

CITY COUNCIL REGULAR MEETING

June 10, 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 May 13, 2025 Regular Meeting (Councilor Phanthay)

B. Awards, Petitions and Public Comments

1. Proclamation: Juneteenth Celebration Day.

2. City Manager's Report

3. Public Comments

C. Consent Calendar

1. (2025-A113) ORDER Accept asset forfeiture funds.
(Councilor Morin)
2. (2025-A114) ORDER Accept donation to the Brewer Fire Department from First National Bank. (Councilor Phanthay)
3. (2025-A115) ORDER Accept fees for tables in craft fair and business section of Brewer Riverwalk Festival. (Councilor O'Halloran)
4. (2025-A116) ORDER Accept donations to City of Brewer to support Brewer Riverwalk Festival. (Councilor Kimball)
5. (2025-A117) ORDER Accept donation of a digital wayfinding kiosk from Greater Bangor Recreation Economy for Rural Communities.
(Councilor Morin)
6. (2025-A118) ORDER Authorize contract with Frost Septic for hauled wastewater.
(Councilor Phanthay)
7. (2025-A119) ORDER Accept funds from Maine Municipal Association Risk Reduction Grant Program. (Councilor O'Halloran)
8. (2025-A120) ORDER Accept donations in support of Ken Locke Annual Stream Clean-up Event. (Councilor Kimball)
9. (2025-A121) ORDER Commit water assessment to Treasurer for collection.
(Councilor Morin)
10. (2025-A122) ORDER Commit sewer assessment to Treasurer for collection.
(Councilor Phanthay)
11. (2025-A123) ORDER Authorize purchase of rock salt.
(Councilor O'Halloran)
12. (2025-A124) ORDER Accept windstorm disaster reimbursement funds.
(Councilor Kimball)
13. (2025-A125) ORDER Authorize agreement with Haley Ward to provide services for City of Brewer Landfills. (Councilor Morin)
14. (2025-A126) ORDER Accept insurance dividends from Maine Municipal Association. (Councilor Phanthay)
15. (2025-A127) ORDER Authorize funding of abatement expense.
(Councilor O'Halloran)

16. (2025-B021) RESOLVE Approve use of School Capital Reserve funds for Brewer Athletic Complex restroom construction. (Councilor Kimball)
17. (2025-A128) ORDER Authorize funding for costs associated with 499 Wilson Street until its sale. (Councilor Morin)
18. (2025-A129) ORDER Authorize supplemental appropriation to support Brewer Fire Department operations. (Councilor Phanthay)
19. (2025-A130) ORDER Tax release deed, Map 43, Lot 30, 30 Longmeadow Drive in Brewer, Maine. (Councilor Kimball and Councilor Morin)

D. Monthly Reports (Councilor O'Halloran)

E. Nominations, Appointments, Elections (none)

F. Unfinished 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)

G. New Business

1. Consent Calendar

1. (2025-B022) RESOLVE Approve City and School Budget Appropriation for Fiscal Year 2026. (Councilor Kimball)
2. (2025-B023) RESOLVE Approve Water Pollution Control Facility Budget for Fiscal Year 2026. (Councilor Morin)
3. (2025-B024) RESOLVE Approve Water Department Budget for Fiscal Year 2026. (Councilor Phanthay)
4. (2025-A131) ORDER Set tax due date and interest rate. (Councilor O'Halloran)
5. (2025-A132) ORDER Accept advanced payments on Fiscal Year 2027 taxes. (Councilor Kimball)
6. (2025-A133) ORDER Set Fiscal Year 2026 interest rate for late payment of sewer bills. (Councilor Morin)
7. (2025-A134) ORDER Set interest rate paid on abatements and overpayment of taxes. (Councilor Phanthay)
8. (2025-A135) ORDER Authorize set off against unpaid taxes. (Councilor O'Halloran)
9. (2025-A136) ORDER Authorize application of interest earnings to reserve funds. (Councilor Kimball)
10. (2025-B025) RESOLVE Approve School Budget Appropriation for Fiscal Year 2026. (Councilor Morin)
11. (2025-B026) RESOLVE Approve Regional Vocational High School operating budget. (Councilor Phanthay)
12. (2025-B027) RESOLVE Approve Regional Vocational High School budget on adult education. (Councilor O'Halloran)
13. (2025-A137) ORDER Authorize the Brewer School Department to expend such other funds that may be received from federal or state grants or programs. (Councilor Kimball)

- 14. (2025-A138) ORDER Require tax payments be applied to oldest outstanding taxes.
(Councilor O'Halloran and Councilor Kimball)
- 15. (2025-B028) ORDER Establish rules governing public comment at City Council meetings. (Councilor Morin)
- 2. (2025-A139) ORDER Convene in executive session pursuant to Title 1 M.R.S.A. §405(6)(A) on a personnel matter.
(Councilor Phanthay and Councilor O'Halloran)

H. New Items with Leave of Council

I. ADJOURN

PROCLAMATION

Juneteenth Celebration Day

WHEREAS, on June 19, 1865, the Union soldiers finally arrived in Galveston, Texas with the news that the war had ended and that slaves were now free, a declaration that took nearly two and a half years after the Emancipation Proclamation to reach Texas; and

WHEREAS, the Emancipation Proclamation declared “that all persons held as slaves” within the rebellious states “are, and henceforward shall be free”; and

WHEREAS, Juneteenth is a celebration of the spirit of self-empowerment, and a commemoration of the long, and arduous fight for freedom by African-Americans in the United States; and

WHEREAS, during Juneteenth, people of all cultures from Brewer, Penobscot County and the United States take time to truthfully acknowledge a period in our history that still shapes our country today; honor the diversity of our great country; and learn more about African-American heritage, contributions and customs.

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 nineteenth day of June two-thousand-and-twenty-five as

JUNETEENTH CELEBRATION DAY

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

Signed this tenth day of June, 2025

Michele Daniels, Mayor

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2025-A113

June 10, 2025

TITLE: ORDER, ACCEPT ASSET FORFEITURE FUNDS.

Filed May 13, 2025
By Jenn M. Morin

WHEREAS, the Brewer Police Department conducted an investigation resulting in the seizure and forfeiture of money from a defendant; and

WHEREAS, these funds and assets have been offered to the City of Brewer in recognition of the Brewer Police Department's valuable assistance in the successful prosecution of the case; and

WHEREAS, under Maine Law, Title 15 M.R.S.A., §5824(3), the City Council must take a public vote before forfeited assets or funds can be transferred to the City.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, hereby approves the transfer of the following forfeited funds resulting from the cited criminal investigation:

Penobscot Unified Court Docket No. CR-24-1026

- \$971.00 in U.S. Currency ; and

BE IT FURTHER ORDERED, that these funds be deposited into the State Asset Forfeiture Receipt Account (0200101-320000) and that expenditures be authorized from the State Asset Forfeiture Expense Account (0200101) in accordance with applicable policies and regulations.

Statement of Fact: This order accepts \$971 in asset forfeiture funds, which were awarded to the Brewer Police Department as a result of a successful criminal prosecution. These funds have been ordered by the court to be turned over to the Brewer Police Department.

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2025-A114

June 10, 2025

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

Filed May 21, 2025
By Soubanh Phanthay

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

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

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

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0115921-500860 (Fire Training & Conferences).

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

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2025-A115

June 10, 2025

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

Filed May 23, 2025
By Dani O'Halloran

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 \$1,525 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 \$1,525 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-A116

June 10, 2025

TITLE: ORDER, ACCEPT DONATIONS TO CITY OF BREWER TO SUPPORT
BREWER RIVERWALK FESTIVAL.

