



**CITY COUNCIL REGULAR MEETING**  
**Tuesday, April 1, 2014 6:00 P.M.**  
**Brewer City Hall Council Chambers**

- I. Call to Order.** (Mayor Jerry Goss)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America. Regular Meeting**  
(Mayor Goss)
- A. Minutes of March 4, 2014 Regular Meeting.** (Councilor Vachon)
- B. Awards, Petitions and Public Comments.**
  - 1. (2014-B013) RESOLVE, Recognize the Brewer Code Enforcement Department for Service to the Citizens of the City of Brewer. (Mayor Goss)
  - 2. (2014-B014) RESOLVE, Recognize the Brewer City Planning Department for Service to the Citizens of Brewer. (Mayor Goss)
  - 3. (2014-B015) RESOLVE, Recognize Brewer City Engineering Department for Service to the Citizens of the City of Brewer. (Mayor Goss)
  - 4. (2014-B016) RESOLVE, Supporting the Searsport Dredging and Harbor Improvement Plan. (Mayor Goss)
  - 4. Public Comments.
- IV. Recess for Public Hearings.**
  - 1. Applications for Renewal of City Amusement Licenses.
  - 2. Applications of Meghan Black d/b/a Humble, 518 South Main Street for a State of Maine Class I, II, III and IV (malt, spirituous And vinous) Liquor License and a City of Brewer Amusement License.
  - 3. Discuss Application Being Submitted to the State of Maine CDBG Program for a 2014 Housing Assistance Grant.
- C. Consent Calendar.**
  - 1. (2014-A033) ORDER, Issue Amusement License to Cap's Tavern, 494 So. Main Street. (Councilor Uhlenhake)
  - 2. (2014-A034) ORDER, Issue Amusement License to Fraternal Order of Eagles #3177, 22 Atlantic Avenue. (Councilor Vachon)
  - 3. (2014-A035) ORDER, Issue Amusement License to Brewster's Fine Food & Drink, 359 Wilson Street. (Councilor O'Connell)
  - 4. (2014-A036) ORDER, Issue Amusement License to Jeff's Catering, 15 Littlefield Way. (Councilor Ferris)

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5. (2014-A037) ORDER, Issue Amusement License to City Side Restaurant/Jesters Food & Spirit, 393 No. Main Street. (Councilor Uhlenhake)
6. (2014-A038) ORDER, Issue Amusement License to Between Friends Inc. d/b/a Between Friends/Generations Theatre, 39 Center Street. (Councilor Vachon)
7. (2014-A039) ORDER, Issue Amusement License to Charlie's at Bangor Brewer Bowling Lanes, 534 Wilson Street. (Councilor O'Connell)
8. (2014-A040) ORDER, Issue Amusement License to the Bangor Area Recovery Network, 142 Center Street. (Councilor Ferris)
9. (2014-A041) ORDER, Issue State of Maine Class I, II, III and IV Liquor License and a City of Brewer Amusement License to Meghan Black d/b/a Humble, 518 South Main Street. (Councilor Uhlenhake)
10. (2014-A042) ORDER, Authorize Permanent Easement on and Over City Property for Upgrading an Existing Power Service Line. (Councilor Vachon)
11. (2014-A043) ORDER, Issue Release Deed to John B. Lagasse and Soo K. Lagasse for Property Located at 73 Washington Street (Tax Map 32, Lot 27). (Councilor O'Connell)
12. (2014-A044) ORDER, Issue Release Deed to Joey D. Cannan and Heather J. Cannan for Property Located at 222 Eastern Avenue (Tax Map 40A, Lot 75). (Councilor Ferris)
13. (2014-A045) ORDER, Issue Release Deed to Brian Parent and Pamela Parent for Property Located at 78 Gettysburg Avenue (Tax Map 17, Lot 130). (Councilor Uhlenhake)
14. (2014-A046) ORDER, Accept Donation to the Brewer Parks and Recreation Department for the Annual Brewer Days Celebration. (Councilor Vachon)
15. (2014-A047) ORDER, Accept Grant to the Brewer Public Library from the Maine Community Foundation (Rose and Samuel Rudman Library Trust) for \$500.00 and Authorize Use of these Funds to Support Storywalk™ Programs Throughout the City in 2014. (Councilor O'Connell)
16. (2014-A048) ORDER, Authorize Award of a Grant to Brewer Economic Corporation from the Economic Development Revolving Loan Support Fund to Support and Promote Business Development in Brewer. (Councilor Ferris)

17. (2014-B017) RESOLVE, Amend the Schedule of City Council Regular Meetings to Change the May Regular Meeting Date. (Councilor Uhlenhake)

**D. Monthly Reports.** (Councilor Ferris)

**E. Nominations, Appointments, Elections.**

1. CONSENT CALENDAR.
- a. (2014-A049) ORDER, Reappoint Members to the Board of Commissioners of the Housing Authority of the City of Brewer.  
(Councilors Vachon and O'Connell)
  - b. (2014-A050) ORDER, Reappoint and Appoint Members to the Board of Appeals of the City of Brewer.  
(Councilors Vachon and O'Connell)
  - c. (2014-A051) ORDER, Reappoint and Appoint Members to the Conservation Commission of the City of Brewer.  
(Councilors Vachon and O'Connell)
  - d. (2014-A052) ORDER, Reappoint and Appoint Members to the Library Board of the City of Brewer.  
(Councilors Vachon and O'Connell)
  - e. (2014-A053) ORDER, Reappoint Members to the Parks and Recreational Advisory Commission of the City of Brewer.  
(Councilors Vachon and O'Connell)
  - f. (2014-A054) ORDER, Reappoint and Appoint Members to the Board of Assessment Review.  
(Councilors Vachon and O'Connell)
  - g. (2014-A055) ORDER, Reappoint Members to the Brewer Planning Board.  
(Councilors Vachon and O'Connell)
  - h. (2014-A056) ORDER, Reappoint Members to the Brewer Cemetery Board.  
(Councilors Vachon and O'Connell)
  - i. (2014-A057) ORDER, Appointment of Republican Election Clerks. (Councilor Vachon)
  - j. (2014-A058) ORDER, Appointment of Democratic Election Clerks. (Councilor O'Connell)

**F. Unfinished Business.** (no items)

**G. New Business.**

1. (2014-C002) Amend Chapter 24 (Land Use Code), Article 3, Zoning Districts Section 306.1 and Section 306.2 to Add the "Adaptive Residential Multi-Unit District". (Councilor Ferris)

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

**I. ADJOURN.**

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**A. Minutes of March 4, 2014 Regular Meeting.**

**ACTION:** Councilor Vachon moved that the minutes be accepted and placed on file. The motion was seconded and passed by unanimous vote.

