$128,000 could not be accepted as the machine offer would be too wide to fit on City sidewalks. The new machine's primary use during winter months is plowing sidewalks, as was the MT6; during the summer months it will offer more versatility than the MT6 and at a significantly lower purchase price.

Compact Loader Bid Canvass FY25						
Bids opened 2:00PM Thursday, 02/24/2025		Attended Closing: Richard Loabe, Alta; Randy Stubbs & Thoma Noddin				
Unit #419	VENDOR:	Central Equipment 04/22/2025, 6:55AM	Anderson Equipment 04/24/2025, 1:40PM	Alta Equipment 04/24/2025, 1:46PM		
1	Year:	2025	2025	2024 or 2025		
2	Make:	Wacker	Takeuchi	Avant		
3	Model:	WL28	TW60	760GT		
4	Purchase Price:	\$79,995.00	\$96,000.00	\$112,524.00		
5	Required Equipment: A. Snow Blower:	\$17,200.00	\$7,000.00	\$10,445.00		
6	B. Boom Flail Mower or Offset Deck:	\$37,613.00	\$6,000.00	\$22,700.00		
7	C. Fixed V-plow:	\$4,853.00	\$7,000.00	\$8,950.00		
8	D. Hydraulic switchable Straight Plow:	\$7,354.00	\$6,000.00	\$4,995.00		
9	E. Rear Mounted Sander:	\$5,100.00	\$6,000.00	\$9,250.00		
10	Total Price:	\$152,115.00	\$128,000.00	\$168,864.00		
11	Optional Add-ons: A. Extended Vehicle Warranty:	\$2,995.00	\$0.00	\$7,970.00		
		5YR, 5000HR Full Warranty	Included	5YR, 2500HR		
12	B. Additional Warranty Option:		\$5,000.00	\$3,730.00		
13	C. Additional Warranty Option :			3YR, 1500HR		
14	D. Additional Warranty Option:		Doesn't Meet Specifications (Too Wide)	\$6,380.00 4YR, 2000HR		
16	Total w/Extended Vehicle Warranty:	\$155,110.00	\$128,000.00	\$176,834.00		



# **CITY OF BREWER, MAINE**

## **IN CITY COUNCIL ASSEMBLED**

2025-A099

May 13, 2025

TITLE: ORDER, REALLOCATE WALMART GRANT FUNDS.

Filed May 5, 2025  
By William Kimball

WHEREAS, in November of 2023, the Brewer Police Department received a grant for \$4,000 through the Walmart Community Grant Program; and

WHEREAS, the grant funds were accepted by Brewer City Council and designated to replace Police Department staff raincoats pursuant to Order 2023-A156 “Accept grant funds from Walmart”; and

WHEREAS, the accepted funds have not yet been utilized; and

WHEREAS, there is an immediate need to utilize these funds at the Police Department’s firearms training facility for completion of a training building; and

WHEREAS, this is an allowable use of funds issued through the Walmart Community Grant Program.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes these awarded funds to be used for the firearms training facility and authorizes the expenditure of these funds from account 0600058-5600000-58066 (FY24 Walmart Community Grant Expense).

**Statement of Fact:** This order redirects funds previously designated in Order 2023-A156 and reallocates them to be used for the completion of a training building at the Police Department’s firearms training facility.

# **CITY OF BREWER, MAINE**

## **IN CITY COUNCIL ASSEMBLED**

2025-A100

May 13, 2025

TITLE:       ORDER,       AUTHORIZE CONTRACT WITH EASTWOOD CONTRACTORS,  
INC. FOR REPLACEMENT OF LOWER WILSON STREET WATER  
MAIN.

Filed May 6, 2025  
By Jenn M. Morin

WHEREAS, the water main on lower Wilson Street has experienced frequent failures and is in need of replacement; and

WHEREAS, replacement of lower Wilson Street water main is a project approved as part of the Fiscal Year 2024 (FY24) Capital Improvement Program (CIP); and

WHEREAS, the Brewer Water Department has secured a \$1,021,000 low-interest loan through the Maine Drinking Water State Revolving Fund (DWSRF), which includes 35% (\$357,400) in principal forgiveness, and the Brewer Water Department has also been awarded \$77,000 in Lead Service Line funding, with 55% (\$42,350) in forgiveness, resulting in a total obligation of \$698,250 to the City's ratepayers; and

WHEREAS, the Brewer Water Department has solicited bids for the replacement of the water main, with Eastwood Contractors, Inc. of Brewer, Maine, submitting the lowest responsible bid in the amount of \$971,760.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the City Manager, or his designee, to enter into a contract with Eastwood Contractors, Inc. in the amount of \$971,760 for the replacement of the water main on Lower Wilson Street; and

BE IT FURTHER ORDERED, that the City Council authorizes a contingency of up to 5%, or \$48,588, to be used, if necessary, during the course of the project; and

BE IT FURTHER ORDERED, that the City Council authorizes the appropriation and expenditure of up to \$1,020,348 for this project, to be funded from Water CIP account 0571001-571016.

<b>WOODARD &amp; CURRAN, INC.</b> <b>City of Brewer, ME</b> <b>Brewer Water Main Replacement- Contract 2 (0229924.06)</b> <b>BASE BID</b> <b>Tabulation of Unit Prices</b> <b>Bid Opening Date: April 04, 2025</b>			
	<b>Contractor</b>		<b>Bid Price</b>
<b>1</b>	<b>Maine Earth</b>		<b>\$ 1,853,277.00</b>
<b>2</b>	<b>Eastwood Contractors Inc.</b>		<b>\$ 971,760.00</b>
<b>Notes:</b>			

**Statement of Fact:** This order authorizes the Brewer Water Department to contract with Eastwood Contractors, Inc. for the replacement of the water main on Wilson Street, from the intersection at South Main Street to Blake Street.

# **CITY OF BREWER, MAINE**

## **IN CITY COUNCIL ASSEMBLED**

2025-A101

May 13, 2025

TITLE: ORDER, AUTHORIZE CONTRACT WITH WOODARD & CURRAN FOR  
CONSTRUCTION SERVICES FOR WILSON STREET WATER MAIN.

Filed May 6, 2025  
By Soubanh Phanthay

WHEREAS, the water main on lower Wilson Street has experienced frequent failures and is in need of replacement; and

WHEREAS, replacement of lower Wilson Street water main is a project approved as part of the Fiscal Year 2024 (FY24) Capital Improvement Program (CIP); and

WHEREAS, the Brewer Water Department has secured a \$1,021,000 low-interest loan through the Maine Drinking Water State Revolving Fund (DWSRF), which includes 35% (\$357,400) in principal forgiveness, and the Brewer Water Department has also been awarded \$77,000 in Lead Service Line funding, with 55% (\$42,350) in forgiveness, resulting in a total obligation of \$698,250 to the City's ratepayers; and

WHEREAS, this project will require rigorous review of submittals and payroll documentation to ensure compliance with DWSRF rules and federal regulations; and

WHEREAS, Woodard & Curran (W&C) of Bangor, Maine, has the expertise in DWSRF compliance, construction inspection, and familiarity with the City's specifications.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the City Manager, or his designee, to enter into a contract with Woodard & Curran in the amount of \$65,000 for construction administration, on-site oversight, and post-construction services; and

BE IT FURTHER ORDERED, that the City Council authorizes the appropriation and expenditure of up to \$65,000 from Water CIP account 0571001-571016 (Main Replacements –Wilson Street), to be funded by the DWSRF loan and associated principal forgiveness; and

BE IT FURTHER ORDERED, that the City Council of the City of Brewer hereby 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 to procure contractor services for this project.

Description	Labor Costs
Construction Administration	\$30,000
On-Site Construction Oversight	\$30,000
Post-Construction Services	\$5,000
<b>TOTAL FEE</b>	<b>\$65,000</b>

**Statement of Fact:** This order authorizes the Water Department to enter into a contract with the engineering firm Woodard & Curran for construction oversight and inspection services related to the replacement of the water main on Wilson Street—from the intersection of South Main Street to Blake Street. The contract provides for part-time, on-site services to help reduce costs, as Brewer Water Department staff will also be present frequently to monitor the progress of the project.

# CITY OF BREWER, MAINE

## IN CITY COUNCIL ASSEMBLED

2025-A102

May 13, 2025

TITLE: ORDER, REALLOCATE PORTION OF WATER DEBT SERVICE BUDGET TO  
SEWER ASSET RESERVE.

Filed May 6, 2025  
By Dani O'Halloran

WHEREAS, the Fiscal Year 2025 (FY25) Water Department budget approved by the Brewer City Council included estimated debt service related to the Sherwood Forest water main replacement project loan; and

WHEREAS, given the project's construction schedule, there will be no debt service due on this project this fiscal year; and

WHEREAS, the Water Superintendent recommends this total of \$111,830 in principal, interest and fees budgeted, but not needed, be reallocated to the Water Department's General Capital Reserve account to be used to support costs associated with future capital projects.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the reallocation of \$111,830 not needed to support debt service payments in FY25 from Org 0718700 (Water Debt Service) to 0700000-110805 (Reserve – General Capital).

**Statement of Fact:** This order authorizes the reallocation of \$111,830 in water debt service budgeted but not needed in FY2025 to the Water Department's General Capital Reserve to supplement funding in the account, which will support future sewer capital projects.

# CITY OF BREWER, MAINE

## IN CITY COUNCIL ASSEMBLED

2025-A103

May 13, 2025

TITLE: ORDER, AUTHORIZE PROPERTY SURVEY TO SUPPORT  
REDEVELOPMENT OF FORMER GETCHELL PROPERTY.

Filed May 6, 2025  
By William Kimball

WHEREAS, the City of Brewer currently owns parcels of land referred to as the Getchell Property (Map 29, Lots 124 and 126), and is looking at several options for redeveloping the site; and

WHEREAS, several options require a topographical and boundary survey to be able to fully evaluate the possibilities; and

WHEREAS, the City wishes to address access issues for other parcels in the area, and to address a safety concern identified in the Center Street Village Partnership Initiative Recommendations report; and

WHEREAS, a quote was solicited from Sewall Company to perform the needed surveys on the Getchell property and the other adjacent parcels, and they have the ability to perform the work upon notification; and

WHEREAS, as a development-related project located within the waterfront area, this project is eligible for Tax Increment Financing (TIF) funding.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to execute a contract for \$37,500 with Sewall Company of Bangor, Maine to complete the topographical and boundary survey of the Getchell Property and adjacent parcels; and

BE IT FURTHER ORDERED, that cost for this TIF-eligible work be charged to the Economic Development Miscellaneous Professional Services account (0115701-501070) to be funded by tax increment financing revenue (0109700-300894); 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 a topographical and boundary survey to be completed for the Getchell Property and adjacent parcels. This survey will be used to address redevelopment of the site.

# CITY OF BREWER, MAINE

## IN CITY COUNCIL ASSEMBLED

2025-A104

May 13, 2025

TITLE: ORDER, ACCEPT MAINE EMERGENCY MEDICAL SERVICES  
SUSTAINABILITY GRANT FUNDS.

Filed May 8, 2025  
By Soubanh Phanthay and  
Dani O'Halloran

WHEREAS, the City of Brewer Fire Department has been awarded \$50,000 in 2025 State of Maine Department of Public Safety Maine Emergency Medical Services (EMS) Sustainability Program Grant funds; and

WHEREAS, the Fire Department will use the funding to finance educational opportunities for Fire Department personnel to further their educational levels to advance their EMS license level; and

WHEREAS, when classes are available, personnel will have the opportunity to pursue either Advanced Emergency Medical Technician (EMT) education or Paramedic education for higher EMS license levels; and

WHEREAS, Fire Department personnel educated, trained and licensed at a higher EMS level will provide a higher level of care to members of the public during events of injury or medical emergency.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts these grant funds and directs that the funds be deposited in the Fiscal Year 2025 (FY25) State of Maine Department of Public Safety Maine EMS Sustainability Program Grant special revenue account (0600059-360000-59048); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of the grant funds from the FY25 State of Maine Department of Public Safety Maine EMS Sustainability Program Grant Expense account (0600059-560000-59048) to pay for allowable costs under the grant, including tuition, materials, and payroll costs associated with class and clinical time and shift coverage.

**Statement of Fact:** This order accepts \$50,000 in grant funds from the State of Maine Department of Public Safety Maine EMS Sustainability Program Grant and appropriates them to pay for educational tuition, required educational materials, and personnel costs associated with class time, clinical time and shift coverage.



# CITY OF BREWER, MAINE

## IN CITY COUNCIL ASSEMBLED

2025-A105

May 13, 2025

TITLE: ORDER, RECAPITALIZE AND RENAME POLICE OFFICER ACADEMY  
COST, RECRUITMENT, AND RETENTION RESERVE.

Filed May 6, 2025  
By Dani O'Halloran

WHEREAS, in Council Order 2023-A006, the Brewer City Council approved the establishment of a retire in place program for Brewer police officers, and appropriated funding to support the cost of final pays that cannot be absorbed in the approved budget; and

WHEREAS, the program has been successful in its goal to retain seasoned, productive police officers and has expanded to the Brewer Fire Department; and

WHEREAS, the Maine Public Employees Retirement System (MPERS) requires an employee to completely separate from the City before being re-hired, and this includes liquidating and paying out all eligible accrued leave time; and

WHEREAS, the City maintains a recruitment and retention reserve fund to, among other things, help cover the cost of final pays when they cannot be absorbed in the approved budget; and

WHEREAS, the balance in this reserve has dropped to \$16,352, and it is the recommendation of City staff that the funding be replenished using unanticipated interest earning revenue the City has received, and that the title of the reserve be expanded to encompass all of public safety.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the appropriation and expenditure of \$100,000 in unanticipated interest earnings (0105504-300400) to supplement funding in the recruitment and retention reserve (0200000-300893-58035); and

BE IT FURTHER ORDERED, that the Police Officer Academy Cost, Recruitment, and Retention Reserve be renamed as the Public Safety Recruitment and Retention Reserve.

**Statement of Fact:** This order authorizes \$100,000 in funding for the Public Safety Recruitment and Retention Reserve to support the successful retire in place employee retention program and other recruitment and retention initiatives in the Police and Fire Departments.

# CITY OF BREWER, MAINE

## IN CITY COUNCIL ASSEMBLED

2025-A106

May 13, 2025

TITLE: ORDER, AUTHORIZE CONTRACT WITH PRIVATE PLAN ADMINISTRATOR  
FOR MAINE'S PAID FAMILY MEDICAL LEAVE PROGRAM.

Filed May 6, 2025  
By William Kimball

WHEREAS, in 2023, the Maine Legislature approved a paid family and medical leave program that provides up to twelve weeks of paid leave for a variety of leave situations; and

WHEREAS, participation is mandatory for virtually all employers, including the City of Brewer; and

WHEREAS, employers can participate in the State's program or provide the benefit through a private plan; and

WHEREAS, the City is working with a benefits consultant to evaluate which option would be most advantageous to the City; and

WHEREAS, based on results from other municipalities, it is likely that a private plan would offer savings and could allow the City a degree of discretion in program setup not available under the State plan; and

WHEREAS, to maximize the savings, the City would need to submit its application to the State for private plan approval by May 30.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the City to utilize a private paid family and medical leave plan provider if the City's administration determines it would be beneficial to the City and its taxpayers; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to execute and submit the documents necessary to participate in a private plan if it is in the City's best interest to do so.

**Statement of Fact:** This order authorizes the City to contract with a private insurance plan to provide paid family and medical leave benefits required by a state law enacted in 2023 if the City's administration determines it is in the City's best interest to do so.

# CITY OF BREWER, MAINE

## IN CITY COUNCIL ASSEMBLED

2025-A107

May 13, 2025

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

Filed May 9, 2025  
By Soubanh Phanthay and  
Dani O'Halloran

BE IT ORDERED, that Kevin O'Connell of 7 Sites Lane is herewith appointed to the City of Brewer Board of Ethics; and

BE IT FURTHER ORDERED, that Mr. O'Connell's term shall commence May 18, 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 third inaugural member of the three-member board.

# CITY OF BREWER, MAINE

## IN CITY COUNCIL ASSEMBLED

2025-C003

April 8, 2025

TITLE: ORDER, AMEND CHAPTER 31 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “ENVIRONMENTAL ORDINANCE”, TO REMOVE SUBSECTION 1208(C)(4).