Filed May 23, 2025
By William Kimball

WHEREAS, the Brewer Riverwalk Festival is in need of financial support to continue to be a successful event; and

WHEREAS, the following businesses have made donations to support the Riverwalk Festival:

Brewer Federal Credit Union	\$350
Twin City Tire	\$500
<u>Illuminate Church</u>	<u>\$500</u>

TOTAL	\$1,350
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NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts the donations 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 received donations totaling \$1,350 from three local businesses to financially supporting the Brewer Riverwalk Festival. These donations will help pay for fireworks, marketing and supplies for the Riverwalk Festival. This order accepts these funds and appropriates them for expenditure to support the event.

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2025-A117

June 10, 2025

TITLE: ORDER, ACCEPT DONATION OF A DIGITAL WAYFINDING KIOSK FROM GREATER BANGOR RECREATION ECONOMY FOR RURAL COMMUNITIES.

Filed May 28, 2025
By Jenn M. Morin

WHEREAS, the Greater Bangor Recreation Economy for Rural Communities (GBRERC), a program of Eastern Maine Development Corporation (EMDC), has offered a donation of one digital wayfinding kiosk to the City of Brewer, with a total estimated value of \$23,000; and

WHEREAS, the project supports the goals outlined in the GBRERC Regional Action Plan to enhance outdoor recreation and cultural tourism through improved wayfinding and regional marketing; and

WHEREAS, the kiosk will be installed along the Brewer Riverwalk and has a project lifespan of five years, during which the City of Brewer will coordinate installation, maintain the unit in accordance with municipal procedures, and include it in the City's insured assets; and

WHEREAS, the City of Brewer agrees to pay \$3,200 in the first year for software and content creation, and in each of the following four years agrees to pay \$2,800 in ongoing costs for maintenance and licensing.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts the donation of one digital wayfinding kiosk from GBRERC, valued at \$23,000; and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of \$3,200 in the first year for software and content development, and \$2,800 annually for the following four years for continued operation and content management, to be charged to Economic Development Misc Professional Services Expense account (0115701-501070); and

BE IT FURTHER ORDERED, that if the City of Brewer discontinues participation in the program within five years, the kiosk shall be returned to GBRERC for relocation at the City's expense.

Statement of Fact: This order accepts the donation of one digital wayfinding kiosk, valued at \$23,000, from GBRERC—a program of Eastern Maine Development Corporation. This donation advances regional marketing and outdoor recreation visibility. The kiosk will be installed along the Brewer Riverwalk and maintained by the City. In addition, the City will contribute \$3,200 in the first year for software and content creation and \$2,800 per year in subsequent years for ongoing services.

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2025-A118

June 10, 2025

TITLE: ORDER, AUTHORIZE CONTRACT WITH FROST SEPTIC FOR HAULED
WASTEWATER.

Filed May 29, 2025
By Soubanh Phanthay

WHEREAS, the City of Brewer and Frost Septic have had a working relationship for many years; and

WHEREAS, both the City and Frost Septic wish to continue this relationship for future years; and

WHEREAS, Frost Septic entered into a contract extension last summer with the City of Brewer while they underwent a change in ownership; and

WHEREAS, the current contract extension with Frost Septic expires on June 30, 2025.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to execute a five-year contract with Frost Septic to haul wastewater into the Brewer Water Pollution Control Facility; and

BE IT FURTHER ORDERED, that the term of this contract shall be from July 1, 2025 until June 30, 2030.

Statement of Fact: Frost Septic is the single biggest user of the Water Pollution Control Facility besides City residents. Frost currently has a contracted delivery amount of at least 2,000,000-gallons a year which they regularly exceed, and Frost Septic very often gives the City priority during wet weather and emergency situations because of our existing contracted relationship. This new contract maintains the minimum 2,000,000-gallon-a-year delivery, and has built-in fee increases for 2025 and 2028. The City has received \$162,762 from Frost Septic this fiscal year.

CONTRACT

THIS CONTRACT is made this 1st day of July, by and between the City of Brewer, a municipal corporation located in the County of Penobscot, State of Maine (hereinafter referred to as the "City"), and Frost Septic with a place of business in the Town of Levant, County of Penobscot, State of Maine, (hereinafter referred to as "Frost Septic").

WITNESSETH

WHEREAS, the City operates a wastewater treatment facility in Brewer, Maine; and

WHEREAS, Frost Septic is in the business of cleaning septic tanks and disposing of grease; and

WHEREAS, Frost Septic needs a place to dispose of the septic wastewater and portable toilet waste (hereinafter referred to as "Wastewater") and grease (hereinafter referred to as "Grease"); and

WHEREAS, The City and Frost Septic desire to enter into a long-term contract to allow Frost Septic to dispose of the Wastewater and, periodically, Grease mixed with septic waste in a 50-50 ratio at the City's Septic Receiving Station located at the City's Wastewater Treatment Plant; and

WHEREAS, the City and Frost Septic have agreed upon all of the terms and conditions of a contract to allow Frost Septic to dispose of the Wastewater and Grease it collects at the City's Wastewater Treatment Facility, as set forth herein.

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein, and other good and valuable consideration each to the other paid, receipt of which hereby is acknowledged, the City and Frost Septic agree as follows:

1. **Incorporation of Recitals.** The afore described recitals are incorporated herein.
2. **Disposal of Septic Wastewater and Grease Mixed with Septic Wastewater in a 50-50 Ratio.** The City agrees to accept at its Wastewater Treatment Facility all of the Wastewater and Grease collected by Frost Septic, subject to the terms and conditions of this Contract.
3. **Term.** The term of this Contract shall be for five (5) years beginning July 1, 2025 and ending June 30, 2030, unless otherwise terminated as hereinafter provided.
4. **Renewal.** Provided that Frost Septic is not in default of any of the terms and conditions of this Contract, Frost Septic will have the right to extend this Contract for one (1) one-year period, provided it gives the City thirty (30) days written notice of its intent to renew before the end of the initial term or any renewal term, and all of the terms and conditions of renewal of this Agreement have been mutually agreed upon by the City and Frost Septic.
5. **Compensation.** For the services provided by the City as outlined in Paragraph 2 above, Frost Septic agrees to pay the City, within sixty (60) days of the presentation of a bill for each gallon of Wastewater and Grease the City accepts, as follow:

(A) Wastewater Disposal Fees

(1) During the first contract term - July 1, 2025- to June 30, 2028: 6.00¢per gallon or \$60.00 per 1000 gallons. This rate will stay in effect for the July 1, 2025 to June 30, 2028 term of this agreement.

(2) During the second contract term - July 1, 2028- to June 30, 2030: 6.50¢per gallon or \$65.00 per 1000 gallons. This rate will stay in effect for the July 1, 2025 to June 30, 2028 term of this agreement.

(3) During each renewal term, a negotiated rate established by agreement between Frost Septic and the City or the rate established by the City Council for the processing of Wastewater accepted at the City's Wastewater Treatment Facility for other haulers, whichever is less.

(B) Grease Disposal Fees

When disposing of grease, the Grease and Wastewater shall be mixed by Frost Septic on a 50-50 ratio prior to being delivered to the City's Wastewater Treatment Facility and shall be billed 50% at the rate established by the City Council, from time to time, for the disposal of Grease and 50% for the rate of disposal of Wastewater, as set forth above. The current rate for Grease is \$100.00 per 1,000 gallons. The City shall provide Frost Septic a sixty (60) day notice of any Grease disposal fee increase.

(C) Interest on Unpaid Bills

Interest on unpaid bills shall accrue in accordance with Chapter 31, Article 12, Section 1207 of the City's Charter, Codes and Ordinances and any applicable City Council Order, as both may be amended from time to time.