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

2014-B013

April 1, 2014

**TITLE: RESOLVE, RECOGNIZE THE BREWER CODE ENFORCEMENT DEPARTMENT FOR SERVICE TO THE CITIZENS OF THE CITY OF BREWER.**

filed March 26, 2014  
by Jerry Goss

**WHEREAS**, the Brewer Code Enforcement Department was established on October 16, 1969; and

**WHEREAS**, the Department employs a staff with over 28 years of Code Enforcement Experience between them; and

**WHEREAS**, the Department holds and maintains certifications in Residential Construction, Commercial Construction, Residential Energy, Commercial Energy, Residential Ventilation, Commercial Ventilation, Radon, Electrical, Internal Plumbing, Subsurface Waste Water Disposal, Land Use, Shoreland Zoning, Legal Issues and Court Rule 80K; and

**WHEREAS**, the Department took over the duties of the Local Health Officer on May 1, 2012; and

**WHEREAS**, in the last year the Department has overseen and inspected projects with a combined estimated cost of improvements totaling 12.5 million dollars; and

**WHEREAS**, the staff has completely restructured the filing system utilized by the Department for permits and has begun creating a digital street file database for all properties within the City; and

**WHEREAS**, the staff conducts annual inspections of all eating establishments, lodging houses, places of amusement, medical marijuana dispensaries, mobile home parks, fireworks stores and others; and

**WHEREAS**, the staff acts in an advisory role to the Planning Board, Board of Appeals, city staff, contractors, home owners, landlords and businesses; and

**WHEREAS**, the staff strives to establish professional standards of conduct and service excellence, which supports and enhances the quality of life for our citizens and businesses;

**NOW, THEREFORE, BE IT RESOLVED**, that the Brewer City Council, on behalf of the Citizens of Brewer herewith recognizes and commends the Brewer Code Enforcement Department and its staff for outstanding and dedicated service to the Citizens of the City of Brewer.

**ACTION:** Councilor O'Connell moved that the resolve be adopted. The motion was seconded and passed.

Councilor O'Connell read the resolve into the record while presenting a plaque with the resolve on it to Ben, Stewart and Michelle.

Code Officer Ben Breadmore thanked the Council for honoring his department and that the staff liked the job and the many unique personalities that they meet through the course of the business day.

Councilor Ferris expressed that the Code Office did a good job and he has seen a lot of growth in that department. Also appreciated the way that the staff tries to find a way to say yes to potential projects that will make the City grow.

Councilor Uhlenhake reiterated what Councilor Ferris said and said that the Code Office's affiliation with Economic Development helped make things go smoothly.

Mayor Goss said thanked them for their dedicated service and for finding a way to always get things done.

The resolve was adopted by unanimous vote.

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2014-B014

April 1, 2014

**TITLE: RESOLVE, RECOGNIZE THE BREWER CITY PLANNING DEPARTMENT FOR SERVICE TO THE CITIZENS OF THE CITY OF BREWER.**

filed March 26, 2014  
by Jerry Goss

**WHEREAS**, the Brewer City Planner position was created on August 13, 1984; and

**WHEREAS**, current City Planner Linda Johns is the second to hold such position and has done so for the last 12.5 years with a total Department staff of 1 to 1.5 positions; and

**WHEREAS**, the Department is responsible for researching and drafting proposed ordinance amendments, preparing contract zone agreements, working with landowners and developers to assist with site designs and the approval process, reviewing all site plans and subdivisions, assisting with City development projects, assisting with transportation planning, researching legal issues and court cases, updating and implementing the Open Space & Trails Plan, the Community Forest Management Plan and updating the Comprehensive Plan; and

**WHEREAS**, the Department assists and oversees both the Planning Board and the Conservation Commission; and

**WHEREAS**, the Department participates on the E911 Committee, Municipal Stormwater Review Committee, hosts the Technical Review Committee, and volunteers on the Annual Streamside Cleanup; and

**WHEREAS**, the current City Planner initiated the creation of the Brewer Land Trust in 2006; and

**WHEREAS**, the Department works with State and Federal agencies as needed and is responsible for updating the State Conservation Easement Registry; and

**WHEREAS**, the Department sits on regional committees such as the Bangor Area Comprehensive Transportation System (BACTS), Heart of Penobscot Trails, Lower Penobscot Watershed Coalition, and Penobscot Valley Community Greenprint; and

**WHEREAS**, the Planning Department assists the citizens and businesses of the City of Brewer in a professional manner and continues to be proactive in addressing future growth and quality of life in Brewer and the region;

**NOW, THEREFORE, BE IT RESOLVED**, that the Brewer City Council, on behalf of the Citizens of Brewer herewith recognizes and commends the Brewer Planning Department and its staff for outstanding and dedicated service to the Citizens of Brewer.

**ACTION:** Councilor Uhlenhake moved that the resolve be adopted. The motion was seconded and passed.

Councilor Uhlenhake read the resolve into the record while presenting a plaque with the resolve on it to Linda (Ronda was unable to be present this evening).

Councilor Uhlenhake said that she got to know Linda as a former planner board member and working with her over the last year and a half on the comprehensive plan committee.

City Planner Linda Johns thanked the Council for honoring her department and said it was a pleasure to work for the City and with the people employed by the City.

Councilor Ferris said it is always a pleasure to work with the City Planner's office.

Alan Campbell, chairman of the Brewer Planning Board, said that he has been a member of the board for over 12 years and that Linda makes his job very easy because all the material sent to the board is so prepared and Linda is always available to answer any questions.

Mrs. El-Hajj, wife of planning board member Lonnie El-Hajj, said that everything received for each meeting is so well organized and sent with enough time for the members to be able to review and know what each project is about. She said the planning office does an incredible job.

Councilor O'Connell said the Planning Office goes above and beyond.

Mayor Goss said thanked them for their dedicated service and their standard of excellence and professionalism.

The resolve was adopted by unanimous vote.

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2014-B015

April 1, 2014

**TITLE: RESOLVE, RECOGNIZE THE BREWER ENGINEERING DEPARTMENT FOR SERVICE TO THE CITIZENS OF THE CITY OF BREWER.**

filed March 26, 2014  
by Jerry Goss

**WHEREAS**, the Brewer Engineering Department was formally separated from the Public Works Department in September of 2002; and

**WHEREAS**, the Engineering Department is responsible for design and administration of local street, sewer, water and landfill capital improvement projects, coordination of MDOT projects to improve State arterial roadways within the City including the complete reconstruction of outer Wilson Street, construction administration for major capital improvement projects such as the construction of the new Public Safety facility, operation and maintenance of traffic signals and city-owned street lights, management of the City's permanent and winter road posting ordinances and issuing permits as appropriate; and

**WHEREAS**, the Department provides design and surveying services for other City Departments, particularly Water and Sewer, maintains City drawing files, updates Assessor tax maps, and provides technical support for the City Planner, Planning Board, and Code Enforcement Department; and

**WHEREAS**, the City Engineer represents the City's interests in the Bangor Area Comprehensive Transportation System (BACTS); and

**WHEREAS**, the Department provides free advice and technical support to City residents and business owners; and

**WHEREAS**, City Engineer Frank Higgins and Assistant City Engineer Jeff Hand have faithfully and dutifully performed their duties with the utmost professionalism;

**NOW, THEREFORE, BE IT RESOLVED**, that the Brewer City Council, on behalf of the Citizens of Brewer, herewith recognizes and commends the Brewer Engineering Department for outstanding and dedicated service to the Citizens of the City of Brewer.