Filed March 31, 2025  
By Soubanh Phanthay

BE IT ORDAINED, by the Brewer City Council that Chapter 31, of the Charter, Codes and Ordinances of the City of Brewer, entitled “Environmental Ordinance”, shall be amended as follows:

### SECTION 1208 ABATEMENTS (#25)

#### C. Commercial and industrial operations

Commercial and manufacturing ratepayers that use water that does not reach the City’s sewer system and does not contribute directly or indirectly to runoff may apply for an abatement of the sewer as long as they meet the following requirements:

- (1) All commercial, and manufacturing sewer user ratepayers must first file an application and receive written permission from the Director of Environmental Services prior to engaging in any activity that will remove water from the sewer.
- (2) The commercial or manufacturing ratepayer must be able to document the volume they wish abated with a meter reading or other verifiable method that has been approved by the Director of Environmental Services
- (3) The Director of Environmental Services, after consultation with the City Manager, shall make the final decision as to whether the abatement shall or shall not be granted.

~~(4) No more than one (1) sewer abatement shall be given to any manufacturing, or commercial business in any 12-month period.~~

**Statement of Fact:** Removing Section 1208(C)(4) of Chapter 31 will give the City flexibility to handle abatements for commercial properties as outlined in Section 1208 of Chapter 31. A single entity might have multiple locations, or have different reasons for seeking abatements; under the current rule, more than one abatement cannot be sought in a single year.

# CITY OF BREWER, MAINE

## IN CITY COUNCIL ASSEMBLED

2025-C004

April 8, 2025

TITLE: ORDER, AMEND CHAPTER 36 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “PURCHASING ORDINANCE”, ARTICLE 3, “FUNCTIONS AND POLICIES”, TO INCREASE THRESHOLD FOR DEPARTMENT HEAD APPROVAL.

Filed April 1, 2025  
By Dani O’Halloran

WHEREAS, Chapter 36 of the Charter, Codes, and Ordinances, entitled “Purchasing Ordinance”, currently allows the City Manager to delegate approval authority for purchases \$1,000 or less to department heads or their authorized representatives; and

WHEREAS, this \$1,000 threshold has not been increased in at least 25 years; and

WHEREAS, it is the recommendation of the City Manager and the Finance Director that this threshold be increased to \$5,000 to reflect the increased price of goods and to reduce the administrative burden on the City Manager.

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, “Functions and Policies”, shall be amended as follows:

### **ARTICLE 3. FUNCTIONS AND POLICIES**

#### **SECTION 302.3.1 DECENTRALIZED PURCHASES**

At the discretion of the City Manager, Department Heads or their authorized representatives, may ~~effect~~ affect purchases in amounts not to exceed ~~One~~ Five Thousand Dollars (~~\$1~~5,000.00), which are considered micro purchases. The City Manager shall issue such rules and regulations and prescribe forms, as he or she deems necessary to control such purchases. He or she may also permit exceeding this monetary limitation, in those instances where price, terms, conditions and contractors have been predetermined by his or her establishing open-end (estimated requirement type) contracts of where prices established by the State Public Utility Commission (electricity, telephone services, etc.) .

**SECTION 302.3.2 PURCHASES - NOT TO EXCEED ~~ONE FIVE~~ THOUSAND DOLLARS (\$~~15~~,000.00)**

When the City Manager considers prices to be fair and reasonable and the total amount of the purchase does not exceed ~~One Five~~ Thousand Dollars (\$~~15~~,000.00), procedures and documentation will be simplified to the maximum degree possible. The micro purchases must be distributed equitably among qualifie<sup>3</sup>d suppliers, to the greatest extent possible. He or she shall establish such rules of procedure for such purchases, as he/she feels necessary to ensure against abuse of the public's best interest.

**SECTION 302.3.3 PURCHASES ~~ONE FIVE~~ THOUSAND DOLLARS (\$~~15~~,000.00) TO FIFTEEN THOUSAND DOLLARS (\$15,000.00)**

Negotiated purchases ~~exceeding of One Five~~ Thousand Dollars (\$~~15~~,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.

**SECTION 303 REQUISITION**

Purchases involving the immediate encumbrance of City funds shall be made only on a written requisition submitted by the head of the requesting department, in such form as prescribed by the City Manager. Requisitions involving the expenditure of ~~One Five~~ Thousand Dollars (\$~~15~~,000.00) or more shall bear written approval of the City Manager.

**SECTION 306 CONTRACT CHANGE ORDERS**

Individual Change orders to contracts that have been previously authorized by the City Council must be approved by the City Manager when an individual change order exceeds either ~~One Five~~ Thousand Dollars (\$~~15~~,000.00) and/or five percent (5%) of the original contract value. Change orders exceeding these limits will be reported to the City Council at the next regularly scheduled Council meeting. Aggregate or total change orders exceeding ten percent (10%) of a previously approved contract will be reported to the City Council at the next regularly scheduled Council meeting.

**Statement of Fact:** This order amends the City's Purchasing Ordinance to increase the department head approval threshold, which has not been increased in at least 25 years. The amendment increases the threshold from \$1,000 to \$5,000 and would result in the following purchasing structure:

Approving Body	Approval Required	Approval Method
Department Head	All purchases	Signature or PO approval
City Manager	Purchases \$5,000 and over	Signature or PO approval
City Council	Purchases over \$15,000	Council vote

# CITY OF BREWER, MAINE

## IN CITY COUNCIL ASSEMBLED

2025-C005

May 13, 2025

TITLE: ORDER, AMEND CHAPTER 1 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “THE CITY COUNCIL”, ARTICLE 3, “RULES OF ORDER”, SECTION 330.8.2.

Filed April 30, 2025  
By William Kimball

BE IT ORDAINED, by the City Council of the City of Brewer, that Chapter 1, of the Charter, Codes and Ordinances of the City of Brewer, entitled “The City Council”, Article 3, “Rules of Order”, Section 330.8.2 shall be amended as follows:

### ARTICLE 3. RULES OF ORDER

#### SECTION 330.8.2

The Brewer City Council may, by resolve or order, establish and revise reasonable ground rules for orderly, efficient, and effective Council meetings including public comments. These rules may address, but are not limited to, the duration of individual comments, the order in which speakers are recognized, decorum expectations, and the process for submitting requests to speak. A time for public comments shall be listed on all agendas. Prior to entertaining public comments, the Chairman or Vice-Chairman shall notify the public present at the meeting of the following:

- (1) No action will be taken at that meeting on any public comments;
- (2) A public comment will be referred to the City Staff to respond if appropriate.

**Statement of Fact:** This order will allow the Council to establish or revise meeting rules by resolve or order.

# CITY OF BREWER, MAINE

## IN CITY COUNCIL ASSEMBLED

2025-A108

May 13, 2025

TITLE: ORDER, ADOPT DANGEROUS BUILDING DECISION AND ORDER  
REGARDING 361 NORTH MAIN STREET, BREWER, MAINE.

Filed May 7, 2025

By Jenn M. Morin

WHEREAS, on March, 25, 2022, the City of Brewer acquired the property situated at 361 North Main Street, Brewer, Maine (Tax Map 34, Lot 41) by virtue of automatic foreclosure of a sewer lien; and

WHEREAS, on October 12, 2022 and April 8, 2022 two additional sewer liens also automatically foreclosed; and

WHEREAS, this property and the building thereon is in poor repair and has been vacant for numerous years; and

WHEREAS, the City's Code Enforcement Officer inspected the building and reports that it is structurally unstable and constitutes a hazard to health and safety because of inadequate maintenance and dilapidation; and

WHEREAS, in accordance with Title 17 M.R.S. §§ 2851 and 2857, the Brewer City Council held a public hearing on May 13, 2025, to determine whether this property is dangerous and any remedy needed thereto; and

WHEREAS, this public hearing was duly noticed and served.

NOW, THEREFORE BE IT ORDERED, that the Brewer City Council hereby finds the property at 361 North Main Street in Brewer to be dangerous; and

BE IT FURTHER ORDERED, that the City Council hereby adopts the attached Dangerous Building Decision and Order with regard to 361 North Main Street; and

BE IT FURTHER ORDERED, that the City Council herewith orders the City Manager, or his designee, to dispose of the structure by demolition or other means as would be in the best interest of the citizens of Brewer in accordance with Title 17 M.R.S. §§ 2851 and 2857, and consistent with the attached Dangerous Building Decision and Order Re: 361 North Main Street.

**Statement of Fact:** This Order finds the building at 361 North Main Street to be dangerous and orders its demolition or removal in order to abate the public nuisance and dangerous conditions.



**DANGEROUS BUILDING**  
**DECISION AND ORDER**

**Re: 361 North Main Street**

*Pursuant to 17 M.R.S. §§ 2851-2859*  
*Building at 361 North Main Street, Brewer, Maine (Tax Map 34, Lot 41)*

The Brewer City Council, acting as the municipal officers of the City of Brewer, hereby adopt and issue this Decision and Order pursuant to 17 M.R.S. § 2851 et seq. (Maine Dangerous Buildings statutes) with respect to a building on property with an address of 361 North Main Street, Brewer, Maine, as more particularly described in a deed from Ryan D. Witmer and Leigh S. Witmer to James W. Clark, Jr. and Janice C. Clark both of Hampden, Penobscot County, dated March 25, 2004, and recorded in Book 9256, Page 160, of the Penobscot County Registry of Deeds.

**Preliminary**

This is a dangerous building proceeding under Title 17 M.R.S. § 2851-2859. A Notice of Hearing was served on the previous owner, Ping Lu, as well any parties-in-interest (if applicable), in accordance with Title 17 M.R.S. §§ 2851 and 2857.

The City Council convened a hearing on the matter in accordance with the Dangerous Buildings statute on May 13, 2025, at 6:00 p.m. at Brewer City Hall at 80 North Main Street, Brewer.

Participants at the May 13, 2025 public hearing included Kristie Rines, Brewer Code Enforcement Officer ("CEO Rines").

Information concerning the history and condition of the building at 361 North Main Street ("Building"), including a number of photographs and reports, were presented by CEO Rines.

**Factual Findings**

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

1. The Building is located on property having a street address of 361 North Main Street, Brewer, Maine, as depicted on the City Assessor's maps as Tax Map 34, Lot 41.
2. The current owner is the City of Brewer, by virtue of two automatic foreclosures of sewer liens.
3. The Building located at 361 North Main Street is a wood frame construction, the foundation is a mixture of granite, concrete, and brick.

4. The Building is in extremely poor condition (e.g., water penetration into the building, multiple failure points in the foundation structure, and leaning walls and sagging roof members); the Building is in a general state of disrepair due to inadequate maintenance and structural integrity issues.
5. It was CEO Rines' conclusion the aforescribed Building, as it currently exists, poses a hazard due to deterioration and inadequate maintenance, and is a nuisance or is dangerous in its present state in accordance with Title 17 M.R.S. § 2851.

### **Conclusions of Law**

Based on the foregoing factual findings, the Brewer City Council finds that the Building located on the property at 361 North Main Street constitutes a dangerous building within the meaning of Title 17 M.R.S. § 2851. Specifically, the City Council further finds that this building is unsafe; unstable; constitutes a fire hazard; is unfit for human occupancy; and is otherwise dangerous to life or property.

### **Disposal and Expenses**

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

1. The Building at 361 North Main Street is a dangerous building within the meaning of Title 17 M.R.S. § 2851, as evidenced by the photographs, City reports, and testimony of CEO Rines, and must be disposed of by demolition as set forth herein consistent with this Decision and Order.
2. The City of Brewer shall be entitled to all expenses pursuant to Title 17 M.R.S. § 2853.

### **ORDER**

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

1. The Brewer City Manager, or his designee, shall cause the public nuisance and dangerous condition to be abated by demolition at the earliest and most convenient opportunity based upon the availability of private contractors or public employees to do this work.
2. This work may be done by private contractors and/or public employees, whichever is deemed in the best interest of the City of Brewer as determined by the City Manager in consultation with key department heads.
3. Repay or recoup all expenses to the City of Brewer as set forth in Title 17 M.R.S. § 2853.
4. The City Clerk shall record and cause service of attested copies of this Decision and Order in accordance with Title 17 M.R.S. § 2851(3).

This decision may be appealed to the Maine Superior Court under the Maine Rules of Civil Procedure, Rule 80B.

If no timely appeal is taken, the Brewer City Manager shall undertake the ordered corrective action and recover all expenses, including without limitation reasonable attorney's fees by means of a special tax, civil action, or sale of the property.

Dated this 13<sup>th</sup> day of May, 2025.

**BREWER CITY COUNCIL**

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Michele Daniels, Mayor

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Jenn Morin, Deputy Mayor

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Soubanh Phanthay

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Dani O'Halloran

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Bill Kimball

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

2025-A109

May 13, 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 May 6, 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.