6. **Insurance.** Frost Septic shall carry an insurance policy providing complete broad form comprehensive general liability insurance including, but not limited to, independent contractor's liability, contractual liability, complete operations liability and automotive insurance, including hired and non-owned, insuring Frost Septic and the City of Brewer, limits of which shall not be less than \$2,000,000 for combined bodily injury and property damage. Said insurance shall be provided by an insurance company licensed to do business in the State of Maine. Frost Septic shall also carry adequate insurance to cover the risk and requirements specified under the Workers' Compensation Laws of the State of Maine. Frost Septic shall within ten (10) days after this Contract is signed, furnish certificates evidencing its compliance with the provisions of this paragraph and annually thereafter, so long as this Contract is in effect. Said insurance shall be non-cancellable without ten (10) days' notice to the City.

7. **Equal Employment Opportunity.** Frost Septic shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin. Frost Septic will take affirmative action to ensure that applicants are employed and that employees are treated, during employment, without any regard to race or color, sex, sexual orientation, gender identity, physical or mental disability, religion, age, ancestry or national origin, genetic history or other status protected by law. Such action shall include, but not limited to, employment, upgrading, demolition, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or their compensation, and selection for training, including apprenticeship.

8. **Indemnification.** Frost Septic shall indemnify, defend and hold harmless the City from and against all claims and actions, and all expenses incidental to such claims or actions, based upon or arising out of damage to property or injuries to persons or other tortuous acts caused or contributed to by Frost Septic or anyone acting under its discretion or control or in its behalf in the course of its performance under this Contract, provided Frost Septic's aforesaid indemnity and hold harmless agreement shall not be applicable to any liability based upon the sole negligence of the City.

Frost Septic hereby expressly agrees that it will defend, indemnify and hold the City harmless from any and all claims made or asserted by its agents, servants or employees arising out of its activities under this Contract. For this purpose, Frost Septic hereby expressly waives any and all immunity it may have under Maine Workers Compensations Act in regard to such claims made or asserted by Frost Septic's agents, servants or employees.

The indemnification provided under this paragraph shall extend to and included and such all costs incurred by the City to answer, investigate, defend and settle all such claims, including but not limited to the City's costs for reasonable attorney fees, experts and other witness fees, the City's reasonable investigators, and payment in full of any and all judgments rendered in favor of Frost Septic's agents, servant or employees against the City in regard to claims made or asserted by such agents, servants or employees.

9. **Compliance with Laws and Penalties.** Frost Septic shall keep itself fully informed of all national and state laws, rules and regulations, and all municipal ordinances and regulations in any manner affecting its work or performance of this Contract, and shall at all times observe and comply with such laws, ordinances, rules and regulations, whether or not such laws, ordinances, rules or regulations are mentioned herein, and shall indemnify the City, its officers, agents, and employees against and claim or liability arising from or based on the violation of any such laws, ordinances, rules or regulations.

Without limiting the foregoing, Frost Septic shall not discharge the following at the City's Wastewater Treatment Facility:

1. Any pollutants that will cause pass through or interference with operation of the City's Wastewater Treatment Facility.
2. Any Wastewater or Grease that violates any rules, regulations or statutes of the Laws of the State of Maine, Maine Department of Environmental Protections, United States Department of Environmental Protection and the regulations and ordinances of the Contract.
3. Any Wastewater, Grease or holding tank waste containing toxic or poisonous liquids, gases, or solids in excessive quantity, either singly or by interaction with other wastes.
4. Any Wastewater, Grease or holding tank waste liquid or vapor having a temperature higher than one hundred four (104°) Fahrenheit.
5. Any Wastewater, Grease or holding tank waste having a PH lower than 5.0 or higher than 11.0 or having any other corrosive property capable of causing damage or hazard to sewers, structures, equipment process or personnel at the City's Wastewater Treatment Facility.
6. Any pollutants which create a fire or explosive hazard in the City's Wastewater Treatment Facility.
7. Any solid or viscous substances in such quantities or such size to be capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the City's Wastewater Treatment Facility such as, but not limited to, ashes, cinders, mud, straw, shavings, metal, glass, disposable wipes, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch, manure, hair, fleshing, entrails, paper dishes, cups, mild container, etc., either whole or ground by garbage grinders, other than items commonly found in wastewater.
8. Any Wastewater, Grease or holding tank waste containing excessive amounts of iron, chromium, copper, zinc, mercury, mineral acid, and similar objectionable or toxic substances.

9. Any obnoxious or malodorous liquids, gases, solids or other Wastewater which either singly or by interaction with other wastes, are sufficient to cause acute worker health and safety problems at the City's Wastewater Treatment Facility.

10. Medical wastes, except as specifically authorized by the City's Director of Environmental Services in a Wastewater discharge permit.

11. Petroleum products such as heating oil, gasoline, oil, hydraulic fluids, etc.

12. Dewatered Wastewater, which will create a higher-than-normal volume of debris which will cause damage to the processing equipment at the Septic Receiving Station at the City's Wastewater Treatment Facility.

13. Any Wastewater and Grease that does not comply with the City's license to discharge the treated Wastewater and Grease into the Penobscot River.

All enforcement action by the City against Frost Septic for any violation of Chapter 31 of the City's Charter, Codes and Ordinances shall be in accordance with Section 900, as the same may be amended from time to time.

10. **Liability for Damages.** The City, its officers, agents, or employees, shall not in any manner be liable or responsible for any loss or damage to Frost Septic. Frost Septic shall indemnify the City, its officers, agents and employees against all such injuries, damages, and compensation plus the reasonable cost of attorney fees arising or resulting from Frost Septic's employees, agents and equipment and vehicles being at the City's Wastewater Treatment Facility and causing damage to the City's property or the property of others.

11. **Certificates with Laws.** Frost Septic shall secure at his own expense all the necessary certificates, licenses and permits from municipal or other public authorities required in connection with this Contract.

12. **Non-Assignability and Termination of Contract.** The Contract or any interest therein or part thereof, shall not be assigned by Frost Septic, whether by operation of law or otherwise, or shall any part thereof be subcontracted, without prior written consent of the City. The City reserves the right to cancel or terminate this Contract if Frost Septic fails or neglects to perform or adhere to any provisions, terms or regulations of this Contract or fails to abide by any conditions or covenants herein contained.

13. **Delivery of Wastewater and Grease.** During the term and any renewal term, Frost Septic agrees to deliver to the City's Treatment Facility all Wastewater and Grease it receives, except, it shall be able to use an alternate site during the period of time the City's Treatment Facility is not operational or has an operational problem that prevents it from accepting Frost Septic's Wastewater and Grease.

14. **Guaranteed Volume of Wastewater and Grease.** Frost Septic guarantees that it will deliver at least a total volume of 2,000,000 gallons of Wastewater and Grease to the City's Sewage Treatment Facility during each year of the terms or any renewal terms of Contract, except to the extent the City is unable to accept Wastewater and/or Grease due to long-term operational problems or breakdowns in which the guaranteed amount shall be pro-rated based on the amount of down time. For the purposes of this guaranteed amount, Wastewater and Grease include septic, grease, floor drain water, leachate, lagoon wastewater, sludge, and similar substances in terms of character and composition.

If in the event Frost Septic fails meet the above guaranteed amount as may be adjusted for down time, it will pay the City the difference between the 2,000,000-gallon guaranteed (as may be adjusted per above) and the actual amount delivered at the applicable rate for Wastewater for each remaining year or years or portion thereof, as provided in Section 5 of this Contract within 60 days after being presented a bill by the City.

15. **Notices.** Written Notices will be sent to either by hand delivery to the other party in person by fax, e-mail or regular mail at the following addresses.

City of Brewer

80 North Main Street Brewer, Maine 04412

Attention: Director of Environmental Services

Frost Septic

PO Box 187 Levant, Maine 04456

Attention: Stacey Pinkham

Notices shall be deemed delivered when it was hand delivered or 3 days after it was sent by another means.