**ACTION:** Councilor Ferris moved that the resolve be adopted. The motion was seconded and passed.

Councilor Ferris read the resolve into the record while presenting a plaque with the resolve on it to Frank and Jeff.

City Engineer Frank Higgins thanked the Council for honoring his department and said that when he started this job in 1999 never believed that he would be here today. He said that he looks forward to coming to work each day, enjoys working with the people he works with and the City of Brewer is just a nice place to have a career.

Councilor Uhlenhake said that Frank and Jeff do their job with utmost professionalism and that Frank always has the nicest way of telling you "you can't do that".

Councilor Ferris said that it is always nice to have an engineer around and that everyone that he talks with, contractors etc., have the utmost respect for Frank.

Councilor O'Connell said a couple of good examples of the City Engineer Department's work is the entryway to City Hall and the lighting in the lower parking lot of City Hall.

Mayor Goss said thanked them for their dedicated service and their professionalism is second to none.

The resolve was adopted by unanimous vote.

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2014-B016

April 1, 2014

**TITLE: RESOLVE, SUPPORTING THE SEARSPORT DREDGING  
AND HARBOR IMPROVEMENT PLAN.**

filed March 26, 2014  
by Jerry Goss

**WHEREAS**, the Greater Brewer-Bangor regional economy is dependent upon trade; and

**WHEREAS**, the region is connected to Searsport by road, rail, and water transportation infrastructure assets, allowing for regional, national, and international trade; and

**WHEREAS**, the Port of Searsport is a key economic asset for the State of Maine and the Brewer-Bangor region; and

**WHEREAS**, the City of Brewer has existing businesses utilizing waterborne transportation to move goods up and down the Penobscot River via the Federal Navigation System; and

**WHEREAS**, continuing to have strong, thriving port facilities is crucial to the Brewer-Bangor region in order to maintain a healthy and vibrant economy; and

**WHEREAS**, the last major harbor project for Searsport was completed in 1964, which increased the depth of the channel to 35 feet; and

**WHEREAS**, it has now become necessary to dredge the channel to a depth of 40 feet in order to accommodate today's larger ships, as is currently proposed by the Army Corps of Engineers;

**NOW THEREFORE, BE IT RESOLVED**, that the Brewer City Council supports the Searsport Dredging and Harbor Improvement Plan, and affirms our City's commitment to economic development through trade and regional collaboration.

**ACTION:** Councilor Vachon moved that the resolve be adopted. The motion was seconded and passed.

Councilor Vachon read the resolve into the record.

Dave Cole, former DOT commissioner and resident of Brewer, said he was a supporter of the this project and the economic assets it would bring.

Councilor Ferris asked if it would have an impact on fishing and lobstering in the region.

Mr. Cole said the studies show that it would not.

The resolve was adopted by unanimous vote.

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## **PUBLIC COMMENTS**

Councilor O'Connell thanked applicants for stepping up to serve on Council's boards and committees.

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## **IV. Recess for Public Hearings.**

1. Applications for Renewal of City Amusement Licenses.

The public hearing was called to order by Mayor Jerry Goss.

The city clerk called the roll:

Mayor Goss	-	present	Councilor Vachon	-	present
Councilor O'Connell	-	present	Councilor Ferris	-	present
Councilor Uhlenhake	-	present			

Mayor Goss declared a quorum present. The City Clerk read the notice for the public hearing.

**BREWER PUBLIC NOTICE  
NOTICE IS HEREBY GIVEN  
THAT THE CITY COUNCIL  
OF BREWER WILL HOLD A**

**PUBLIC HEARING**

On Tuesday the 1<sup>st</sup> day of April, 2014, at 6:00 p.m. in the Council Chambers at Brewer City Hall for the following purpose:

to consider applications from the following businesses for renewal of city amusement licenses to permit them to have dancing and live entertainment on their premises, non-alcoholic, as well as those which are licensed by the State of Maine for the sale of alcohol:

1. Cap's Tavern, 494 South Main Street
2. Fraternal Order of Eagles, 22 Atlantic Ave.
3. Brewster's Fine Food & Drink, 359 Wilson Street
4. Jeff's Catering, 15 Littlefield Way
5. The Bangor Area Recovery Network, 142 Center Street
6. City Side Restaurant & Jester's Food and Spirits, 393 No. Main Street
7. Between Friends/Generations Theatre, 39 Center Street
8. Bangor Brewer Bowling Lanes, 534 Wilson Street

Any person may present written or oral comments at this public hearing on these applications.

Pamela J. Ryan  
City Clerk  
Brewer, Maine

published in Bangor Daily News  
March 24, 2014

The City Clerk told the members of the City Council that the city inspectors had conducted inspections on all the applicants listed above.

The city inspectors approved all the applications for renewal of amusement licenses.

Councilor Vachon moved that the reports from the city inspectors be accepted and placed on file.

The motion was passed by unanimous vote.

Mayor Goss asked if there had been any comments from the public. The City Clerk said there had been none.

Mayor Goss asked if there were any comments from the public present at the hearing. There being none he adjourned the public hearing. (6:31 p.m.)

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Mayor Goss called the second public hearing to order. The City Clerk read the notice.

## **CITY OF BREWER PUBLIC NOTICE**

Notice is hereby given that the Brewer City Council will hold a public hearing on Tuesday, the 1<sup>st</sup> day of April, 2014 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider the applications for a State of Maine Class I, II, III and IV (malt, spirituous and vinous) liquor license and a City of Brewer Amusement License for the following applicant:

1. Meghan Black d/b/a Humble, 518 South Main Street.

These applications are available for public inspection at the office of the **Brewer City Clerk (989-7050)** and this notice is posted on the bulletin board at Brewer City Hall.

Any person may attend this public hearing and speak on these applications. Written comments may also be submitted. 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.

Pamela J. Ryan  
City Clerk

published March 24, 25, and 26, 2014  
in the Bangor Daily News

The City Clerk told the members of the City Council that the city inspectors had conducted an inspection on the applicant listed above.

The city inspectors approved the application for a State of Maine liquor license and a City of Brewer amusement license for Humble.

Councilor Vachon moved that the reports from the city inspectors be accepted and placed on file.

The motion was passed by unanimous vote.

Mayor Goss asked if there had been any comments from the public. The City Clerk said there had been none.

