

Regular Meeting
City Hall Council Chambers

Tuesday, April 2, 2013
6:00 p.m.

The regular meeting was called to order by Chairman Kevin O'Connell.
The city clerk called the roll:

Councilor Ferris	-	present	Councilor Vachon	-	present
Councilor Verow	-	absent	Chairman O'Connell	-	present
Councilor Goss	-	present			

Chairman O'Connell declared a quorum present. City Manager Bost and City Solicitor Dearborn were also present.

Chairman O'Connell led members of the council and others present in reciting the pledge of allegiance to the flag of the United States of America.

Chairman O'Connell read the notice for the regular meeting.

TO: Joseph Ferris, Arthur Verow, Jerry Goss, Kevin O'Connell and Matthew Vachon
MEMBERS OF THE BREWER CITY COUNCIL You are hereby notified a regular meeting of the City Council will be held on Tuesday, April 2, 2013 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider and act on the items on the attached agenda.

s/Kevin O'Connell
Mayor and Chairman of the City Council

or _____
Majority of the City Council

a true copy, attest: s/Pamela J. Ryan
City Clerk

OFFICER'S RETURN

I have on the date(s) and time(s) indicated given notice of this meeting by giving in hand or by leaving at the usual dwelling place of the within named an attested copy of this notice of meeting:

Given/Delivered to:	by (person delivering)	Title	Date	Time
Joseph Ferris	Willey	Ptl.	03/29/13	1721
Matthew Vachon	Willey	Ptl.	03/29/13	1706
Arthur Verow	Willey	Ptl.	03/29/13	1640
Jerry Goss	Willey	Ptl.	03/29/13	1646
Kevin O'Connell	C. Landes	DC	03/29/13	1:30 pm

CITY COUNCIL REGULAR MEETING

Tuesday, April 2, 2013 6:00 P.M.

Brewer City Hall Council Chambers

- I. Call to Order.** (Mayor Kevin O'Connell)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America. Regular Meeting**
(Mayor O'Connell)
- A. Minutes of March 18, 2013 Regular Meeting.** (Councilor Verow)
- B. Awards, Petitions and Public Comments.**
 - 1. (2013-B018) RESOLVE, Recognize Gerald Ballanger for His Many Years of Service as a Deputy Registrar of Voters for the City of Brewer.
(Councilor Verow)
 - 2. Recognition of Public Safety Personnel Advancements (Swearing In).
 - 3. Public Comments.
- C. Consent Calendar.**
 - 1. (2013-A046) ORDER, Declare City Property (Voting Machines) Surplus and Authorize Disposal Thereof.
(Councilor Vachon)
 - 2. (2013-A047) ORDER, Accept Donation to the Brewer Parks and Recreation Department for the Annual Brewer Days Celebration. (Councilor Ferris)
 - 3. (2013-A048) ORDER, Accept Insurance Refund From Maine Municipal Association.
(Councilor Goss)
 - 4. (2013-A049) ORDER, Award Contract for Revaluation Services.
(Councilor Vachon)
- D. Monthly Reports.** (None)
- E. Nominations, Appointments, Elections.**
- F. Unfinished Business.**
 - 1. 2013-C004 Amend Chapter 20, Entitled "Licenses and Permits", Article 2 Licenses, Section 219 Liquor Licenses, Section 219.1 New Licenses. (Councilor Ferris)
(posted 03/19/2013)
- G. New Business.**
 - 1. (2013-A050) ORDER, Award Contract for Banking Services.
(Councilor Verow)
- H. New Items with Leave of Council.**
- I. ADJOURN.**

- A. Minutes of March 18, 2013 Regular Meeting.**

ACTION: Councilor Goss moved that the minutes be accepted and placed on

file. The motion was seconded and passed by unanimous vote.

B. Awards, Petitions and Public Comments.

2013-B018

April 2, 2013

TITLE: RESOLVE, RECOGNIZE GERALD BALLANGER FOR HIS MANY YEARS OF SERVICE AS A DEPUTY REGISTRAR OF VOTERS FOR THE CITY OF BREWER.

filed March 27, 2013

by Arthur Verow

WHEREAS, Gerald Ballanger served as a Deputy Registrar of Voters for the City of Brewer for fifteen years; and

WHEREAS, Gerald was a dedicated election worker registering residents of the City of Brewer to vote in municipal and state elections; and

WHEREAS, Gerald has worked as a Deputy Registrar of Voters under three City Clerks;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of Brewer, herewith recognizes and commends Gerald Ballanger for his many years of dedicated service to the citizens of the City of Brewer as a Deputy Registrar of Voters; and

FURTHER RESOLVED, that this resolution be spread upon the permanent records of the City of Brewer in testimony of the appreciation held for Gerald Ballanger by the citizens and officials of the City of Brewer, Maine.