16. **Disputes.** All disputes shall be submitted to an arbitrator agreed upon by both parties. If they cannot agree upon a single arbitrator, each party shall pick one arbitrator and the two arbitrators shall pick a third arbitrator. The decision of a majority of arbitrators shall control and the parties agree to abide by their decision. Each party shall pay for the time and costs of the arbitrator it appoints and the parties shall equally share the time and cost of the third arbitrator. In the event the parties have agreed upon one arbitrator, they shall equally share the time and costs of the arbitrator.

17. **Time.** Time shall be of the ESSENCE.

18. **Completeness and Modification.** The Contract contains the complete understanding of the parties and may only be modified by their material written Agreement.

19. **Miscellaneous.** It is agreed this Contract shall be governed by, construed, and enforced in accordance with the laws of the State of Maine without regard for conflict of law provisions. This Contract may also be executed in counterparts; a signature transmitted by facsimile shall have the effect of an original.

IN WITNESS WHEREOF the City of Brewer has caused this Contract to be signed in its name by Eric Glidden, its City Manager, duly authorized and Frost Septic have caused this Contract to be signed in the name by Stacey Pinkham, Its Owner/Manager, duly authorized, both on the day, month and year first above written.

City of Brewer

Eric Glidden, Its City Manager Duly authorized

Frost Septic

Stacey Pinkham, Its Owner/Manager Duly authorized

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2025-A119

June 10, 2025

TITLE: ORDER, ACCEPT FUNDS FROM MAINE MUNICIPAL ASSOCIATION RISK
REDUCTION GRANT PROGRAM.

Filed May 29, 2025
By Dani O'Halloran

WHEREAS, the Brewer Public Works Department has been awarded up to \$3,000 through the Maine Municipal Association's MMA Property & Casualty Pool Risk Reduction Grant Program to defray the cost of purchasing 16 Locksets and 2 Master-keyed Cylinder Cores for the Water Department and Public Works facility; and

WHEREAS, this grant will cover 100% of the City's cost up to \$3,000; and

WHEREAS, any additional funds required will be taken from existing Water Department and Public Works Department operating accounts.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts these grant funds and directs the funds be deposited in account 0600502-360000-66008 (FY25 ED McDonald Grant Proceeds); and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of these grant funds from account 0600502-560000-66008 (FY25 Ed McDonald Grant Expense) along with City funds, if needed, which shall come from the Public Works Department expenditure account 0116651-504000 and 0717502-504000.

Statement of Fact: The Brewer Public Works Department has been awarded up to \$3,000 in grant funds to offset the cost of increasing inner office and facility security for Public Works. This order accepts the funds and authorizes their expenditure.

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2025-A120

June 10, 2025

TITLE: ORDER, ACCEPT DONATIONS IN SUPPORT OF KEN LOCKE ANNUAL
STREAM CLEAN-UP EVENT.

Filed May 29, 2025
By William Kimball

WHEREAS, the City of Brewer held the 21st Annual Stream Clean-up Event on Saturday, May 17th, 2025 from 8:00 a.m. to 12:00 p.m.; and

WHEREAS, this year's event was held in recognition of the former Water Pollution Control Facility (WPCF) Director Kenneth Locke who was the driving force behind many of the WPCF community outreach programs, and was particularly fond of the stream clean-up event; and

WHEREAS, a number of private companies and individuals have or will donate monies, materials, and supplies for this event in order to make it more successful for the citizens of Brewer.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, authorizes the City Manager and the Finance Director to accept donations in support of the City's Annual Stream Clean-up Event and deposit them in revenue account 0200000-320000-32001; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the expenditure of these donations from account 0200000-520000-20001 in support of the event; and

BE IT FURTHER ORDERED, that the Director of Environmental Services, on behalf of the City Council, take appropriate steps to recognize the companies and individuals who made contributions to this event for their generosity and commitment to the quality of life of residents of the City of Brewer.

Statement of Fact: This order authorizes the acceptance and expenditure of donations received to support the Ken Locke Annual Stream Cleanup Event, which is funded entirely from donations.

- This year over 60 volunteers signed-up for the event
- Cianbro provided water and other supplies
- Dunkin Donuts on State Street provided coffee, hot chocolate, and munchkins
- Jeff's Catering provided lunch for the clean-up crews

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2025-A121

June 10, 2025

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

Filed June 2, 2025

By Jenn M. Morin

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

NOW, THEREFORE, WE, the Brewer City Council does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$788,914.56** at the established rate, as provided by Title 30-A M.R.S.A., §3406 (supp [1991] and Title 38 M.R.S.A., §1208 [1989]) and as such sections may be amended from time to time; and

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

EVENT	COMMITMENT	COMMENTS
June 2025	\$783,417.24	
March 2025	\$1,158.08	
April 2025	\$ 330.06	
May 2025	\$4,009.18	
TOTAL	\$788,914.56	

Statement of Fact: This is a quarterly order.

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2025-A122

June 10, 2025

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

Filed June 2, 2025
By Soubanh Phanthay

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

NOW, THEREFORE, WE, the Brewer City Council does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$726,069.50** at the established rate, as provided by Title 30-A M.R.S.A., §3406 and Title 38 M.R.S.A., §1208 [1989] and as such sections may be amended from time to time; and

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

EVENT	COMMITMENT	COMMENTS
June 2025	\$722,229.30	
March 2025	\$-3424.30	
April 2025	\$157.30	
May 2025	\$7,107.20	
TOTAL	\$726,069.50	

Statement of Fact: This is a quarterly order.

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2025-A123

June 10, 2025

TITLE: ORDER, AUTHORIZE PURCHASE OF ROCK SALT.

Filed June 3, 2025
By Dani O'Halloran

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

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

WHEREAS, New England Salt Company has offered to extend the current contract under the same terms and conditions for an additional year to the two communities.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to sign a purchase order to New England Salt Company in the amount of \$151,000 for supply and delivery of rock salt at \$66.45 per ton for the Fiscal Year 2026 winter season; and

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

Statement of Fact: The City's price per ton last season, through New England Salt Company, was one of the lowest in the State (even several dollars per ton lower than the Department of Transportation). Most rock salt is imported into the United States from Canada and Chile; with an unstable political climate, and the possibility of forthcoming tariffs, it is prudent to lock-in last year's low price for the upcoming season.

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2025-A124

June 10, 2025

TITLE: ORDER, ACCEPT WINDSTORM DISASTER REIMBURSEMENT FUNDS.

Filed June 3, 2025
By William Kimball

WHEREAS, in December 2023, the State of Maine experienced an extreme wind and rain event which caused extensive damage across the state and led to a federal disaster declaration; and

WHEREAS, the City of Brewer incurred substantial costs responding to the storm and repairing the damage it caused; and

WHEREAS, the City has already received and formally accepted \$160,990.98 in reimbursement, which represents 75% reimbursement for eligible costs from the Federal Emergency Management Agency (FEMA) and 15% from the Maine Emergency Management Agency (MEMA), for a total of 90% reimbursement; and

WHEREAS, the City has received an additional \$7,521.22 from FEMA and MEMA for costs associated with debris removal and cleanup at the City's cemeteries.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby accepts these additional disaster reimbursement funds and authorizes their deposit into the FEMA Windstorm Reserve Account (0200000-320000-53027) established to hold the funds until the City Council authorizes their use to support future capital projects.

Statement of Fact: This order accepts \$7,521.22 from the Federal Emergency Management Agency and the Maine Emergency Management Agency reimbursing the City for costs incurred cleaning up its cemeteries as a result of the December 2023 wind and rain storm. This order authorizes the deposit of these funds in a reserve account for future use.

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2025-A125

June 10, 2025

TITLE: ORDER, AUTHORIZE AGREEMENT WITH HALEY WARD TO PROVIDE SERVICES FOR CITY OF BREWER LANDFILLS.

Filed June 3, 2025

By Jenn M. Morin

WHEREAS, the City of Brewer owns, maintains, and is responsible for the continued operation and monitoring of both a closed municipal solid waste (MSW) landfill and a construction demolition debris (CDD) landfill; and

WHEREAS, assistance from an experienced engineering firm is crucial for the City's regulatory compliance for various mandated activities such as groundwater testing, site plan mapping, planning for future closing costs, staff training, reporting to the Maine Department of Environmental Protection, et cetera; and

WHEREAS, Haley Ward has provided the City with a Scope of Work for Fiscal Year 2026 landfill services that meets the City's needs for a cost of \$26,500; and

WHEREAS, the City has worked with Haley Ward for many years to manage the landfills and plan for future closings.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council authorizes the City Manager, or his designee, to enter into an agreement with Haley Ward for Fiscal Year 2026 landfill services and monitoring, with costs to be charged to 0116721-501440 (Landfill - Environmental Monitoring and Reporting); 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 City to engage Haley Ward to complete a \$26,500 scope of work to provide Fiscal Year 2026 landfill monitoring and other regulatory compliance services. The City is required to monitor the closed MSW landfill through groundwater sampling twice a year, and have annual inspections by the State of Maine, among other requirements. Haley Ward has been the City's partner for many years in that monitoring, as well as helping the City plan for a future expansion of the CDD landfill. This coming budget year requires the City to update the estimated costs associated with the life cycle and future closing of the active CDD landfill.

CITY OF BREWER, MAINE
IN CITY COUNCIL ASSEMBLED

2025-A126

June 10, 2025

TITLE: ORDER, ACCEPT INSURANCE DIVIDENDS FROM MAINE MUNICIPAL ASSOCIATION.

Filed June 3, 2025
By Soubanh Phanthay

WHEREAS, the City has received \$14,816 in dividends from the Maine Municipal Association—\$7,415 from its Property and Casualty insurance pool and \$7,401 from its Workers Compensation Fund—in recognition of both the programs’ and the City's positive performance in the prior year; and

WHEREAS, historically, the City has used insurance dividends to help fund the City's Safety Committee activities and augment the City's Insurance Deductible Reserve.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby accepts the \$14,816 in insurance dividends and authorizes their appropriation and expenditure from the following accounts:

\$9,816	0200000-520000-62001	Insurance Deductible Reserve
\$5,000	0200700-520000	<u>Safety Committee Reserve</u>
\$14,816	TOTAL	

Statement of fact: This order accepts \$14,816 in workers compensation and property & casualty insurance dividends and authorizes their use to augment funding in various reserve accounts.

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2025-A127

June 10, 2025

TITLE: ORDER, AUTHORIZE FUNDING OF ABATEMENT EXPENSE.

Filed June 3, 2025
By Dani O'Halloran

WHEREAS, Maine state law requires governing bodies to specifically authorize the use of overlay funds, even in the case of tax abatements; and

WHEREAS, City of Brewer tax abatements for Fiscal Year 2025 total approximately \$12,565 to date.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the appropriation and expenditure of \$12,565 from the tax abatement account (0100100-300004) to be funded with budgeted Fiscal Year 2025 overlay funds (0119901-509810).

Statement of Fact: This annual order appropriates \$12,565 in overlay to fund expenses associated with Fiscal Year 2025 tax abatements, as required by state law. Overlay refers to property tax revenue raised over the amount needed to support approved budgeted expenses.

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2025-B021

June 10, 2025

TITLE: ORDER, APPROVE USE OF SCHOOL CAPITAL RESERVE FUNDS FOR
BREWER ATHLETIC COMPLEX RESTROOM CONSTRUCTION.

Filed June 4, 2025
By William Kimball

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

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

WHEREAS, on June 2, 2025, the Brewer School Committee approved the use of \$125,000 of the Capital Reserve Account balance to construct a restroom facility at the Brewer High School Athletic Complex; and

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

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby approves the School Department's use of \$125,000 from its Capital Reserve Fund for Brewer High School Athletic Complex restroom construction.

Statement of Fact: This order approves the School Department's use of 125,000 from its Capital Reserve Fund for the construction of a public restroom building at the Brewer High School Athletic Complex. The project is also being funded by a reserve in the amount of \$250,000 that was set aside by the City Council in late 2023. The bid for construction was awarded to Hardy Construction, Inc. of Brewer, and construction is expected to begin in June 2025. The City Council has final review and approval of School Committee expenditures from this fund.

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2025-A128

June 10, 2025

TITLE: ORDER, AUTHORIZE FUNDING FOR COSTS ASSOCIATED WITH 499
WILSON STREET UNTIL ITS SALE.

Filed June 4, 2025

By Jenn M. Morin

WHEREAS, in late 2024, after completing a Title 17 M.R.S.A., §2851 Dangerous Building process, the City undertook environmental remediation and demolition of the structures on the property located at 499 Wilson Street, Brewer, Maine, (Map 13, Lot 19), which the City had acquired through the automatic foreclosure of multiple sewer liens; and

WHEREAS, State statute allows the City to recoup costs it incurs related to Dangerous Building orders; and

WHEREAS, in February 2025, the City Council declared the property as surplus and authorized its disposal; and

WHEREAS, the sale of the property at 499 Wilson Street will not take place before June 30, 2025 and, as such, it is necessary to appropriate funding to cover the \$15,000 in costs incurred to prevent the Code Enforcement Department from overexpending its budget this fiscal year.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the appropriation and expenditure of \$15,000 from the Code Contracted Services expense account (0116001-501040) to cover costs associated with remediation and demolition of the structures at 499 Wilson Street; and

BE IT FURTHER ORDERED, that funding for this shall come from Unassigned Fund Balance (0109800-300901).

Statement of Fact: This order appropriates \$15,000 to cover the costs associated with remediation and demolition of the structures at 499 Wilson Street, which the City tax-acquired and declared surplus in February. The City expects to recoup this cost through the sale of the property, but that sale will not occur before the end of the fiscal year, so this funding action is needed to prevent the Code budget from being overexpended.

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2025-A129

June 10, 2025

TITLE: ORDER, AUTHORIZE SUPPLEMENTAL APPROPRIATION TO SUPPORT
BREWER FIRE DEPARTMENT OPERATIONS.

Filed June 4, 2025
By Soubanh Phanthay

WHEREAS, due to a combination of factors including staff retirements, hiring of new employees in need of training, and increases in vehicle and building maintenance and repair costs, expenditures for the Brewer Fire Department have been substantially higher than anticipated in several areas, including overtime, final pay, training and testing expense, and repair costs, putting the department on target to exceed the Fiscal Year 2025 budget approved by the City Council last June; and

WHEREAS, to ensure the City ends the fiscal year in compliance with the budget approved by the City Council, additional funds are needed to supplement the Fire Department budget; and

WHEREAS, to date, the City has received \$490,000 more in state revenue sharing than it had conservatively budgeted to receive in Fiscal Year 2025, which could be applied to bridge this funding gap; and

WHEREAS, the proposed Fiscal Year 2026 budget has been adjusted to help prevent such misalignment between budgeted and actual expenses next year.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the appropriation and expenditure of \$175,000 in unanticipated state revenue sharing funds (0106902-300200) to cover unanticipated Fiscal Year 2025 expenses in the Fire Department.

Statement of Fact: This order authorizes the use of \$175,000 in unanticipated state revenue sharing funds to supplement the Fiscal Year 2025 Fire Department budget. A combination of factors has resulted in substantially higher expenditures than anticipated in several areas, including overtime, final pay, training and testing expense, and vehicle and building repair costs. This appropriation helps the City stay in compliance with its approved budget.

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2025-A130

June 10, 2025

TITLE: ORDER, TAX RELEASE DEED, TAX MAP 43, LOT 30, 30 LONGMEADOW
DRIVE IN BREWER, MAINE.

Filed June 6, 2025
By William Kimball and
Jenn M. Morin

BE IT ORDERED, that a municipal Release Deed be issued to heirs of Elizabeth H. Beal of Brewer, County of Penobscot, releasing to them all interest that the City of Brewer may have acquired by virtue of sewer lien on their property; and

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

Statement of Fact: This order authorizes the release of the interest in 30 Longmeadow Drive that the City acquired by virtue of a foreclosed sewer lien, which has now been paid in full. A total of \$4,415.23 was collected, \$2,544.85 in taxes and \$1,618.70 in sewer along with \$79.68 in interest and \$172.00 in costs.

RELEASE DEED
Beal Elizabeth H Heirs of

City of Brewer, a body politic located in the County of Penobscot, State of Maine, for consideration paid, **releases to** Heirs of Elizabeth H. Beal **against whom taxes were assessed**, of Brewer, County of PENOBSCOT, State of Maine, the land in Brewer, County of Penobscot, State of Maine as follows:

Map 43, Lot 30 of the Assessor's Tax Maps of the
City of Brewer, Maine.

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

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

<u>Volume</u>	<u>Page</u>
17008	41
17179	241
17382	29
17441	154

City of Brewer has caused this deed to be sealed with its corporate seal and signed in its corporate name by Eric Glidden, its City Manager, duly authorized this 17 day of June AD 2025

WITNESS:

CITY OF BREWER

Eric Glidden
City Manager
Duly authorized

STATE OF MAINE

PENOBSCOT, ss

DATE June 17, 2025

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

Before me,

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

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

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-B022

June 10, 2025

TITLE: RESOLVE, APPROVE CITY AND SCHOOL BUDGET APPROPRIATION FOR
FISCAL YEAR 2026.

Filed May 28, 2025
By William Kimball

BE IT RESOLVED, that the sum of \$20,354,268 which sum constitutes the estimated requirements of the City of Brewer for the fiscal year 2026 (commencing July 1, 2025 and terminating June 30, 2026) based upon the budget submitted by the City Manager as provided by the City Charter, be raised by assessments upon the estates of the Inhabitants of the City of Brewer and upon the estates of the non-resident proprietors within the City for the present municipal year and the sum is hereby appropriated, in addition sums otherwise provided, the amount for each purpose being specified in the schedules hereto attached:

Statement of Fact: This annual order authorizes the levy of \$20,354,268 in property taxes in support of the FY 2026 City and School budgets and authorizes expenditures for FY 2026 as outlined in the accompanying schedules. It also approves non property tax funding to support those expenditures.

FY2026 Brewer Property Tax Calculation

Line		FY2025 APPROVED	FY2026 PROPOSED	\$ Change	% Change
MUNICIPAL BUDGET					
1	General Fund Appropriations	17,811,542	18,432,338	620,796	3.49%
2	Less: Non-Property Tax Revenues	<u>9,570,711</u>	<u>10,191,507</u>	<u>620,796</u>	<u>6.49%</u>
3	NET MUNICIPAL BUDGET (from taxation)	8,240,831	8,240,831	0	0.00%
EDUCATION BUDGET					
4	General Education Budget	28,632,514	29,556,013	923,499	3.23%
5	Less: School Revenues	<u>19,753,800</u>	<u>20,162,299</u>	<u>408,499</u>	<u>2.07%</u>
6	NET EDUCATION BUDGET (from taxation)	8,878,714	9,393,714	515,000	5.80%
TAX INCREMENT FINANCING DISTRICTS					
7	Transfer to TIF Special Revenue Fund	1,643,314	1,264,851	-378,463	-23.03%
8	Less: TIF BETE Exempt	<u>363,814</u>	<u>185,950</u>	<u>-177,864</u>	<u>-48.89%</u>
9	NET TIF BUDGET (from taxation)	1,279,500	1,078,901	-200,599	-15.68%
10	COUNTY ASSESSMENT	1,375,473	1,612,822	237,349	17.26%
11	OVERLAY	27,763	28,000	237	0.85%
12	TOTAL PROPERTY TAX LEVY	19,802,281	20,354,268	551,987	2.79%
13	ASSESSED VALUATION	1,053,312,888	1,321,705,676	268,392,788	25.48%
14	Less: Tax Increment Finance Districts	<u>68,058,500</u>	<u>70,058,500</u>	<u>2,000,000</u>	<u>2.94%</u>
15	NET ASSESSED VALUATION	985,254,388	1,251,647,176	266,392,788	27.04%
16	Municipal	8.36	6.58	(1.78)	-21.28%
17	School	9.01	7.51	(1.51)	-16.72%
18	County	1.40	1.29	(0.11)	-7.70%
19	Overlay	0.03	0.02	(0.01)	-20.61%
20	TAX RATE	18.80	15.40	-3.40	-18.09%

City of Brewer FY2026 Budget Resolve

	Appropriations (Expenditures) Approved	Non-Tax Revenues Used	State Rev. Sharing GPA Support	State Homestead Reimbursmt	Fund Balance Used	Operating Transfers Used	Property Taxes Needed
	+	-	-	-	-	-	=
Assessments							
1 County Assessment	\$ 1,612,822						\$ 1,612,822
Municipal Budget							
2 General Fund	\$ 18,432,338	\$ 4,777,634	\$ 3,310,500	\$ 602,756	\$ 545,000	\$ 955,617	\$ 8,240,831
3 Gen Fund Xfer to CIP	\$ -					\$ -	\$ -
4 Capital Improvement	\$ 2,088,000	\$ 1,828,000				\$ 260,000	\$ -
5 Cemetery Trust Fund	\$ -						\$ -
6 TIF Districts	\$ 1,078,901						\$ 1,078,901
7 Total Municipal Budget	\$ 21,599,239	\$ 6,605,634	\$ 3,310,500	\$ 602,756	\$ 545,000	\$ 1,215,617	\$ 9,319,732
Education Budget							
8 Gen'l Education Budget	\$ 29,556,013	\$ 3,841,486	\$ 14,093,953	\$ -	\$ 1,956,860	\$ 270,000	\$ 9,393,714
9 Grand Totals	\$ 52,768,074	\$ 10,447,120	\$ 17,404,453	\$ 602,756	\$ 2,501,860	\$ 1,485,617	\$ 20,326,268
10 Budgeted Tax Overlay							\$ 28,000
11 To Be Raised From Taxes							\$ 20,354,268

TAXABLE VALUATION ESTIMATE

12 2025-2026 Taxable Valuation \$ 1,321,705,676

TAX RATE CHANGE		
Tax Rate - NEW	\$	15.40
Tax Rate - CURRENT	\$	18.80
\$% Change in Tax Rate	\$	(3.40)
% Change		-18.09%

City of Brewer **General Fund Spending Summary**

	FY2025 Approved	FY2026 Proposed	\$ Change	% Change
MUNICIPAL				
General Government	2,696,397	2,739,055	42,658	1.6%
Protections	6,723,222	7,276,153	552,931	8.2%
Public Services	529,124	594,047	64,923	12.3%
Public Works	3,424,774	3,352,250	(72,524)	-2.1%
Unclassified	337,570	315,072	(22,498)	-6.7%
Debt Service	2,430,788	2,420,927	(9,862)	-0.4%
Library & Recreational Services	1,669,669	1,734,835	65,166	3.9%
TOTAL MUNICIPAL FUND	17,811,543	18,432,338	620,795	3.5%
EDUCATION				
01 Personnel	19,017,857	19,579,998	562,141	3.0%
02 Supplies and Services	1,285,036	1,307,226	22,190	1.7%
03 Buildings and Grounds	2,580,060	2,648,374	68,314	2.6%
04 Transportation	870,802	903,801	32,999	3.8%
05 Supt / Administration	751,823	779,672	27,849	3.7%
06 Out of District	659,200	572,000	(87,200)	-13.2%
08 Adult Education	now a municipal expense			
09 Capital Outlay	498,200	855,700	357,500	71.8%
10 Trustees	2,969,536	2,909,242	(60,294)	-2.0%
TOTAL EDUCATION BUDGET	28,632,514	29,556,013	923,499	3.2%
COUNTY ASSESSMENT OVERLAY	1,375,473	1,612,822	237,349	17.3%
	27,763	28,000	237	0.9%
GRAND TOTALS	47,847,293	49,629,173	1,781,880	3.7%

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2025-B023

June 10, 2025

TITLE: RESOLVE, APPROVE WATER POLLUTION CONTROL FACILITY BUDGET
FOR FISCAL YEAR 2026.

Filed May 28, 2025

By Jenn M. Morin

BE IT RESOLVED, that the Brewer City Council herewith approves the Brewer Water Pollution Control Facility budget for the City Fiscal Year of July 1, 2025 through June 30, 2026, as follows:

Total Cash Operating Expenses	\$ 2,836,617
Total Debt Service	\$ 750,103
Total Depreciation	\$ 785,000
Total Other Non-Operating Expenses	\$ <u>0</u>
SUBTOTAL	\$ 4,371,720
Total Capital Improvements	\$ <u>125,000</u>
GRAND TOTAL EXPENDITURES	\$ 4,496,720
Total Operational Revenues	\$ 3,562,282
Total Use of Retained Earnings	\$ 785,000
Other non-operational Revenue	\$ <u>24,438</u>
SUBTOTAL	\$ 4,371,720
Total Capital Funding	\$ <u>125,000</u>
GRAND TOTAL REVENUES	\$ 4,496,720

Statement of Fact: This annual order authorizes the Water Pollution Control Facility expenditures for FY 2026 and approves funding to support those expenditures. The budget proposes an adjustment of \$0.36 per 100 cubic feet, or 3.0%, to the current sewer rate. This would increase the average residential sewer bill by \$4.81 per quarter, or about \$19.26 per year.

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2025-B024

June 10, 2025

TITLE: RESOLVE, APPROVE WATER DEPARTMENT BUDGET FOR FISCAL YEAR 2026.

Filed May 28, 2025
By Soubanh Phanthay

BE IT RESOLVED, that the Brewer City Council herewith approves the Brewer Water Department budget, as presented, for the City's Water System for the Fiscal Year of July 1, 2025 through June 30, 2026 as follows:

Total Cash Operating Expenses	\$ 2,208,039
Total Debt Service	\$ 1,160,019
Total Depreciation	\$ 19,410
Total Other Non-Operating Expenses	\$ 2,280
SUBTOTAL	\$ 3,389,748
Total Capital Improvements	\$ 77,000
GRAND TOTAL EXPENDITURES	\$ 3,466,748
Total Operational Revenues	\$ 3,389,748
Total Use of Retained Earnings	\$ 0
Other non-operational Revenue	\$ 0
SUBTOTAL	\$ 3,389,748
Total Capital Funding	\$ 77,000
GRAND TOTAL REVENUES	\$ 3,466,748

Statement of Fact: This annual order authorizes the Water Department expenditures for FY2026 and approves funding to support those expenditures. Subject to review and approval of the Maine Public Utilities Commission, the budget anticipates the adjustment of water rates by 5%. The proposed change would increase the average residential water bill by \$5.90 per quarter, or about \$23.60 per year.

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2025-A131

June 10, 2025

TITLE: ORDER, SET TAX DUE DATE AND INTEREST RATE.

Filed May 28, 2025
By Dani O'Halloran

BE IT ORDERED, that taxes for the municipal year commencing July 1, 2025 and which shall expire on June 30, 2026 are due and payable semi-annually on the following dates:

A. 1/2 of total taxes due
and payable on or before September 9, 2025

and, if the same are not paid on or before September 9, 2025, they shall bear interest at the rate of 7.5% per annum from September 10, 2025 until paid;

B. 1/2 of the total taxes due
and payable on or before March 10, 2026

and, if the same are not paid on or before March 10, 2026, they shall bear interest at the rate of 7.5% per annum from March 11, 2026 until paid.

Statement of Fact: This is an annual order. Brewer taxes are always due on the second Tuesday of September and March. The City uses the maximum rate of interest that can be charged per Title 36, M.R.S.A. Section 505.4. This rate is set annually by the Office of the State Treasurer.

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

2025-A132

June 10, 2025

TITLE: ORDER, ACCEPT ADVANCE PAYMENTS ON FISCAL YEAR 2027 TAXES.

Filed May 28, 2025
By William Kimball

BE IT ORDERED, that the Brewer Tax Collector and Treasurer be permitted to accept payments in advance when offered at 0% interest, to be applied to Fiscal Year 2027 taxes that have not been committed or billed.

Statement of Fact: In accordance with Title 36 M.R.S.A., §506-A, municipalities should vote annually on the acceptance of advance payments.

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2025-A133

June 10, 2025

TITLE: ORDER, SET FISCAL YEAR 2026 INTEREST RATE FOR LATE PAYMENT
 OF SEWER BILLS.

Filed May 28, 2025

By Jenn M. Morin

BE IT ORDERED, that, in accordance with City of Brewer Charter, Codes and Ordinances, Chapter 31, Section 1208, the interest rate on unpaid sewer bills is set at seven and one-half percent (7.5%) per annum for Fiscal Year 2026.

Statement of Fact: This is an annual order that sets the interest rate for late bill payments on sewer bills.

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2025-A134

June 10, 2025

TITLE: ORDER, SET INTEREST RATE PAID ON ABATEMENTS AND
OVERPAYMENTS OF TAXES.

Filed May 28, 2025
By Soubanh Phanthay

BE IT ORDERED, that, pursuant to Title 36 M.R.S.A., §506-A, interest on previously paid taxes that are abated, or which have been overpaid, for Fiscal Year 2026 shall be paid at the rate of three and one-half percent (3.5%) per annum from the date of payment by the taxpayer to the date of abatement or refund by the City.

Statement of Fact: This is an annual order that sets the interest rate on these payments at the minimum allowed by state law, which is the interest rate established by the City for delinquent taxes reduced by four percentage points.

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2025-A135

June 10, 2025

TITLE: ORDER, AUTHORIZE SET OFF AGAINST UNPAID TAXES.

Filed May 28, 2025
By Dani O'Halloran

WHEREAS, Title 36, M.R.S.A., Section §905, requires the governing body to specifically authorize the Treasurer and other disbursing officers to withhold payment of any money due a taxpayer whose taxes are due and wholly or partially unpaid.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the Finance Director/Treasurer and Deputy Finance Director to withhold monies, excluding the payroll check of any employee, due and payable by the City of Brewer to any taxpayer to an amount not in excess of the unpaid taxes together with interest and costs.

Statement of Fact: This is an annual order that authorizes the set off against unpaid taxes per Title 36 M.R.S.A, Section 905.

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2025-A136

June 10, 2025

TITLE: ORDER, AUTHORIZE APPLICATION OF INTEREST EARNINGS TO
RESERVE FUNDS.

Filed May 28, 2025
By William Kimball

WHEREAS, in keeping with Public Utility Commission (PUC) regulations, the City of Brewer maintains several dedicated reserve accounts for the Water fund; and

WHEREAS, these reserve funds earn interest, but this interest has not been taken into account when determining the level of reserve account funding each year.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the appropriation and expenditure of these interest earnings to supplement the regular annual funding of these reserve accounts.

Statement of Fact: This is an annual order that authorizes application of interest earnings to reserve funds.

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2025-B025

June 10, 2025

TITLE: RESOLVE, APPROVE SCHOOL BUDGET APPROPRIATION FOR FISCAL
YEAR 2026.

Filed May 28, 2025
By Jenn M. Morin

BE IT RESOLVED, that the following school budget articles be adopted and approved for fiscal year 2026:

1. That \$10,767,364 be authorized to be expended for Regular Instruction.
2. That \$6,423,180 be authorized to be expended for Special Education.
3. That \$0 be authorized to be expended for Career and Technical Education.
4. That \$1,471,803 be authorized to be expended for Other Instruction.
5. That \$1,771,564 be authorized to be expended for Student and Staff Support.
6. That \$731,372 be authorized to be expended for System Administration.
7. That \$1,336,238 be authorized to be expended for School Administration.
8. That \$727,286 be authorized to be expended for Transportation and Buses.
9. That \$3,436,949 be authorized to be expended for Facilities Maintenance.
10. That \$2,881,742 be authorized to be expended for Debt Service and Other Commitments.
11. That \$8,515 be authorized to be expended for All Other Expenditures.; and

BE IT FURTHER RESOLVED, that \$19,568,618 be appropriated for the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that \$5,554,152 be raised as the municipality's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, M.R.S.A. Section §15688; and

Explanation: The school administrative unit's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

BE IT FURTHER RESOLVED, that \$138,653 be raised and appropriated for the annual payments on debt service previously approved by the municipality's legislative body for non-state-funded school construction projects, or non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the municipality's contribution to the total cost of funding public education from pre-kindergarten to grade 12; and

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the municipality's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.

BE IT FURTHER RESOLVED, that \$4,194,562 be raised and appropriated in additional local funds for school purposes under Maine Revised Statutes, Title 20-A §15671-A. The school committee recommends \$4,194,562 for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$4,274,049: The Essential Programs and Services funding model does not fully fund a number of educational costs in the school administrative unit such as special education needs, extra and co-curricular costs and local voter approved debt service; and

Explanation: The additional local funds are those locally raised funds over and above the school administrative unit's local contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the (municipality/district) budget for educational programs.

BE IT FURTHER RESOLVED, that the school committee be authorized to expend \$29,556,013 for the fiscal year beginning July 1, 2025 and ending June 30, 2026 from the municipality's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section §15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools; and

BE IT FURTHER RESOLVED, that the school committee be authorized to accept and expend any and all categories of funds as provided by the Maine State Legislature or the United States Congress (Examples of some of these funds and estimated amounts based on funds received last year are listed below)

<u>Category</u>	<u>Estimated Amounts</u>
Title IA	\$450,000
Title IIA	60,000
Title IV	40,000
Local Entitlement	400,000
School Lunch Subsidy	450,000

BE IT FURTHER RESOLVED, that the Regional Vocational Budget as approved by the Cooperative Board for the year July 1, 2025 to June 30, 2026 be approved in the amount of \$5,820,921; and

BE IT FURTHER RESOLVED, that in the event the Brewer School Department receives more state education subsidy than the amount included in its budget, that the Brewer School Department shall be authorized to use all or part of the additional state subsidy to increase expenditures for school purposes in cost center categories approved by the Brewer School Committee, subject to final review and approval by the Brewer City Council.

Statement of Fact: This is an annual Resolve that approves the School Department Budget for the forthcoming Fiscal Year.

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2025-B026

June 10, 2025

TITLE: RESOLVE, APPROVE REGIONAL VOCATIONAL HIGH SCHOOL OPERATING
BUDGET.

Filed May 28, 2025
By Soubanh Phanthay

BE IT RESOLVED, that the Brewer City Council herewith approves the regional vocational high school budget, as approved by the cooperative board, for the year July 1, 2025 to June 30, 2026 in the amount of \$5,603,414.

Statement of Fact: The budget for 2024-2025 was \$4,842,937.

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2025-B027

June 10, 2025

TITLE: RESOLVE, APPROVE REGIONAL VOCATIONAL HIGH SCHOOL BUDGET ON
ADULT EDUCATION.

Filed May 28, 2025

By Dani O'Halloran

BE IT RESOLVED, that the Brewer City Council herewith approves the regional vocational high school budget for adult education, as approved by the cooperative board, in the amount of \$217,508 for the year July 1, 2025 to June 30, 2026.

Statement of Fact: The budget for 2024-2025 was \$318,529.

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2025-A137

June 10, 2025

TITLE: ORDER, AUTHORIZE BREWER SCHOOL DEPARTMENT TO EXPEND
SUCH OTHER FUNDS THAT MAY BE RECEIVED FROM FEDERAL
OR STATE GRANTS OR PROGRAMS.

Filed May 28, 2025
By William Kimball

BE IT ORDERED, that the Brewer City Council authorizes the Brewer School Department to expend such other sums as may be received from federal or state grants or programs or other sources during the 2026 fiscal year for school purposes provided such grants, programs or other sources do not require the expenditure of other funds not previously appropriated.

Statement of Fact: This is an annual Order that authorizes the School Department to expend grant funds received which do not otherwise require appropriation of additional funds.

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2025-A138

June 10, 2025

TITLE: ORDER, REQUIRE TAX PAYMENTS BE APPLIED TO OLDEST
OUTSTANDING TAXES.

Filed June 5, 2025
By Dani O'Halloran and
William Kimball

BE IT ORDERED, that the Brewer City Council, at the request of the Brewer Tax Collector or Treasurer, hereby authorizes and directs said official, pursuant to Title 36, Maine Revised Statutes Annotated, section 906, to apply any tax payment received from an individual as payment for any property tax against outstanding or delinquent taxes due on said property in chronological order beginning with the oldest unpaid tax bill, provided, however, that no such payment may be applied to any tax for which an abatement application or appeal is pending unless approved in writing by the taxpayer.

Statement of Fact: This order authorizes the City of Brewer to apply tax payments received to the oldest outstanding tax bill of the property being taxed. The Maine Municipal Association recommends as best practice annual renewal of this payment application policy that the City uses.

CITY OF BREWER, MAINE

IN CITY COUNCIL ASSEMBLED

2025-B028

May 13, 2025

TITLE: RESOLVE, ESTABLISH RULES GOVERNING PUBLIC COMMENT AT CITY COUNCIL MEETINGS.

Filed April 30, 2025

By Jenn M. Morin

WHEREAS, the Brewer City Council is committed to conducting public meetings in a manner that is orderly, efficient, and respectful of all participants; and

WHEREAS, the Council recognizes the importance of providing the public with a meaningful opportunity to offer input on matters before the Council; and

WHEREAS, the Council seeks to establish clear and equitable parameters for public comment to preserve the integrity of the deliberative process;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Brewer hereby adopts the following rules regarding public comment during its meetings:

Rules Regarding Public Comment at City Council Meetings

To ensure orderly and efficient public meetings, the City Council hereby adopts the following rules regarding public comment:

- A. Members of the public shall be permitted to speak for up to three (3) minutes during designated public comment periods, including both public hearings and open public comment portions of the meeting.
- B. The Chairman shall be responsible for enforcing the time limit and may use a timer or other means to track individual speaking time.
- C. A speaker may not yield time to another speaker.
- D. The City Council may, by majority vote, extend a speaker's time limit for good cause shown.
- E. Nothing in this section shall limit the authority of the presiding officer to maintain order and decorum in accordance with existing rules of procedure.

Statement of Fact: This resolve establishes a standard rule governing the public comment process during meetings of the Brewer City Council. Under this rule, individual speakers are limited to three (3) minutes during designated public comment periods. The rule provides flexibility for the Council to extend an individual's speaking time upon a majority vote for good cause, while affirming the presiding officer's ongoing authority to maintain order and decorum under existing procedural rules.

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

2025-A139

June 10, 2025

TITLE: ORDER, CONVENE IN EXECUTIVE SESSION PURSUANT TO TITLE 1,
M.R.S.A. §405(6)(A) ON A PERSONNEL MATTER

Filed June 5, 2025
By Soubanh Phanthay and
Dani O'Halloran

BE IT ORDERED, that the Brewer City Council convene in executive session pursuant to Title 1, Maine Revised Statutes Annotated, §405(6)(A) on a personnel matter.