Mayor Goss asked if there were any comments from the public present at the hearing. There being none he adjourned the public hearing. (6:32 p.m.)

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Mayor Goss called the third public hearing to order. The City Clerk read the notice.

## **Public Hearing Notice**

### **The City of Brewer**

The City of Brewer will hold a Public Hearing on April 1, at 6:00 PM, at the Brewer City Hall Council Chambers, 80 North Main Street, Brewer, ME 04412 to discuss an application being submitted to the State of Maine CDBG program for a 2014 Housing Assistance Grant. The purpose of the grant application is to make funds available for single and multi-family housing improvement projects within the City of Brewer. Public comments will be solicited at this Hearing and will be submitted as part of the application. All persons wishing to make comments or ask questions about the grant application are invited to attend this Public Hearing. Comments may be submitted in writing to: James Smith, Assistant City Manager 80 North Main Street, Brewer, ME 04412 at any time prior to the Public Hearing. TDD/TTY users may call 207-989-7500 or 711. If you are physically unable to access any of the City's/Town's programs or

services, please call James Smith, Assistant City Manager at 207-989-7500, so that accommodations can be made.



published in Bangor Daily News  
March 20, 2014

Mayor Goss reminded everyone present to please sign the attendance sheet for this hearing. He then asked if there were any questions or comments from the public present at the hearing. There being none he adjourned the public hearing. (6:35 p.m.)

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Mayor Goss said the regular meeting would resume.

The City Clerk called the roll and all Councilors were present.

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### C. Consent Calendar.

**ACTION:** Councilor Uhlenhake removed order 2014-A048 from the consent calendar.

Councilor Vachon moved that the orders on the consent calendar with the exception of A048 have passage and resolve B017 be adopted. The motion was seconded and passed by unanimous vote.

2014-A033

April 1, 2014

**TITLE:** ORDER, ISSUE AMUSEMENT LICENSE TO CAP'S TAVERN,  
494 SO. MAIN STREET.

filed March 26, 2014  
by Beverly Uhlenhake

WHEREAS, Delano Merritt's application for a City of Brewer Amusement License for Cap's Tavern, 494 South Main Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on April 1, 2014 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

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- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- A. Conviction of the applicant of any Class A, Class B or Class C crime;
- B. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- E. A violation of any provision of the Maine Liquor Laws;
- F. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request;

NOW, THEREFORE , BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Delano Merritt d/b/a Cap's Tavern, 494 South Main Street, for the City's licensing year commencing May 5, 2014 and expiring May 4, 2015.

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2014-A034

April 1, 2014

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO FRATERNAL  
ORDER OF EAGLES #3177, 22 ATLANTIC AVENUE.

filed March 26, 2014  
by Matthew Vachon

WHEREAS, The Fraternal Order of Eagles #3177's application for a City of Brewer Amusement License for the Eagles Club, 22 Atlantic Avenue, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on April 1, 2014 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- A. Conviction of the applicant of any Class A, Class B or Class C crime;
- B. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- E. A violation of any provision of the Maine Liquor Laws;
- F. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request;

NOW, THEREFORE , BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to The Fraternal Order of Eagles #3177, 22 Atlantic Avenue, for the City's licensing year commencing May 5, 2014 and expiring May 4, 2015.

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2014-A035

April 1, 2014

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO BREWSTER'S  
FINE FOOD & DRINK, 359 WILSON STREET.

filed March 26, 2014  
by Kevin O'Connell

WHEREAS, RMB&G, Inc.'s application for a City of Brewer Amusement License for Brewster's Fine Food & Drink, 359 Wilson Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on April 1, 2014 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- A. Conviction of the applicant of any Class A, Class B or Class C crime;
- B. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- E. A violation of any provision of the Maine Liquor Laws;
- F. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

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WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request;

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to RMB&G, Inc., d/b/a Brewster's Fine Food & Drink, 359 Wilson Street, for the City's licensing year commencing May 5, 2014 and expiring May 4, 2015.

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2014-A036

April 1, 2014

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO JEFF'S CATERING AND BAKESHOP, INC. D/B/A JEFF'S CATERING, 15 LITTLEFIELD WAY.

filed March 26, 2014  
by Joseph Ferris

WHEREAS, Jeffrey E. Ashley and Jeff 's Catering and Bakeshop, Inc.'s application for a City of Brewer Amusement License for Jeff's Catering, 15 Littlefield Way, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on April 1, 2014 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- A. Conviction of the applicant of any Class A, Class B or Class C crime;
- B. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

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- D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- E. A violation of any provision of the Maine Liquor Laws;
- F. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request;

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Jeffrey E. Ashby, and Jeff's Catering and Bakeshop, Inc. d/b/a Jeff's Catering, 15 Littlefield Way, for the City's licensing year commencing May 5, 2014 and expiring May 4, 2015.

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2014-A037

April 1, 2014

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO CITY SIDE RESTAURANT/JESTERS FOOD & SPIRIT, 393 NO. MAIN STREET.

filed March 26, 2014  
by Beverly Uhlenhake

WHEREAS, CTK, Inc.'s application for a City of Brewer Amusement License for City Side Restaurant/Jesters Food & Spirits, 393 North Main Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on April 1, 2014 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- A. Conviction of the applicant of any Class A, Class B or Class C crime;
- B. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- E. A violation of any provision of the Maine Liquor Laws;
- F. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request;

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to CTK, Inc. d/b/a City Side Restaurant/Jesters Food & Spirits, 393 North Main Street, for the City's licensing year commencing May 5, 2014 and expiring May 4, 2015.

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2014-A038

April 1, 2014

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO BETWEEN FRIENDS, INC. D/B/A/ BETWEEN FRIENDS/GENERATIONS THEATRE, 39 CENTER STREET.

filed March 26, 2014  
by Matthew Vachon

WHEREAS, Tracey Marceron and Between Friends Inc.'s application for a City of Brewer Amusement License for Between Friends/Generations Theatre, 39 Center Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on April 1, 2014 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- A. Conviction of the applicant of any Class A, Class B or Class C crime;
- B. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- E. A violation of any provision of the Maine Liquor Laws;
- F. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request;

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Tracey Marceron, Between Friends, Inc. d/b/a Between Friends/Generations Theatre, 39 Center Street, for the City's licensing year commencing May 5, 2014 and expiring May 4, 2015.

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2014-A039

April 1, 2014

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO CHARLIE'S AT BANGOR BREWER BOWLING LANES, 534 WILSON STREET.

filed March 26, 2014  
by Kevin O'Connell

WHEREAS, Charles Henry Inc.'s application for a City of Brewer Amusement License for Charlie's at Bangor Brewer Bowling Lanes, 534 Wilson Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on April 1, 2014 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- A. Conviction of the applicant of any Class A, Class B or Class C crime;
- B. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- E. A violation of any provision of the Maine Liquor Laws;
- F. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. Seq.

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- G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request;

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Charles Henry Inc. d/b/a/Charlie's at Bangor Brewer Bowling Lanes, 534 Wilson Street, for the City's licensing year commencing May 5, 2014 and expiring May 4, 2015.

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2014-A040

April 1, 2014

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO BANGOR AREA, RECOVERY NETWORK, 142 CENTER STREET.

filed March 26, 2014  
by Joseph Ferris

WHEREAS, Jean Baker's application for a City of Brewer Amusement License for Bangor Area Recovery Network, 142 Center Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on April 1, 2014 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- e. The character of any applicant;
- f. The location of the place of business;
- g. The manner in which it has been operated; and
- h. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- G. Conviction of the applicant of any Class A, Class B or Class C crime;
- H. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;

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- I. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- J. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- K. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request;

NOW, THEREFORE , BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Bangor Area Recovery Network, 142 Center Street, for the City's licensing year commencing May 5, 2014 and expiring May 4, 2015.

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2014-A041

April 1, 2014

TITLE: ORDER, ISSUE STATE OF MAINE CLASS I, II, III AND IV  
STATE LIQUOR LICENSE AND CITY OF BREWER  
AMUSEMENT LICENSE TO MEGHAN BLACK  
D/B/A HUMBLE, 518 SOUTH MAIN STREET.

filed March 26, 2014  
by Beverly Uhlenhake

WHEREAS, Meghan Black's d/b/a Humble applications for a City of Brewer Amusement License for Humble, 518 South Maine Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on these applications on April 1, 2014 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- i. The character of any applicant;
- j. The location of the place of business;
- k. The manner in which it has been operated; and

- I. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- L. Conviction of the applicant of any Class A, Class B or Class C crime;
- M. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- N. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- O. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- P. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.

WHEREAS, after reviewing the applications and hearing testimony at the public hearing the City Council finds no grounds to deny these license requests;

NOW, THEREFORE , BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a State of Maine Class I, II, III and IV State Liquor License and City of Brewer Amusement License to Meghan Black d/b/a Humble, 518 South Main Street, for the City's licensing year commencing May 5, 2014 and expiring May 4, 2015.

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2014-A042

April 1, 2014

TITLE: ORDER, AUTHORIZE A PERMANENT EASEMENT ON AND OVER CITY PROPERTY FOR UPGRADING AN EXISTING POWER SERVICE LINE.

filed March 26, 2014  
by Matthew Vachon

#### EMERGENCY PREAMBLE

WHEREAS, orders passed by the Brewer City Council do not become effective until five days after approval unless such orders contain emergency preambles; and

WHEREAS, it is imperative that work begin on this project immediately; and

WHEREAS, these facts create an emergency within the meaning of the Charter, Code and Ordinances of the City of Brewer and require that the following order become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer; and

WHEREAS, there is an existing overhead power line along the east side of the City Hall parking lot across from City Hall; and

WHEREAS, this line currently provides electrical power to the privately owned properties at 120 North Main Street (Joel A. Dearborn, SR., Esq. P.A.; Joseph L. Ferris and City of Brewer Code Enforcement) and 130 North Main Street (OHI); and

WHEREAS, the existing poles are in a poor state of repair and require replacement; and

WHEREAS, no record of an existing easement for the existing poles and line can be found;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the City Manager, or his designee, to execute a Permanent Easement approximately 20' wide x 95' long to Emera Maine (formerly Bangor Hydro Electric company) along the easterly side of the existing City Parking Lot on Church Street (Tax Map 30, Lot 4) for the purpose of installing a new service pole, anchor, power line and accessories in and over the unpaved area between the existing paved parking spaces and the adjacent properties at 120 and 130 North Main street; and

FURTHER ORDERED, that the Brewer City Council herewith acknowledges and agrees that compensation for this Easement is nil.

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2014-A043

April 1, 2014

TITLE: ORDER, ISSUE RELEASE DEED TO JOHN B. LAGASSE AND SOO K. LAGASSE FOR PROPERTY LOCATED AT 73 WASHINGTON STREET (TAX MAP 32, LOT 27).

filed March 26, 2014  
by Kevin O'Connell

ORDERED, that a municipal release deed be issued to John B. Lagasse and Soo K. Lagasse, for property located at 73 Washington Street releasing to them all rights, title and interest the City of Brewer may have acquired in the property located on 73 Washington Street (City Tax Map 32, Lot 27) by virtue of City of Brewer tax or sewer liens recorded in the Penobscot County Registry of Deeds in the following volumes and pages:

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Volume	Page
12584	222
12932	128
13119	238
13338	349

AND FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to execute the said municipal release deed on behalf of the City of Brewer, Maine.

NOTE: A total of \$1,995.50 in principal was collected, along with \$187.72 in interest and \$180.00 in costs.

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2014-A044

April 1, 2014

TITLE: ORDER, ISSUE RELEASE DEED TO JOEY D. CANNAN AND HEATHER J. CANNAN FOR PROPERTY LOCATED AT 222 EASTERN AVENUE (TAX MAP 40A, LOT 75).

filed March 26, 2014  
by Joseph Ferris

ORDERED, that a municipal release deed be issued to Joey D. Cannan and Heather J. Cannan, for property located at 222 Eastern Avenue releasing to them all rights, title and interest the City of Brewer may have acquired in the property located on 222 Eastern Avenue (City Tax Map 40A, Lot 75) by virtue of City of Brewer tax or sewer liens recorded in the Penobscot County Registry of Deeds in the following volumes and pages:

Volume	Page
12584	202
12747	111
12932	119
13119	231
13338	334

AND FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to execute the said municipal release deed on behalf of the City of Brewer, Maine.

NOTE: A total of \$2,025.00 in principal was collected, along with \$251.49 in interest and \$225.00 in costs.

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2014-A045

April 1, 2014

TITLE: ORDER, ISSUE RELEASE DEED TO BRIAN PARENT AND  
PAMELA PARENT FOR PROPERTY LOCATED AT  
78 GETTYSBURG AVENUE (TAX MAP 17, LOT 130).

filed March 26, 2014  
by Beverly Uhlenhake

ORDERED, that a municipal release deed be issued to Brian Parent and Pamela Parent, for property located at 78 Gettysburg Avenue releasing to them all rights, title and interest the City of Brewer may have acquired in the property located on 78 Gettysburg Avenue (City Tax Map 17, Lot 130) by virtue of City of Brewer tax or sewer liens recorded in the Penobscot County Registry of Deeds in the following volumes and pages:

Volume	Page
11421	232
11635	314
11848	34
12408	20
12584	183
12747	111
12932	105
13119	217
13338	319

AND FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to execute the said municipal release deed on behalf of the City of Brewer, Maine.

NOTE: A total of \$1,918.50 in principal was collected, along with \$148.62 in interest and \$360.00 in costs.

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2014-A046

April 1, 2014

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PARKS AND  
RECREATION DEPARTMENT FOR THE ANNUAL  
BREWER DAYS CELEBRATION.

filed March 26, 2014  
by Matthew Vachon

WHEREAS, the City of Brewer has received a donation of \$500.00 from Brewer Center for Health and Rehabilitation for support of this year's Brewer Days Celebration;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this generous donation, and directs that the donated funds be receipted to account 0200000 320000 71002 (Brewer Days Contributions); and

FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0200000 520000 71002 (Brewer Days Expense).

NOTE: The Brewer Parks and Recreation Director sends a letter of acknowledgement and appreciation on behalf of the City Council to these businesses for their generous donations.

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2014-A047

April 1, 2014

TITLE: ORDER, ACCEPT GRANT TO THE BREWER PUBLIC LIBRARY FROM THE MAINE COMMUNITY FOUNDATION (ROSE AND SAMUEL RUDMAN LIBRARY TRUST) FOR \$500.00 AND AUTHORIZE USE OF THESE FUNDS TO SUPPORT STORYWALK™ PROGRAMS THROUGHOUT THE CITY IN 2014.

filed March 26, 2014  
by Kevin O'Connell

WHEREAS, the Brewer Public Library has received a grant of \$500.00 from the Rose and Samuel Rudman Library Trust, a grant of the Maine Community Foundation; and

WHEREAS, the library because of the high interest and public participation in last fall's StoryWalk™ the library would like the funds to be used to promote citywide StoryWalks™ throughout the city;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts the grant of \$500.00 from Maine Community Foundation; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the funds be deposited in 0600072-360000-72018 (Rudman Grant Proceeds) and be appropriated and expended from 0600072-560000-72018 (Rudman Grant Expense).

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

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2014-A048

April 1, 2014

TITLE: ORDER, AUTHORIZE AWARD OF A GRANT TO BREWER ECONOMIC CORPORATION FROM THE ECONOMIC DEVELOPMENT REVOLVING LOAN SUPPORT FUND TO SUPPORT AND PROMOTE BUSINESS DEVELOPMENT IN BREWER.

filed March 26, 2014  
by Joseph Ferris

WHEREAS, the City Council passed Order 2013-A186 back in November of 2013 to authorize the establishment of the Economic Development Revolving Loan Fund (ED-RLF) intended to support and promote business development in Brewer by providing low interest loans or grants to businesses and non-profits, respectively; and

WHEREAS, as part of Order 2013-A186, the City Council authorized the appropriation of \$100,000.00 to provide startup capital for this fund and that these funds shall come from the City's TIF Special Revenue Fund; and

WHEREAS, the use of TIF funds to capitalize a revolving loan fund is a state-approved, eligible TIF expense for Brewer and the TIF fund has an adequate balance to support this expense; and

WHEREAS, Brewer Economic Development Corporation (BEDC), a non-profit organization with a long history of commitment to promote economic development in the City of Brewer, has submitted a letter of commitment requesting a grant in the amount of \$74,000 (attached); and

WHEREAS, BEDC's project to improve existing infrastructure by bringing natural gas to the Liberty Drive business park falls within the scope of the ED-RLF's requirements of a grant; and

WHEREAS, BEDC has successfully demonstrated that they are able to complete the 25% match requirement to the satisfaction of the grant review committee; and

WHEREAS, upon review of BEDC's application the Economic Development Revolving Loan Fund Committee recommends approval of this grant request, which will enhance the development potential in this corridor;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes a grant to BEDC in the amount of \$74,000.00 intended to support and promote business development in Brewer; and

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FURTHER ORDERED, that the City Council authorizes the appropriation and expenditure of \$74,000.00 from account 0510140-551110-57015 for this purpose and that these funds shall come from the City's TIF Special Revenue Fund

**ACTION:** Councilor O'Connell moved that the order have passage. The motion was seconded and passed.

Councilor Uhlenhake and Councilor Ferris said they would recuse themselves from voting on this order.

The order was passed by a 3-0-2 vote, Councilors Uhlenhake and Ferris recused themselves from voting.

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2014-B017

April 1, 2014

**TITLE:** RESOLVE, AMEND THE SCHEDULE OF CITY COUNCIL REGULAR MEETINGS TO CHANGE THE MAY REGULAR MEETING DATE.

filed March 26, 2014  
by Beverly Uhlenhake

WHEREAS, the City Council, at its annual meeting held on November 19, 2013, adopted Resolve 2013-B070 establishing dates of its regular monthly meeting for 2014; and

WHEREAS, Tuesday, May 13, 2014 was established as the date for the May, 2014 regular meeting; and

WHEREAS, a joint City/School public hearing on the budget is to be held in May and draft FY 2015 budget information will not be available for public inspection until May 16, 2014;

NOW, THEREFORE, BE IT RESOLVED, that Council Resolve 2013-B070, be amended by changing the date of the regular meeting for the month of May, 2014 from Tuesday, May 13, 2014 to Tuesday, May 20, 2014 at 6:00 p.m.

\*\*\*

**D. Monthly Reports.**

**ACTION:** Councilor Ferris moved that the monthly reports from the city departments be accepted and placed on file. The motion was seconded and passed by unanimous vote.

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**E. Nominations, Appointments, Elections.**  
(Consent Calendar)

**ACTION:** Councilor Vachon moved that the orders on the consent calendar with the have passage. The motion was seconded and passed by unanimous vote.

2014-A049

April 1, 2014

**TITLE:** ORDER, REAPPOINT MEMBERS TO THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF BREWER.

filed March 26, 2014  
by Matthew Vachon  
Kevin O'Connell

EMERGENCY PREAMBLE

WHEREAS, orders passed by the Brewer City Council do not become effective until five days after approval unless such orders contain emergency preambles; and

WHEREAS, it is necessary for vacancies to be filled on city boards and committees before the next meeting; and

WHEREAS, these facts create an emergency within the meaning of the Charter, Code and Ordinances of the City of Brewer and require that the following order become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer; and

ORDERED, that Albert Gibson, 587 Eastern Avenue and Helen Bean, 10 Colonial Circle are herewith reappointed to the Board of Commissioners of the Housing Authority of the City of Brewer for five year terms;

ORDERED, that Mr. Gibson and Ms. Bean's terms will commence April 1, 2014 and expire March 31, 2019.

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2014-A050

April 1, 2014

TITLE: ORDER, REAPPOINT AND APPOINT MEMBERS TO THE BOARD OF APPEALS OF THE CITY OF BREWER.

filed March 26, 2014  
by Matthew Vachon  
Kevin O'Connell

ORDERED, that David Fitzpatrick, 22 High Street, Deborah Berry, 169 Wilson Street and Timothy Daniels, 28 School Street are herewith reappointed to the Board of Appeals of the City of Brewer for three year terms. These terms will commence April 1, 2014 and expire March 31, 2017; and

ORDERED, that Mike Voisine, 20 Summit Road, be appointed as an alternate member of the Board of Appeals of the City of Brewer for a three year term. Mr. Voisine's term will commence April 1, 2014 and expire March 31, 2017;

FURTHER ORDERED, that Deborah Turner, 127 Starlight Drive, be appointed as a member of the Board of Appeals to fill a vacancy and Ms. Turner's term will commence April 1, 2014 and expire March 31, 2015.