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

Councilor Ferris wanted to thank Mr. Ballanger for his years of service to the City of Brewer.

The resolve was adopted by a 4 to 0 vote.

SWEARING IN OF PUBLIC SAFETY PERSONNEL.

The City Clerk swore in Brewer Police Officers Elizabeth Kelley to her new rank of Corporal and Nelson Feero to his new rank of Sargent.

Director of Public Safety, Perry Antone, congratulated the officers and said that the panel who recommended them for advancement said that these two officers would serve the City of Brewer tremendously well.

PUBLIC COMMENTS.

- Perry Antone, Director of Public Safety, spoke about the smoke detector program. The Firefighters Union has stepped forward and they have purchased \$500.00 worth of smoke detectors. It was done through Lowes which gave them to us at cost. Also there has been a battery program started at Eastern Maine Community College Nurses' Association. There are some students there that have been placing boxes for donated batteries and then have been delivering them to us so we can distribute them to the public that needs them.
- Chairman O'Connell said that he had one comment. We had a surprise visit from the Department of Labor and I just wanted to publicly thank all our department heads and our employees that were involved in the process. It is my understanding that we shined and I am not the least bit surprised that we shined so thank you all for helping with that process.

C. Consent Calendar.

ACTION: Councilor Goss moved that the orders on the consent calendar have passage. The motion was seconded and passed by a 4 to 0 vote.

2013-A046

April 2, 2013

TITLE: ORDER, DECLARE CITY PROPERTY (VOTING MACHINES)
SURPLUS AND AUTHORIZE THE DISPOSAL THEREOF.

filed March 27, 2013
by Matthew Vachon

WHEREAS, the State of Maine Secretary of State Elections Bureau has recently informed the cities and towns of Maine that they will be receiving new voter tabulator machines in the next couple of months; and

WHEREAS, the City of Brewer has three M100 voter tabulating machines that will no longer be needed or used for city and state elections;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council declares the three M100 voting machines located at the Brewer Auditorium to be surplus and authorizes the City Manager, or his designee, to sell or dispose of the surplus property by means that would be in the best interest of the City of Brewer; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to finalize all sales of the surplus City property and to deposit the proceeds into revenue account 0106904-300410.

2013-A047

April 2, 2013

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

filed March 27, 2013
by Joseph Ferris

WHEREAS, the City of Brewer has received a donation of \$500.00 from Trans-Tech Industries 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.

2013-A048

April 2, 2013

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

filed March 27, 2013
by Jerry Goss

WHEREAS, the City has received a refund of \$18,815 from the Maine Municipal Association's Workers Compensation Fund in recognition of the fund's and the City's positive performance in FY2012; and

WHEREAS, historically, the City has used insurance dividends to reduce the cost of current year premiums as well as to help fund Safety and Wellness Committee activities, which are an important part of Brewer's positive workers compensation claims experience; and

WHEREAS, the City wishes to also utilize a portion of the funds to capitalize the insurance deductible reserve, which the City holds to help offset unanticipated insurance deductible payments that may be required from time to time;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council hereby accepts the \$18,815 in workers compensation dividends and directs that \$3,000 of the proceeds be deposited into the Safety and Wellness Committee Reserve Revenue account (0200700-320000), which the City Council authorizes to be expended from the Safety and Wellness Committee Reserve Expense Account (0200700-520000) to support employee safety programs and initiatives; and

BE IT FURTHER ORDERED, that the City Council hereby directs \$5,000 or the proceeds to be deposited into the City's Insurance Deductible Reserve account (02000000-320000-62001) and authorizes the expenditure of these funds on unanticipated insurance deductible payments; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the remaining \$10,815 be applied as follows to reduce current year premium expense:

\$9,065	0117000-500800 City Workers Compensation Insurance
905	0717502-500800 Water Workers Compensation Insurance
<u>845</u>	0817502-500800 Sewer Workers Compensation Insurance
\$10,815	

2013-A049

April 2, 2013

TITLE: ORDER, AWARD CONTRACT FOR REVALUATION SERVICES.

filed March 27, 2013
by Matthew Vachon

WHEREAS, it has been 45 years since the City last undertook a full revaluation; and

WHEREAS, the Assessing Department uses a combination of paper and electronic records that is antiquated and inefficient and prevents the City from efficiently providing public access to the records as well as inhibits the implementation of a geographic information system, which is a proven productivity and economic development tool; and

WHEREAS, Vision Government Solutions, Inc. of Northboro MA has provided the City with a very favorable quote to perform a full revaluation of the City's real and personal property and install new assessing software; and

WHEREAS, Vision software is used successfully by many Maine communities and is able to link seamlessly to the City's MUNIS software; and

WHEREAS, the Finance Director recommends that the City utilize unassigned fund balance to pay for this unanticipated, one-time expense;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby authorizes the Assessor to initiate a full revaluation of City properties by contracting with Vision Government Solutions, Inc. and authorizes the City Manager, or his designee, to sign the necessary documents; and

FURTHER ORDERED, that the City Council hereby authorizes the appropriation, transfer and expenditure of up to \$301,000 of unassigned fund balance from the general fund to the CIP fund to pay for this expense from account 0510140-551025 (Revaluation); and

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.