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2014-A051

April 1, 2014

TITLE: ORDER, REAPPOINT AND APPOINT MEMBERS TO THE  
CONSERVATION COMMISSION OF THE CITY  
OF BREWER.

filed March 26, 2014  
by Matthew Vachon  
Kevin O'Connell

ORDERED, that Constance Holden, 108 Chamberlain Street and Gregg Stewart, 508 Lambert Road are herewith reappointed to the Conservation Commission of the City of Brewer for three year terms and Charles "Dusty" Fisher, 117 Silk Street, is herewith appointed to the Conservation Commission of the City of Brewer for a three year term; and

ORDERED, that Ms. Holden, Mr. Stewart and Mr. Fisher's terms will commence April 1, 2014 and expire March 31, 2017; and

FURTHER ORDERED, that Mark Deschesne, 40 Canterbury Road, be appointed as a member of the Conservation Commission to fill a vacancy and Mr. Deschesne's term will commence April 1, 2014 and expire March 31, 2016.

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2014-A052

April 1, 2014

TITLE: ORDER, REAPPOINT AND APPOINT MEMBERS TO THE LIBRARY  
BOARD OF THE CITY OF BREWER.

filed March 26, 2014  
by Matthew Vachon  
Kevin O'Connell

ORDERED, that H. Ann Gallant, 53 Madison Avenue and Edmund Beaulieu, 32 School Street are herewith reappointed to the Library Board of the City of Brewer for three year terms; and

ORDERED, that Mrs. Gallant and Mr. Beaulieu's terms will commence April 1, 2014 and expire March 31, 2017; and

FURTHER ORDERED, that Patricia D. Kelley, 49 Alan-A-Dale Road, be appointed to the Library Board of the City of Brewer to fill a vacancy and Ms. Kelley's term will commence April 1, 2014 and expire March 31, 2016.

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April 1, 2014

TITLE: ORDER, REAPPOINT MEMBERS TO THE PARKS AND  
RECREATIONAL ADVISORY COMMISSION.

filed March 26, 2014  
by Matthew Vachon  
Kevin O'Connell

ORDERED, that Carolyn Wallace-Zani, 339 North Main Street and Tracy Willette, 96 Grove Street are herewith reappointed to the Parks and Recreational Advisory Commission of the City of Brewer for three year terms; and

FURTHER ORDERED, that Ms. Wallace-Zani and Mr. Willette's terms will commence on April 1, 2014 and expire March 31, 2017.

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2014-A054

April 1, 2014

TITLE: ORDER, REAPPOINT AND APPOINT MEMBERS TO THE BOARD  
OF ASSESSMENT REVIEW.

filed March 26, 2014  
by Matthew Vachon  
Kevin O'Connell

ORDERED, that Deborah Berry, 169 Wilson Street, is herewith reappointed to the Board of Assessment Review of the City of Brewer for a three year term; and

ORDERED, that Brian Geaghan, 35 Willow Way, be appointed to the Board of Assessment Review of the City of Brewer for a three year term; and

FURTHER ORDERED, that Ms. Berry and Mr. Geaghan's terms will commence April 1, 2014 and expire March 31, 2017.

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2014-A055

April 1, 2014

TITLE: ORDER, REAPPOINT MEMBERS TO THE BREWER  
PLANNING BOARD.

filed March 26, 2014  
by Matthew Vachon  
Kevin O'Connell

EMERGENCY PREAMBLE

WHEREAS, orders passed by the Brewer City Council do not become effective until five days after approval unless such orders contain emergency preambles; and

WHEREAS, it is necessary for vacancies to be filled on city boards and committees before the next meeting; and

WHEREAS, these facts create an emergency within the meaning of the Charter, Code and Ordinances of the City of Brewer and require that the following order become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer; and

ORDERED, that Albert Gibson, 587 Eastern Avenue, Allen Campbell, 57 Park Avenue East and Lionel El-Hajj (associate member), 144 Wilson Street are herewith reappointed to the Brewer Planning Board of the City of Brewer for three year terms and;

FURTHER ORDERED, that Mr. Gibson, Mr. Campbell and Mr. El-Hajj's terms will commence April 1, 2014 and expire March 31, 2017.

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2014-A056

April 1, 2014

TITLE: ORDER, REAPPOINT MEMBERS TO THE BREWER  
CEMETERY BOARD.

filed March 26, 2014  
by Matthew Vachon  
Kevin O'Connell

ORDERED, that Gregg Stewart, 508 Lambert Road and Daniel O'Connell, 72 Washington Street are herewith reappointed to the Brewer Cemetery Board of the City of Brewer for three year terms and;

FURTHER ORDERED, that Mr. Stewart and Mr. O'Connell's terms will commence April 1, 2014 and expire March 31, 2017.

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2014-A057

April 1, 2014

TITLE: ORDER, APPOINTMENT OF REPUBLICAN ELECTION CLERKS.

filed March 26, 2014  
by Matthew Vachon

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ORDERED, that the following Brewer registered voters, having been duly nominated by the Republican City Committee, are herewith appointed as City Election Clerks for a term of two years commencing May 1, 2014 and expiring April 30, 2016.

Name

Susan Xirinachs	116 Parkway North	989-5100
Wallace Robbins	87 Pendleton Street	989-7506
Earl Seymour	17 Aspen Way	989-1294
Cordula Campbell	261 Wiswell Rd.	989-5565
Nancy Tracy	204 Chamberlain St.	989-6346
Michael E. Dolley	29 Canterbury Rd.	989-3138
Martha (Marty) Dolley	29 Canterbury Rd.	989-3138
Floyd Landry	97 Parkway No.	989-2145
Betsy Migliore	9 Highland Ave.	907-1105
Jennifer A. Phanthay	13 Elm St.	990-8939
Jane Hinckley	5 Woodridge Rd.	989-5672
Melanie England	35 Oak Grove Dr.	989-1661
William T. Rogers	26 Craig Dr.	989-3621

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2014-A058

April 1, 2014

TITLE: ORDER, APPOINTMENT OF DEMOCRATIC ELECTION CLERKS.

filed March 26, 2014  
by Kevin O'Connell

ORDERED, that the following Brewer registered voters, having been duly nominated by the Democratic City Committee, are herewith appoint as City Election Clerks for a term of two years commencing May 1, 2014 and expiring April 30, 2016.

Name

Marilyn Lavelle	116 Eastern Ave.	989-6214
Ellen Campbell	117 Chamberlain St.	989-2688
Anna Butera	1065 No. Main St.	989-4891
Joan Bouchard	3 Lincoln St.	989-4932
Patricia Gilmore	40 Maid Marion Ln.	989-2282
Joan Twitchell	50 Alan-A-Dale Rd.	989-7154
Doris Seymour	17 Aspen Way	989-1294
Irene Slabyj	43 Robin Hood Dr.	989-6118
Barbara Patterson	32 Lynn Ave.	989-2292
Ann Gallant	53 Madison Ave.	989-1565
Melissa Snow	74 Grove St.	989-7764
Bertha McAvoy	152 Parkway No.	989-7314

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Jeanne Adomatis	13 School St.	989-7582
Denise Fernald	53 Holyoke St.	989-3164
Lola Bullion	335 So. Main St.	989-0494
Cheryl Morrow	58 Longmeadow Dr.	989-7538
Lisa Gardner	484 Day Rd.	989-2165
Michele Powers	16 School St.	989-6820

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**F. Unfinished Business.**

There were no items.

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**G. New Business.**

2014-C002

April 1, 2014

**TITLE:** AMEND CHAPTER 24 (LAND USE CODE), ARTICLE 3, ZONING DISTRICTS, SECTION 306.1 AND SECTION 306.2 TO ADD THE “ADAPTIVE RESIDENTIAL MULTI-UNIT DISTRICT”.

filed March 26, 2014  
by Joseph Ferris

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 24 of the Charter, Codes and Ordinances of the City of Brewer entitled “Land Use Code” be amended as follows: Article 3, Zoning Districts, Section 306.1 and Section 306.2 to add the “Adaptive Residential Multi-Unit District”.

(please see attached for changes and memo from City Planner)

**ACTION:** Councilor Ferris moved that one copy of the proposed ordinance amendment be certified and filed with the City Clerk for posting. The motion was seconded and passed by unanimous vote.

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

Mayor Goss introduced order 2014-A059 and resolve 2014-B018 under suspension of the rules. The City Clerk polled the council and unanimous consent was obtained to take up these items.

2014-A059

April 1, 2014

TITLE: ORDER, AUTHORIZE A SECURED LOAN TO BREWER ECONOMIC DEVELOPMENT CORPORATION TO COMPLETE THE NATURAL GAS EXTENSION TO LIBERTY DRIVE TO SUPPORT AND PROMOTE BUSINESS DEVELOPMENT IN BREWER.

filed April 1, 2014  
(under suspension of the rules)  
by Beverly Uhlenhake  
Matthew Vachon

WHEREAS, Brewer Economic Development Corporation (BEDC), a private non-profit organization with a long history of commitment to promote economic development in the City of Brewer, has submitted a letter of commitment requesting a grant in the amount of \$74,000 (see attachment to order 2014-A048); and

WHEREAS, BEDC's project to improve existing infrastructure by bringing natural gas to the Liberty Drive business park falls within the scope of the ED-RLF's requirements of a grant; and

WHEREAS, BEDC has successfully demonstrated that they have substantial non-liquid assets to complete the 25% match requirement to the satisfaction of the grant review committee; and

WHEREAS, to continue its mission, BEDC is seeking a loan for its \$28,500 share of the natural gas extension project; and

WHEREAS, BEDC proposes to secure the loan with BEDC-owned property located on Liberty Drive Map 13, Lot 48, specifically Lot 4 in the Amended Final Subdivision Plan of Lot 4, Lot 5, Lot 6 and Lot 7 – I-395 Exit 5 Subdivision, Parkway South, Brewer recorded in Penobscot County Registry of Deeds in Plan File 2007-150, or a comparable asset; and

WHEREAS, BEDC shall pay the City interest on the loan at a rate of 4% per annum, compounded annually, as well as any legal or other fees the City may incur associated with the loan transaction, and BEDC shall be responsible for providing the City with title insurance or an acceptable title opinion as well as an acceptable promissory note and mortgage; and

WHEREAS, the loan, fees (if any), and accrued interest shall be paid in full no later than three (3) years from the date the promissory note between the City and BEDC is signed;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes a secured loan to BEDC in the amount of \$28,500.00 intended to support and promote business development in Brewer to be charged to 0500000-100480; and

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FURTHER ORDERED, that the City Manager, or his designee, be authorized to execute any and all loan documents on behalf of the City, and take any and all other actions necessary to carry out the terms and conditions of the said loan.

**ACTION:** Councilor O'Connell moved that the order have passage. The motion was seconded and passed.

Councilor Uhlenhake and Councilor Ferris said they would recuse themselves from voting on this order.

The order was passed by a 3-0-2 vote, Councilors Uhlenhake and Ferris recused themselves from voting.

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2014-B018

April 1, 2014

TITLE: RESOLVE, AUTHORIZE CITY OF BREWER TO SUBMIT AN APPLICATION TO THE STATE OF MAINE CDBG PROGRAM FOR HOUSING ASSISTANCE FUNDS.

filed March 31, 2014  
(under suspension of the rules)  
by Kevin O'Connell and  
Matthew Vachon

**WHEREAS**, the City of Brewer wishes to apply to the Department of Economic and Community Development for a Community Development Block Grant to carry out a community development program; and

**WHEREAS**, the planning process required by Maine Law and the CDBG Program have been complied with, including participation in the planning process by low and moderate income families and individuals and the community has conducted at least one duly advertised public hearing; and

**WHEREAS**, the City of Brewer is cognizant of the requirement that should the intended National Objective of the CDBG program not be met all CDBG funds must be repaid to the State of Maine CDBG program; and

**NOW THEREFORE, BE IT RESOLVED** by the Council of the Community of Brewer that the City Manager, or his designee:

- 1) Is authorized and directed to submit an application for the following program(s) and dollar amount(s) within the State of Maine's CDBG Program:

Program: Housing Assistance                      Amount: \$500,000

To the Department of Economic and Community Development on behalf of the Community of Brewer, substantially in the form presented to this council;

- 2) Is authorized to make assurances on behalf of the Community of Brewer required as part of such applications, and
- 3) Is authorized and directed, upon acceptance of said funds to carry out the duties and responsibilities for implementing and said program(s), consistent with the Charter of the Community of Brewer and the laws and regulations governing planning and implementation of community development programs in the State of Maine.

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**ACTION:** Councilor Vachon moved that the resolve be adopted. The motion was seconded and passed.

The resolve was adopted by unanimous vote.

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Mayor Goss said he would accept a motion for adjournment.

**ACTION:** Councilor Ferris moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting adjourned at 6:44 p.m.

**ADJOURNED, ATTEST:** \_\_\_\_\_ Pamela J. Ryan  
City Clerk  
**A TRUE COPY, ATTEST:** \_\_\_\_\_ Brewer, Maine