D. Monthly Reports.

None

E. Nominations, Appointments, Elections.

No items.

F. Unfinished Business.

2013-C004

March 18, 2013

TITLE: AMEND CHAPTER 20, ENTITLED "LICENSES AND PERMITS",
ARTICLE 2 LICENSES, SECTION 219 LIQUOR LICENSES,
SECTION 219.1 NEW LICENSES.

filed March 13, 2013

by Joseph Ferris

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 20 of the Charter, Codes and Ordinances of the City of Brewer entitled "Licenses and Permits, Article 2 Licenses, Section 219 Liquor Licenses be amended by adding an item G under Section 219.1 New Licenses:

SECTION 219. LIQUOR LICENSES.

SECTION 219.1 NEW LICENSES.

Applications to the Maine Bureau of Liquor Enforcement and Licensing for licenses for the sale of spirits, wine or malt liquor to be consumed on the premises require the approval of the City

Council. The City Council may, at its discretion hold a public hearing on any new or amended license. Applications for such state liquor licenses will require a public hearing before the City Council if the Police Chief, the Fire Chief, the Code Enforcement Officer or the Health Officer refuses to approve the license because of a violation or violations of any City Code or Ordinance. Upon notification of any such disapproval, a public hearing will be called and held on the license renewal application. The City Clerk shall publish notice of any public hearing in a newspaper as required by the Maine Liquor Laws. The City Clerk shall send, by first class mail, a notice that the City Clerk's office has received an application for a new or renewed license application and that the City Council will consider the application at a specified upcoming public hearing or meeting of the City Council. The notice shall be sent to all property owners of record within a five hundred (500) foot radius of the premise for which the license is sought. If one (1) or more of the properties within the five hundred (500) foot radius is an apartment complex or a business complex, the City Clerk shall send, by first class mail, to the owner of the complex a letter suggesting that he or she or it, if a corporation, notify the tenants of the complex of the fact of the public hearing or public meeting.

In granting or denying an application, the City Council shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

- Conviction of the applicant of any Class A, Class B or Class C crime;
- Noncompliance of the licensed premises or its use with any local Land Use Code or other Land Use Ordinance not directly related to liquor control;
- 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;
- 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;
- A violation of any provision of the Maine Liquor Laws;
- A determination by the City Council that the purpose of the application is to circumvent the provisions of 28-A M.R.S.A. § 601, et. seq.
- 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.

In issuing or denying licenses, the City Council shall also 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 safety of persons in or on areas surrounding the place of business.

ACTION: Councilor Ferris moved that the proposed ordinance amendment be enacted. The motion was seconded and passed.

The proposed ordinance amendment was enacted by a 4 to 0 vote.

G. New Business.

2013-A050

April 2, 2013

TITLE: ORDER, AWARD CONTRACT FOR BANKING SERVICES.

filed March 27, 2013
by Arthur Verow

WHEREAS, the City issued a Request for Proposals for banking services and received seven qualified responses; and

WHEREAS, after careful review of the proposals, the Finance Director recommends the selection of _____ to provide the City's primary banking services effective July 1, 2013;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the City Manager or his designee to sign the necessary documents to enter into a five year contract with _____ for banking services; and

FURTHER ORDERED, that the City Council grants authority to the Finance Director, and the Deputy Finance Director to open and close the necessary bank accounts, sub accounts and sweep accounts and to execute other agreements needed to carry out the contract and terminate services with our current banking service provider, TD Bank; and

FURTHER ORDERED, that the City Council grants authority to the Finance Director, the Deputy Finance Director and, as backup, the Tax Collector to 1) enter into and execute wire transfers, 2) execute ACH transactions, and 3) sign checks and other orders for the withdrawal and transfer of funds.

ACTION: Councilor Goss moved that the order have passage. The motion was

seconded.

Councilor Goss moved that the order be amended by inserting “Machias Savings Bank of Brewer, Maine” in the two blanks of the order. The motion was seconded and passed by a 4 to 0 vote.

The order, as amended, was passed by a 4 to 0 vote.

H. New Items with Leave of Council.

Chairman O’Connell reminded the City Council members and persons in the audience that the next City Council meeting would be on Monday, May 20, 2013

Chairman O’Connell said he would accept a motion for adjournment.

ACTION: Councilor Ferris moved that the meeting be adjourned. The motion was seconded and passed by a 4 to 0 vote. The meeting adjourned at 6:08 p.m.

ADJOURNED, ATTEST: _____ Pamela J. Ryan
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine