

City Council Minutes
August 13, 2013

Regular Meeting
City Hall Council Chambers

Tuesday, August 13, 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	-	present	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, August 13, 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	K. Bouchard	Ptl.	08/09/13	1551
Matthew Vachon	K. Bouchard	Ptl.	08/09/13	1601
Arthur Verow	K. Bouchard	Ptl.	08/09/13	1518
Jerry Goss	K. Bouchard	Ptl.	08/09/13	1523
Kevin O’Connell	C. Landes	DCC	08/09/13	3:40pm

CITY COUNCIL REGULAR MEETING
Tuesday, August 13, 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.** (Mayor O’Connell)
- A. Minutes of June 28, 2013 Special Meeting and July 9, 2013 Regular Meeting.**
(Councilor Verow)
- B. Awards, Petitions and Public Comments.**
 - 1. (2013-B046) RESOLVE, Recognize the Achievements of Brewer High School Track and Field Standout, Teal Jackson.
(Councilor Goss)
 - 2. (2013-B047) RESOLVE, Recognize the Cadets of Brewer High School’s Air Force Junior ROTC for Their Community Project. (Councilor Verow)
 - 3. (2013-B048) RESOLVE, Recognize Firefighter James Burns of the Brewer Fire Department for Twenty-five (25) Years of Dedicated Service to the City of Brewer.
(Councilor Vachon)
 - 4. (2013-B049) RESOLVE, Recognize Lieutenant Michael Mullen of the Brewer Fire Department for Twenty-five (25) Years of Dedicated Service to the City of Brewer.
(Councilor Ferris)
 - 5. (2013-B050) RESOLVE, Recognize Captain Mark Call of the Brewer Fire Department for Twenty-seven (27) Years of Dedicated Service to the City of Brewer.
(Councilor Goss)
 - 6. (2013-B051) RESOLVE, Recognize Deputy Fire Chief Ralph Cammack of the Brewer Fire Department for Twenty-five (25) Years of Dedicated Service to the City of Brewer.
(Councilor Verow)
 - 7. (2013-B052) RESOLVE, Recognize Dennis Tate, Treatment Plant Operator at the Hayes Water Treatment Facility for Thirty-five Years of Dedicated Service.
(Councilor Vachon)
 - 8. (2013-B053) RESOLVE, Recognize Award Winning Vacationland Inn and Conference Center of Brewer, Maine.
(Councilor Verow)
 - 9. Public Comments.
- IV. Recess for Public Hearing.**
 - 1. General Assistance Ordinance Revision Amendment.
- V. Adjourn Public Hearing and Continue with Regular Meeting.**

C. Consent Calendar.

1. (2013-A111) ORDER, Issue Release Deed to Gordon W. Brewer and Norma J. Brewer for Property Located at Outback Lane (Tax Map 10, Lot 10A). (Councilor Ferris)
2. (2013-A112) ORDER, Accept Donations to the Brewer Parks and Recreation Department for the Annual Brewer Days Celebration. (Councilor Goss)
3. (2013-A113) ORDER, Authorize the City's Participation in the Regional Household Hazardous Waste Collection and Disposal Program. (Councilor Verow)
4. (2013-A114) ORDER, Authorize Contract for Credit Card Services. (Councilor Vachon)
5. (2013-A115) ORDER, Authorize Repayment Agreement with John J. Zachary and Pamela B. Zachary Relative to the Property Situated at 24 Kings Court in Brewer as Generally Shown on the City of Brewer's Tax Assessor's Map 25, Lot 61. (Councilor Ferris)
6. (2013-A116) ORDER, Approve Contract Zone Agreement of Property for City of Brewer, Brewer Redevelopment LLC and Housing Authority of the City of Brewer, Corner of Somerset and Center Streets (City Tax Map 31, Lot 49). (Councilor Goss)
7. (2013-A117) ORDER, Authorize the City Solicitor to Institute an Action to Perfect the City's Title to the Property Situated at 8 East Summer Street, Brewer, that it Acquired by Automatic Foreclosure of Real Estate Tax Liens and Sewer Liens. (Councilor Verow)
8. (2013-A118) ORDER, Award Contract to Replace the Upper Level Roof on the Former Library Building. (Councilor Vachon)
9. (2013-A119) ORDER, Accept Contribution to the Brewer Public Library From Gloria Byers and Authorize use of these Funds to Supplement the Book Budget. (Councilor Ferris)
10. (2013-A120) ORDER, Authorize Purchase of Rock Salt. (Councilor Goss)
11. (2013-A121) ORDER, Authorize Purchase of a Replacement Dump Truck/Plow for the Public Works Department. (Councilor Verow)
12. (2013-A122) ORDER, Accept Donations to the Brewer Parks and Recreation Department for the Fall Program/Leagues. (Councilor Vachon)

13. (2013-A123) ORDER, Accept Deed to Property at the End of Carroll Court and Dedicate it as a Public Street Pursuant to Title 23 M.R.S.A. §3025. (Councilor Ferris)
14. (2013-A124) ORDER, Award Bid for Parcel Data Alignment and Conversion Project. (Councilor Vachon)

D. Monthly Reports. (Councilor Verow)

E. Nominations, Appointments, Elections.

1. (2013-A125) ORDER, Reappoint Animal Control Officer. (Councilor Goss)
2. (2013-A126) ORDER, Appoint Successor Co-Trustee of the Paine Memorial Trust. (Councilor Verow)
3. (2013-A127) ORDER, Appoint Richard Manzo as a Member of the Comprehensive Plan Committee. (Councilor Vachon)
4. (2013-B054) RESOLVE, Declare Results of the July 8, 2013 City of Brewer School Budget Approval Election. (Councilor Ferris)

F. Unfinished Business. (no items)

G. New Business.

1. (2013-C008) Amend the General Assistance Ordinance to Incorporate Changes In Maximum Benefits. (Councilor Goss)
2. (2013-C009) Amend Chapter 24 (Land Use Code) Article 9 (Streets and Roads), Section 906.3.5 (Street Design Standards – Residential Streets), Number 5 (Residential Standards), Items 1 and 3 of the Charter, Codes and Ordinances of the City of Brewer. (Councilor Verow)
3. (2013-A128) ORDER, Convene in Executive Session Pursuant to Title 1, M.R.S.A. § 405(6)(A) on a Personnel Matter (City Assessor’s Annual Evaluation). (Councilor Ferris)
4. (2013-A129) ORDER, Convene in Executive Session Pursuant to Title 1, M.R.S.A. § 405(6)(A) on a Personnel Matter (City Clerk’s Annual Evaluation). (Councilor Goss)
5. (2013-A130) ORDER, Convene in Executive Session Pursuant to Title 1, M.R.S.A. § 405(6)(A) on a Personnel Matter (City Manager’s Annual Evaluation). (Councilor Verow)

H. New Items with Leave of Council.

I. ADJOURN.

A. Minutes of June 28, 2013 Special Meeting and July 9, 2013 Regular Meeting.

ACTION: Councilor Verow 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-B046

August 13, 2013

TITLE: RESOLVE, RECOGNIZE THE ACHIEVEMENTS OF BREWER HIGH SCHOOL TRACK AND FIELD STANDOUT, TEAL JACKSON.

filed August 7, 2013
by Jerry Goss

WHEREAS, Brewer High School senior, Teal Jackson, continues to be an outstanding ambassador for Brewer High School athletics; and

WHEREAS, Ms. Jackson, on June 1, 2013, won the Class A State Championship in the 100, 200 and 400 meter sprints and in the long jump. Additionally, she has won the Penobscot Valley Conference 100, 200 and 400 meter sprints for 3 consecutive years, and has been the Most Outstanding Performer each time; and

WHEREAS, Ms. Jackson continued her dominance of the Indoor Track League where she won the 55, 200 and 400 meter sprints and set the Indoor record for the 400 meters; and

WHEREAS, Ms. Jackson has established herself as one of the greatest female track and field athletes in Maine school girl history and has represented the City of Brewer and Brewer High School with class, dignity and a work ethic that is second to none;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith congratulates Teal Jackson on a highly successful high school athletic career that is capped by 4 state titles and expresses its sincere pride in one of Brewer High School's finest students and athletes.

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

Councilor Goss read the resolve into the record while presenting it to Miss Jackson.

Councilor Goss commented that Teal was one of the best athletes in the State of Maine and he wished her much success in her college career.

The resolve was adopted by unanimous vote.

2013-B047

August 13, 2013

TITLE: RESOLVE, RECOGNIZE THE CADETS OF BREWER HIGH SCHOOL'S AIR FORCE JUNIOR ROTC FOR THEIR COMMUNITY PROJECT.

filed August 7, 2013
by Arthur Verow

WHEREAS, on July 9, 2013 the Maine State Senate and House of Representatives recognized the cadets of Brewer High School's Air Force Junior ROTC program for their valuable community project; and

WHEREAS, the ROTC cadets volunteered their energy, time and talent to assist the Brewer Historical Society in the care and maintenance of the Chamberlain Freedom Park in the City of Brewer; and

WHEREAS, Chamberlain Freedom Park is a significant reminder of the important role of the City of Brewer and the State of Maine in preserving the Union in the American Civil War;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith, recognizes and extends their appreciation to the Junior ROTC cadets for their efforts in maintaining the historic Chamberlain Freedom Park in the City of Brewer, Maine.

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

Councilor Verow read the resolve into the record while presenting it to Master Sgt. Anthony Campbell who was accompanied by Advisor Winslow.

The resolve was adopted by unanimous vote.

2013-B048

August 13, 2013

TITLE: RESOLVE, RECOGNIZE FIREFIGHTER JAMES BURNS OF THE BREWER FIRE DEPARTMENT FOR TWENTY-FIVE (25) YEARS OF DEDICATED SERVICE TO THE CITY OF BREWER.

filed August 7, 2013
by Matthew Vachon

WHEREAS, on March 29, 2013, Firefighter James Burns completed twenty-five (25) years of dedicated service as an employee for the City of Brewer; and

WHEREAS, Firefighter Burns started with the Brewer Fire Department on March 29, 1988, as a Firefighter; and

WHEREAS, Firefighter Burns, has served as a Firefighter for the past twenty-five (25) years; and

WHEREAS, Firefighter Burns has provided outstanding service to the City of Brewer and Brewer residents, his dedication is greatly appreciated; and

WHEREAS, on the occasion of him completing twenty-five (25) years of service, the Brewer City Council wishes to publicly recognize Firefighter James Burns for his distinguished service as an employee of the City of Brewer;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the citizens of the City of Brewer, herewith expresses its deep appreciation to Firefighter James Burns for serving the community in a caring and professional manner for the past twenty-five (25) years.

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

Councilor Vachon read the resolve into the record while presenting it to Firefighter Burns.

Director of Public Safety, Perry Antone, said that if you ever had the misfortune of having a fire that Firefighter Burns would be the one that you want to be there helping handle the situation.

The resolve was adopted by unanimous vote.

2013-B049

August 13, 2013

TITLE: RESOLVE, RECOGNIZE LIEUTENANT MICHAEL MULLEN OF THE BREWER FIRE DEPARTMENT FOR TWENTY-FIVE (25) YEARS OF DEDICATED SERVICE TO THE CITY OF BREWER.

filed August 7, 2013
by Joseph Ferris

WHEREAS, on August 11, 2012, Fire Lieutenant Michael Mullen completed twenty-five (25) years of dedicated service as an employee for the City of Brewer; and

WHEREAS, Lieutenant Mullen started with the Brewer Fire Department on August 11, 1987, as a Firefighter; and

WHEREAS, Lieutenant Mullen was promoted to the rank of Lieutenant on March 28, 2011 and has served with the Brewer Fire Department for the past twenty-five (25) years; and

WHEREAS, Lieutenant Mullen has provided outstanding service to the City of Brewer and Brewer residents, his dedication is greatly appreciated; and

WHEREAS, on the occasion of him completing twenty-five (25) years of service, the Brewer City Council wishes to publicly recognize Lieutenant Michael Mullen for his distinguished service as an employee of the City of Brewer;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the citizens of the City of Brewer, herewith expresses its deep appreciation to Lieutenant Michael Mullen for serving the community in a caring and professional manner for the past twenty-five (25) years.

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 it to Brewer Fire Department Lieutenant Mullen.

Director of Public Safety, Perry Antone, said that Mullen started out as a firefighter at the age of 18 and was promoted to Lieutenant in 2011. He also still has his original fire helmet with the black soot still coating it.

The resolve was adopted by unanimous vote.

2013-B050

August 13, 2013

TITLE: RESOLVE, RECOGNIZE CAPTAIN MARK CALL OF THE BREWER FIRE DEPARTMENT FOR TWENTY-SEVEN (27) YEARS OF DEDICATED SERVICE TO THE CITY OF BREWER.

filed August 7, 2013
by Jerry Goss

WHEREAS, on July 17, 2013, Captain Mark Call completed twenty-seven (27) years of dedicated service as an employee for the City of Brewer; and

WHEREAS, Captain Call started with the Brewer Fire Department on July 17, 1985, as a Firefighter; and

WHEREAS, Captain Call was promoted to Captain and was responsible for the “Call Department” serving the Brewer Fire Department for the past twenty-seven (27) years; and

WHEREAS, Captain Call has provided outstanding service to the City of Brewer and Brewer residents, his dedication is greatly appreciated; and

WHEREAS, Captain Call, as of July 28, 2013, has retired from the Brewer Fire Department; and

WHEREAS, on the occasion of him completing twenty-seven (27) years of service, the Brewer City Council wishes to publicly recognize Captain Mark Call for his distinguished service as an employee of the City of Brewer;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the citizens of the City of Brewer, herewith expresses its deep appreciation to Captain Mark Call for serving the community in a caring and professional manner for the past twenty-seven (27) years.

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

Councilor Goss read the resolve into the record and presented it to Deputy Fire Chief Cammack as Captain Call was out of the city.

The resolve was adopted by unanimous vote.

2013-B051

August 13, 2013

TITLE: RESOLVE, RECOGNIZE DEPUTY FIRE CHIEF RALPH CAMMACK OF THE BREWER FIRE DEPARTMENT FOR TWENTY-FIVE (25) YEARS OF DEDICATED SERVICE TO THE CITY OF BREWER.

filed August 7, 2013
by Arthur Verow

WHEREAS, on September 1, 2012, Ralph Cammack, Deputy Fire Chief, completed twenty-five (25) years of dedicated service as an employee for the City of Brewer; and

WHEREAS, Deputy Fire Chief Cammack started with the Brewer Fire Department on September 1, 1987, as a Firefighter; and

WHEREAS, Deputy Fire Chief Cammack served in the capacity of Firefighter until August, 2011 when he was promoted to Fire Inspector and to the rank of Lieutenant; and

WHEREAS, Deputy Fire Chief Cammack was appointed as the Deputy Fire Chief in October, 2012; and

WHEREAS, Deputy Fire Chief Cammack has provided outstanding service to the City of Brewer and Brewer residents, his dedication is greatly appreciated; and

WHEREAS, on the occasion of him completing twenty-five (25) years of service, the Brewer City Council wishes to publicly recognize Deputy Fire Chief Ralph Cammack for his distinguished service as an employee of the City of Brewer;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the citizens of the City of Brewer, herewith expresses its deep appreciation to Deputy Fire Chief Ralph Cammack for serving the community in a caring and professional manner for the past twenty-five (25) years.

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

Councilor Verow read the resolve into the record while presenting it to Deputy Fire Chief Cammack.

Director of Public Safety, Perry Antone, said that he has observed Ralph in many emergency situations over the years and is pleased that he is now serving as his “right hand man”.

The resolve was adopted by unanimous vote.

2013-B052

August 13, 2013

TITLE: RESOLVE, RECOGNIZE DENNIS TATE, TREATMENT PLANT OPERATOR AT THE HAYES WATER TREATMENT FACILITY, FOR THIRTY-FIVE (35) YEARS OF DEDICATED SERVICE TO THE CITY OF BREWER.

filed August 7, 2013
by Matthew Vachon

WHEREAS, on May 1, 2013, Dennis Tate, Operator of the Hayes Water Treatment Facility, completed thirty-five (35) years of dedicated service as an employee for the City of Brewer; and

WHEREAS, Dennis has been an indispensable member of the Brewer Water team working in both distribution and treatment and has operated the facility in full compliance with all applicable federal and state drinking water regulations; and

WHEREAS, Dennis has seen and contributed to the growth of the Water Department from a small pump station with a line through the woods of Maine to a state of the art treatment facility; and

WHEREAS, Dennis' years of service, historical knowledge and hands on work style has provided leadership and transference of knowledge throughout his time with the Brewer Water Department; and

WHEREAS, on the occasion of his completing thirty-five (35) years of service to the City of Brewer, the Brewer City Council wishes to publicly recognize Dennis Tate for his outstanding dedication and his commitment to excellence in providing this vital service to our City;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith congratulate Dennis Tate for his long standing service and gratefully thank him for his exacting professionalism and passionate dedication that has provided our great city with the highest quality drinking water.

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

Councilor Vachon read the resolve into the record while presenting it to Mr. Tate.

Water Dept. Supt., Rodney Butler, said that Dennis knows the distribution and treatment for the water department and that his historical knowledge of the water department through the years has proved invaluable and his has embraced all the changes the department has gone through.

The resolve was adopted by unanimous vote.

2013-B053

August 13, 2013

TITLE: RESOLVE, RECOGNIZE AWARD WINNING VACATIONLAND INN AND CONFERENCE CENTER OF BREWER, MAINE.

filed August 7, 2013
by Arthur Verow

WHEREAS, Vacationland Inn and Conference Center, 453 Wilson Street, has earned the 2013 TripAdvisor Certificate of Excellence award; and

WHEREAS, this accolade, which honors hospitality excellence, is given to only the establishments that constantly achieve outstanding traveler reviews on TripAdvisor; and

WHEREAS, only ten percent of businesses listed on TripAdvisor receive this prestigious award or recognition; and

WHEREAS, to qualify for a Certificate of Excellence, businesses must maintain an overall rating of four or higher, out of a possible five, as reviewed by travelers on TripAdvisor; and

WHEREAS, Vacationland received a rating of four and one-half; and

WHEREAS, the City of Brewer is fortunate to have this first class hotel as a member of its proud business community;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith congratulates and commends Vacationland Inn and Conference Center and its owners, Ross and Cheryl Bradford and its managers, Leeanne and Allan Hewey, for earning the prestigious Award of Excellence from TripAdvisor this year.

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

Councilor Verow read the resolve into the record while presenting it to Allan and Leeanne Hewey, the managers of the inn.

The resolve was adopted by unanimous vote.

PUBLIC COMMENTS.

There were no public comments.

Recess for Public Hearing.

1. General Assistance Ordinance Revision Amendment.

The public hearing was called to order by Chairman Kevin O'Connell.

The city clerk called the roll:

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

Chairman O'Connell declared all members were present.

Chairman O'Connell read the public notice:

**CITY OF BREWER
PUBLIC HEARING**

Notice is hereby given that the City Council of the City of Brewer will hold a public hearing on proposed amendments to Chapter 11, Sub-Chapter 1, General Assistance Ordinance, of the City of Brewer Codes and Ordinances to incorporate changes in maximum benefits on Tuesday, August 13, 2013 at 6:00 p.m. in the Council Chambers at Brewer City Hall, 80 No. Main Street, Brewer, Maine.

The proposed revisions are on file in the office of the Brewer City Clerk for inspection during normal business hours of 8:00 a.m. through 5:00 p.m., Monday through Friday, except legal holidays.

Written comments on these proposed amendments may also be submitted. The deadline for submission of written comments is 4:30 p.m. on the date of the public hearing. Written comments should be addressed to the Brewer City Council, c/o City Clerk, 80 North Main Street, Brewer, Maine 04412.

Pamela J. Ryan
Brewer City Clerk

Published in the Bangor Daily News August 5, 2013
Posted August 2, at Brewer City Hall

There were no comments from the public present either for or in opposition of the proposed amendments to the General Assistance ordinance.

Adjourn Public Hearing and Continue with Regular Meeting.

Public Hearing adjourned at 6:45 p.m.

The city clerk called the roll and all members of the council was present.

Chairman O'Connell said the regular meeting would resume at this time.

C. Consent Calendar.

ACTION: Councilor Verow removed orders 2013-A111 and A124. Councilor Ferris removed order 2013-A118

Councilor Verow moved that the remaining orders on the consent calendar have passage. The motion was seconded and passed by unanimous vote.

2013-A111

August 13, 2013

TITLE: ORDER, ISSUE RELEASE DEED TO GORDON W. BREWER
AND NORMA J. BREWER FOR PROPERTY LOCATED AT
OUTBACK LANE (TAX MAP 1, LOT 10A).

filed August 7, 2013
by Joseph Ferris

ORDERED, that a municipal release deed be issued to Gordon W. Brewer and Norma J. Brewer, for property located at Outback Lane, releasing to them all rights, title and interest the City of Brewer may have acquired in the property located on Outback Lane (City Tax Map 1, Lot 10A) by virtue of City of Brewer tax or sewer lines recorded in the Penobscot County Registry of Deeds in the following volumes and pages:

Volume	Page
12506	205
13227	315

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 \$3,824.87 in principal was collected, along with \$242.04 in interest and \$90.38 in costs.

ACTION: Councilor Ferris moved that the order have passage. The motion was seconded and passed.

Councilor Verow said that he had not heard of Outback Lane and wanted to know if it was part of E911.

Councilor Verow was told that it was a private way located at the end of Wiswell Road almost into Holden. Also that yes, it is part of E911.

The order was passed by unanimous vote.

2013-A112

August 13, 2013

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

filed August 7, 2013
by Jerry Goss

WHEREAS, the City of Brewer has received donations of \$1000.00 from Marden's, Inc. and Joel and Jacquelyn Dearborn 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 these generous donations, 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-A113

August 13, 2013

TITLE: ORDER, AUTHORIZE THE CITY'S PARTICIPATION IN THE 2013 REGIONAL HOUSEHOLD HAZARDOUS WASTE COLLECTION AND DISPOSAL PROGRAM.

filed August 7, 2013
by Arthur Verow

WHEREAS, the City of Brewer has participated in the Regional Household Hazardous Waste Collection and Disposal Program for several years, with other area communities, at the Bangor Public Works at 530 Maine Avenue in Bangor; and

WHEREAS, the Program has been a huge success giving Brewer residents an opportunity to dispose of household hazardous waste such as oil, gas, kerosene, oil based paint, thinner, pesticides, antifreeze, fertilizer, poisons, etc.; and

WHEREAS, the 2013 Regional Household Hazardous Waste Collection and Disposal Program is scheduled for Saturday, October 5, 2013 from 9:00 a.m. to 2:00 p.m. for all Brewer residents who register in advance; and

WHEREAS, the following communities will also participate in this very successful regional program: Bangor, Carmel, Clifton, Dedham, Dixmont, Eddington, Etna, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Newburgh, Old Town, Orono, Orrington, Penobscot Nation, Stockton Springs, Veazie, and Winterport;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a Hazardous Waste Collection Agreement which will permit Brewer residents to participate in the 2013 Regional Household Hazardous Waste Collection and Disposal Program; and

BE IT FURTHER ORDERED, that funds for this program shall be charged to City budget account 0818101-506230.

2013-A114

August 13, 2013

TITLE: ORDER, AUTHORIZE CONTRACT FOR CREDIT CARD SERVICES.

filed August 7, 2013
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, the effective date for this contract will fall within these five days; 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;

WHEREAS, changes in federal credit card laws last year resulted in Visa removing the limitation that its cards be used only to pay tax transactions; and

WHEREAS, the City's current credit card software, through PowerPay, does not allow us to accept Visa for non-tax transactions; and

WHEREAS, the City has identified another provider, Value Payment Systems, that will enable us to accept Visa for all types of transaction as well as add American Express to the list of cards we accept and an online pay option; and

WHEREAS, as with our current provider, there will be no cost to the City for this service and the cost to the citizens is virtually identical to our current fees;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the City Manager, or his designee, to enter into a contract with Value Payment Systems of Nashville, Tennessee and to execute any related agreements with Visa, Mastercard, Discover and American Express necessary to implement this service for our customers.

2013-A115

August 13, 2013

TITLE: ORDER, AUTHORIZE REPAYMENT AGREEMENT WITH JOHN J. ZACHARY AND PAMELA B. ZACHARY RELATIVE TO THE PROPERTY SITUATED AT 24 KINGS COURT IN BREWER AS GENERALLY SHOWN ON THE CITY OF BREWER'S TAX ASSESSOR'S MAP 25, LOT 61.

filed August 7, 2013
by Joseph Ferris

WHEREAS, John J. Zachary and Pamela B. Zachary ("the Zacharys") are tenants in possession and the former owners of the property situated at 24 Kings Court in Brewer, (generally shown on the City of Brewer's Tax Assessor's Map 25 as Lot 61), and is hereinafter referred to as the "Property"; and

WHEREAS, the City acquired the Property for an unpaid sewer lien, which has automatically foreclosed by operation of law; and

WHEREAS, the Zacharys wish to redeem the Property; and

WHEREAS, the City Council is willing to allow the Zacharys to redeem the Property under certain terms and conditions; and

WHEREAS, the Zacharys have agreed to all of the terms and conditions established by the City Council;

NOW, THEREFORE, BE IT ORDERED, that the City Council authorizes the attached Agreement between the City of Brewer and John J. Zachary and Pamela B. Zachary wherein the Zacharys shall be permitted to reacquire the Property situated at 24 Kings Court, which has been acquired by virtue of the automatic foreclosure of a sewer lien, provided the Zacharys pay to the City of Brewer all outstanding tax and sewer liens, current real estate and personal property taxes, current and future sewer user fees, current and future water user fees, reasonable attorney fees, interest and other fees; and

FURTHER BE IT ORDERED that the City Manager, or his designee, is hereby authorized to sign the said Agreement on behalf of the City.

2013-A116

August 13, 2013

TITLE: ORDER, APPROVE CONTRACT ZONE AGREEMENT OF PROPERTY FOR CITY OF BREWER, BREWER REDEVELOPMENT LLC AND HOUSING AUTHORITY, OF THE CITY OF BREWER, CORNER OF SOMERSET AND CENTER STREETS (CITY TAX MAP 31, LOT 49).

filed August 7, 2013
by Jerry Goss

ORDERED, that the contract zone agreement between the City of Brewer, Brewer Redevelopment LLC and Housing Authority of the City of Brewer providing for a contract zone change for the property at corner of Somerset and Center Streets (City Tax Map 31, Lot 49) is herewith approved; and

ORDERED, that a copy of the contract zone agreement for the contract zone change for the property at corner of Somerset and Center Streets is herewith attached and made a part of this order;

FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to sign this contract agreement on behalf of the City of Brewer.

TO: Mayor and City Council Members
FROM: Frank Higgins, City Engineer
SUBJECT: BHA/Somerset Place Contract Zone Agreement, 5 Somerset Street
DATE: 8/9/13
CC: Code Enforcement Officer, City Solicitor, City Planner

The tri-applicants, Brewer Housing Authority, Brewer Redevelopment LLC, and the City of Brewer are seeking to enter into a contract zone agreement to change the zoning from Office Residential to Adaptive Reuse. The reason there are the tri-applicants is that Brewer Redevelopment LLC and the City of Brewer each own portions of the land and the BHA is proposing the reuse project.

The parcel is located on Somerset Street and Center Street and is shown as Lot 49 on Brewer Tax Map 31. The parcel is currently zoned Office Residential (OR) with a proposed contract zone agreement into the Adaptive Reuse (AR) District.

The Adaptive Reuse zoning includes development standards by which the Planning Board can increase the residential density provided the site is suitable for the type of development proposed. The AR development standards also allow for a waiver not to meet the parking requirements. In this situation, the only way to have on-site parking is to place it directly against Somerset Street and Center Street. In order to make this parking work, a narrow strip of both the Somerset Street and Center Street right-of-ways need to be abandoned and conveyed with the land parcel. Thus these strips of land are included in the proposed contract zone agreement.

At its regular meeting on 8-7-13, the Planning Board approved the subdivision plan for this property and the site plan submitted for the redevelopment of the former Middle School building. The site plan was reviewed under the provisions of the Adaptive Reuse Zone and the Planning Board specifically approved an increase in unit density and a reduction in normal parking standards as allowed by ordinance in the Adaptive Reuse zone. The Planning Board's approval of the site plan was contingent upon Council approval and final execution of a contract zone agreement changing the existing zoning from Office Residential to Adaptive Reuse. They also reviewed the application for the proposed contract zone agreement, unanimously passed a resolution in favor of the proposed agreement and recommended approval of the agreement by the City Council.

The City Solicitor has prepared a Council Order to approve the proposed Contract Zone Change and can answer any questions you may have related to this issue.

2013-A117

August 13, 2013

TITLE: ORDER, AUTHORIZE THE CITY SOLICITOR TO INSTITUTE AN ACTION TO PERFECT THE CITY'S TITLE TO THE PROPERTY SITUATED AT 8 EAST SUMMER STREET, BREWER, THAT IT ACQUIRED BY THE AUTOMATIC FORECLOSURE OF REAL ESTATE TAX LIENS AND SEWER LIENS.

filed August 7, 2013
by Arthur Verow

WHEREAS, the City has acquired title to 8 East Summer Street, Brewer, by virtue of real estate tax liens and sewer liens that have automatically foreclosed; and

WHEREAS, the City wishes to perfect its title to the said property with a civil action;

NOW, THEREFORE, BE IT ORDERED, that the City Solicitor is authorized to bring a civil action on behalf of the City in the Maine District Court to perfect the City's title and ownership in the property situated at 8 East Summer Street in Brewer.

2013-A118

August 13, 2013

TITLE: ORDER, AWARD CONTRACT TO REPLACE THE UPPER LEVEL ROOF ON THE FORMER LIBRARY BUILDING.

filed August 7, 2013
by Matthew Vachon

WHEREAS, the upper level roof on the former Library Building attached to City Hall is leaking in several places; and

WHEREAS, the City Engineer has inspected the roof and determined that the best approach to repairing the defects with the roof would be a complete removal and replacement of the existing insulation and rubber membrane; and

WHEREAS, G. R. Roofing of Brewer has recently satisfactorily completed a replacement of the lower section of the library roof; and

WHEREAS, the City Engineer has reviewed the proposal from G. R. Roofing and deemed it reasonable and acceptable;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to issue a purchase order to G. R. Roofing of Brewer in an amount not to exceed \$35,000.00 for the removal of the existing library roof insulation and membrane and replacement with a new R25 insulation and rubber membrane system; and

BE IT FURTHER ORDERED, that the costs of this work shall be charged to account 0510120-551001 (City Hall Infrastructure); and

BE IT FURTHER ORDERED, the funds for this project shall come from \$20,000.00 previously approved for City Hall Infrastructure as part of the FY14 CIP and \$15,000.00 reallocated from account 0510100-551024 (School Buildings-Remediation and Demolition) which is now available due to the receipt of grant funds from the US EPA designated for this purpose; and

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

ACTION: Councilor Vachon moved that the order have passage. The motion was seconded and passed.

Councilor Ferris said that he was just wondering what the plans were for the old library.

City Council Minutes
August 13, 2013

City Engineer Frank Higgins said that at this time only plans to repair the roof to prevent further damage to the building were the plans.

The order was passed by unanimous vote.

2013-A119

August 13, 2013

TITLE: ORDER, ACCEPT CONTRIBUTION TO THE BREWER PUBLIC LIBRARY FROM GLORIA BYERS AND AUTHORIZE USE OF THESE FUNDS TO SUPPLEMENT THE BOOK BUDGET.

filed August 7, 2013
by Joseph Ferris

WHEREAS, the Brewer Public Library has received a contribution of \$1,000.00 from Gloria Byers; and

WHEREAS, the library would like the funds to be used to purchase books;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts the contribution of \$1000.00 from Ms. Byers; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the funds be deposited in account 0600072-36000-72021 and be appropriated and expended from account 0600072-56000-72021.

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.

2013-A120

August 13, 2013

TITLE: ORDER, AUTHORIZE PURCHASE OF ROCK SALT.

filed August 7, 2013
by Jerry Goss

WHEREAS, quotes were solicited, received and evaluated for the purchase and delivery of rock salt to the Cities of Brewer and Bangor for the upcoming winter season; and

WHEREAS, International Salt Company LLC, of Clarks Summit, Pennsylvania has provided the lowest price per ton on acceptable material to the City of Brewer of the six bids received;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to International Salt Company LLC in the amount of \$104,820.00 for supplying and delivering 2000 tons of rock salt at \$52.41 per ton; and

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

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

Note: Bid summary attached.

2013-A121

August 13, 2013

TITLE: ORDER, AUTHORIZE PURCHASE OF REPLACEMENT DUMP TRUCK/PLOW FOR THE PUBLIC WORKS DEPARTMENT.

filed August 7, 2013
by Arthur Verow

WHEREAS, bids were solicited, received and evaluated for the purchase of a dump truck/snowplow to replace Public Works unit #433 a 2001 Sterling plow truck; and

WHEREAS, Freightliner of Maine, out of Bangor, ME provided the City with the lowest of the three bids received in the amount of \$149,398.00;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to Freightliner of Maine in the amount of \$149,398.00 for the purchase of a 2014, 108SD Freightliner dump truck with plow, wing and sander body; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to the CIP account 0510133-551396, titled ""Sterling SL8500 plow/sander"; and

BE IF FURTHER ORDERED, that the current Public Works unit numbered 424, the 1999 GMC plow truck, with a plow and wing, currently being used as the department's only spare be declared surplus property; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to sell and finalize the sale of said surplus property by means that would be in the best interest of the City of Brewer and the funds from said sale be used to offset the cost of the replacement vehicle.

2013-A122

August 13, 2013

TITLE: ORDER, ACCEPT DONATIONS TO THE BREWER PARKS AND RECREATION DEPARTMENT FOR THE FALL PROGRAM/LEAGUES.

filed August 7, 2013
by Matthew Vachon

WHEREAS, the Brewer Parks and Recreation Department has received donations of \$400.00 from Bruce's Donuts, Inc., Machias Savings Bank and Brewer Federal Credit Union for the Parks and Recreation Department's Fall Program/Leagues;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts these donations and directs that the donated funds be receipted to the Fall Program/Leagues account (0107123 300328); and

AND FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0117121 506130 (Fall Program/Leagues).

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-A123

August 13, 2013

TITLE: ORDER, ACCEPT DEED TO PROPERTY AT THE END OF CARROLL COURT AND DEDICATE IT AS A PUBLIC STREET PURSUANT TO TITLE 23 M.R.S.A. §3025.

filed August 7, 2013
by Joseph Ferris

WHEREAS, J & C Land Development has offered property to the City of Brewer at the end of Carroll Court to extend the public street for the purpose of snow removal, drainage and access to a detention pond pursuant to Title 30-A M.R.S.A § 3025; and

WHEREAS, J & C Land Development has waived any claim for damages; and

WHEREAS, it is in the best interest of the citizens of the City of Brewer to accept the deed from J & C Land Development and declare it to be a public way for the purpose of snow removal, drainage and access to a detention pond;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer accepts the deed from J&C Land Development and dedicates it as a public street for the purposes of snow removal, drainage and access to a detention pond; and

FURTHER BE IT ORDERED, that the City Clerk shall record said deed in the Penobscot County Registry of Deeds.

2013-A124

August 13, 2013

TITLE: ORDER, AWARD BID FOR PARCEL DATA ALIGNMENT AND
CONVERSION PROJECT.

filed August 7, 2013
by Matthew Vachon

WHEREAS, bids were solicited, received and evaluated find a company that could align and convert our existing parcel data into a format compatible with future GIS data development and deployment; and

WHEREAS, six proposals were received in response to the request for proposals; and

WHEREAS, the goal of the request for proposals was not to get the lowest price, it was to select a consultant that has the knowledge and staff to complete the project with the best accuracy possible;

NOW, THEREFORE, BE IT ORDERED, that Kappa Mapping, Inc., Bangor, Maine be awarded the bid for the project for an amount not to exceed \$19,952; and

BE IT FURTHER ORDERED, that the funds for this project shall be charged to account 0115701-501070 (Misc. Professional Services); and

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

NOTE: See attached memo from the City Assessor.

PARCEL DATA ALIGNMENT AND CONVERSION RFP

Background:

The Assessing Department in cooperation with the Economic Development and Engineering Departments, developed an RFP to align and convert our existing parcel data into a format compatible with future GIS data development and deployment. This is a critical step in deploying a GIS. GIS needs a “cross reference” layer to affectively link tabular data (assessing data, building permits, vital records, etc.) with spatial data (roads, water and sewer lines, etc.), and parcels are the most effective way to do that. But in order to use the parcels as that cross reference, it is vital that the parcel data be as accurate as possible. Consequently, the goal of the RFP was not to get the lowest price, it was to select a consultant that has the knowledge and staff to complete the project with best accuracy possible. This project would be funded through the Economic Development Department utilizing available TIF funds.

Proposals:

We received 6 proposals in response to the RFP:

CES, Inc.	Brewer, ME
James W. Sewall Company	Old Town, ME
Kappa Mapping, Inc.	Bangor, ME
NEG Solutions	Orlando, FL
Ransom Consulting, Inc.	Portland, ME
Timmons Group	Richmond, VA

Of the six, two of the proposals, Kappa and Sewall, had the knowledge and experience we were looking for. Both firms are local and parcel mapping is what they do. Both have significant experience in projects similar to the one we are proposing. Although the proposals are very similar, we feel that, overall, the proposal from Kappa will best fit our needs. Kappa proposes that all the work, start to finish, would be done at their Bangor Office, Sewall proposed outsourcing some of the work to a firm in India to keep down costs. Both Proposals include a “price not to exceed” price estimate. While the Kappa estimate is higher, it includes 60% more “man hours” and the hourly rate is 15% lower. So the Kappa bid includes more time to complete the project and the lower rate means that if additional services are needed as the project goes forward, which is common for a project like this, those additional services would cost less with Kappa. Kappa is also a much smaller firm, our project manager would be president of the company, and we feel this will result in higher level of customer service. As a result the Kappa bid represents the best overall value for the City.

Recommendation:

For the reason stated above, we recommend the City Council award Parcel Data Alignment and Conversion project to:

Kappa Mapping, Inc. for an amount not to exceed \$19,952.

ACTION: Councilor Vachon moved that the order have passage. The motion was seconded and passed.

Councilor Verow asked why the lowest bid had not been accepted for this project.

City Assessor Steve Weed said that that the bid from Kappa Mapping, Inc. was the one that fit their needs the best.

The order was passed by unanimous vote.

D. Monthly Reports.

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

E. Nominations, Appointments, Elections.

2013-A125

August 13, 2013

TITLE: ORDER, REAPPOINT ANIMAL CONTROL OFFICER.

filed August 7, 2013
by Jerry Goss

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, the term for the Animal Control Officer expired July 31, 2013 and the City of Brewer wishes to continue with his services; 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;

ORDERED, that Daniel Joy of Bucksport, Maine is herewith reappointed as the City of Brewer's primary Animal Control Officer for a term commencing August 1, 2013 and expiring July 31, 2014.

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

The order was passed by unanimous vote.

2013-A126

August 13, 2013

TITLE: ORDER, APPOINT SUCCESSOR CO-TRUSTEE OF THE PAINE
MEMORIAL TRUST.

filed August 7, 2013
by Arthur Verow

WHEREAS, Lawrence K. Paine established the Paine Memorial Trust to help provide for the care and maintenance of the Paine Memorial Building located at the Woodlawn Cemetery in Brewer; and

WHEREAS, Lawrence K. Paine appointed his wife, Sylvia Paine, and his accountant, Leo M. Loiselle, CPA, as Co-Trustees of the Paine Memorial Trust; and

WHEREAS, Sylvia Paine has since died and a successor Co-Trustee needs to be appointed pursuant to the terms of the said Trust; and

WHEREAS, Sylvia Paine failed to name a successor Co-Trustee prior to her death; and

WHEREAS, Paragraph 11 of the said Trust provides that in the event a Co-Trustee fails to name his or her successor, the City Council of the City of Brewer, as its governing body, shall have the responsibility to do so; and

WHEREAS, the surviving Co-Trustee of the said Trust, Leo Loiselle, CPA, has suggested that Lawrence K. Paine's daughter, Diane Mellott, be appointed as successor Co-Trustee; and

WHEREAS, the City Council agrees with the suggestion that Diane Mellott be appointed as successor Co-Trustee of the said Trust;

NOW, THEREFORE, BE IT ORDERED, that Diane Mellott is hereby appointed successor Co-Trustee, in the place of Sylvia Paine, of the Paine Memorial Trust pursuant to Paragraph 11 of the Indenture of Trust; and

FURTHER BE IT ORDERED, the members of the City Council shall sign the attached Appointment of Successor Trustee of the Paine Memorial Trust and cause it to be delivered to the attorney for the said Trust.

ACTION: Councilor Verow moved that the order have passage. The motion was seconded and passed.

The order was passed by unanimous vote.

2013-A127

August 13, 2013

TITLE: ORDER, APPOINT RICHARD MANZO AS A MEMBER OF THE COMPREHENSIVE PLAN COMMITTEE.

filed August 7, 2013
by Matthew Vachon

WHEREAS, the City of Brewer created a Comprehensive Plan Committee and appointed its members at the November 19, 2012 City Council meeting; and

WHEREAS, Kevin Gresser has resigned as a member and Richard Manzo, 82 Parkway North, has expressed an interest in being a member of said committee;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith appoints Richard Manzo to the Comprehensive Plan Committee.

ACTION: Councilor Vachon moved that the order have passage. The motion was seconded and passed.

The order was passed by unanimous vote.

2013-B054

August 13, 2013

TITLE: RESOLVE, DECLARE RESULTS OF THE JULY 8, 2013 CITY OF BREWER SCHOOL BUDGET APPROVAL ELECTION.

filed August 7, 2013
by Joseph Ferris

WHEREAS, the City of Brewer School Budget Approval Election was held on July 8, 2013; and

City Council Minutes
August 13, 2013

WHEREAS, Brewer election officials tabulated the results for the vote in the City of Brewer and the City Clerk has verified these results;

NOW, THEREFORE, BE IT RESOLVED, that the City Council declares the results for the City of Brewer School Budget Approval Election as follows:

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

The resolve was adopted by unanimous vote.

F. Unfinished Business.

There were no items.

Chairman O’Connell said that with consent of the Council three items would be taken out of order under suspension of the rules. He asked the city clerk to poll the Council.

The city clerk polled the Council:

Councilor Ferris	-	yes	Councilor Vachon	-	yes
Councilor Goss	-	yes	Chairman O’Connell	-	yes
Councilor Verow	-	yes			

Chairman O’Connell said the following orders be taken up at this time.

2013-A131

August 13, 2013

TITLE: ORDER, AUTHORIZING BREWER REDEVELOPMENT, LLC TO SIGN AN OPTION AGREEMENT WITH THE HOUSING AUTHORITY OF THE CITY OF BREWER AND/OR SOMERSET PLACE HOUSING ASSOCIATES, LP, FOR THE REDEVELOPMENT OF THE FORMER BREWER MIDDLE SCHOOL.

filed August 12, 2013
(after the deadline)
by Arthur Verow and
Joseph Ferris

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 this order pass immediately to update an order passed by City Council October 15, 2012; 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, the creation of a separate legal entity Brewer Redevelopment LLC to take and hold title to the former school to market, develop, and otherwise make use of the property for the betterment of the City; and

WHEREAS, in conjunction with the Housing Authority of the City of Brewer, Brewer Redevelopment, LLC has identified a developer who will redevelop the former middle school into senior housing units; and

City Council Minutes
August 13, 2013

WHEREAS, the developer Somerset Place Housing Associates, LP and/or the Housing Authority of the City of Brewer wishes to apply for housing tax credits through Maine State Housing and needs to enter into an option agreement with Brewer Redevelopment, LLC before the application deadline of October 25, 2012;

NOW, THEREFORE, BE IT ORDERED, that the City Council does hereby authorize Brewer Redevelopment, LLC, whose purpose is to hold title and redevelop the former Middle School, to enter into an option agreement with the Housing Authority of the City of Brewer and/or Somerset Place Housing Associates, LP, in a format approved as to form by the attorney representing the City of Brewer, Maine.

ACTION: Councilor Verow moved that the order have passage. The motion was seconded and passed.

The order was passed by unanimous vote.

2013-A132

August 13, 2013

TITLE: ORDER, AUTHORIZING AN AGREEMENT WITH THE HOUSING AUTHORITY OF THE CITY OF BREWER AND/OR SOMERSET PLACE HOUSING ASSOCIATES, LP, ON THE PROPERTY LOCATED AT 5 SOMERSET STREET, FOR PAYMENT IN LIEU OF TAXES (PILOT).

filed August 12, 2013
(after the deadline)
by Jerry Goss and
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 this order pass immediately to update and order passed by City Council October 15, 2012; 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, the Payment in Lieu of Taxes Agreement will allow for the Housing Authority of the City of Brewer and/or Somerset Place Housing Associates, LP, to pay only 51% of taxes and will begin upon their taking ownership of 5 Somerset Street and will run for a period of fifteen (15) years; and

WHEREAS, upon completion of a TIF agreement providing for 51% of the taxes to be returned to the Housing Authority of the City of Brewer and/or Somerset Place Housing Associates, LP, for a period of fifteen (15) years, the PILOT agreement will terminate;

NOW, THEREFORE, BE IT ORDERED, that the City Council does hereby authorize the agreement between Brewer Redevelopment, LLC and the Housing Authority of the City of Brewer and/or Somerset Place Housing Associates, LP, under such terms and conditions as the Brewer City Manager and the Brewer Finance Director determine to be in the best interest of the City of Brewer, to provide for a payment in lieu of taxes arrangement concerning the property located at 5 Somerset Street, Brewer, Maine; and

FURTHER ORDERED, that the Brewer City Manager, or his designee, is authorized to sign this agreement on behalf of the City of Brewer, Maine subject to the approval of Brewer Redevelopment, LLC 's attorney and the attorney representing the City of Brewer of the same as to legal form.

ACTION: Councilor Ferris moved that the order have passage. The motion was seconded and passed.

The order was passed by unanimous vote.

2013-A133

August 13, 2013

TITLE: ORDER, AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN A MUNICIPAL/STATE AGREEMENT FOR THE WILSON STREET WIDENING PROJECT.

filed August 12, 2013
(after the deadline)
by Arthur Verow and
Joseph Ferris

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 this order pass immediately to expedite the bidding and subsequent start of construction this fall; 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, the MDOT has completed the design and right of way acquisitions for the final phase of the widening of Wilson Street from Parkway South to Bartlett Street; and

WHEREAS, the MDOT plans to release the project for construction bids on August 19, 2013 with an anticipated late September construction start; and

WHEREAS, the City Council has previously approved the FY2014 CIP with an authorized expenditure of \$180,000.00 to cover the City's 10% match for this project;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to execute a Municipal/State Agreement, and any other required documents, with the MDOT for the completion of this project in calendar years 2013 and 2014; and

BE IT FURTHER ORDERED, that the City Council herewith authorizes an expenditure in an amount not to exceed \$180,000.00 to cover the City's 10% match for this project and all such expenditures shall be charged to CIP account 0510113-551318 (Wilson Street Widening-Final Phase-MDOT PIN 14793.00)

ACTION: Councilor Verow moved that the order have passage. The motion was seconded and passed.

The order was passed by unanimous vote.

Chairman O'Connell said that the New Business portion of the agenda would be taken up at this time.

G. New Business.

2013-C008

August 13, 2013

TITLE: AMEND THE GENERAL ASSISTANCE ORDINANCE TO INCORPORATE CHANGES IN MAXIMUM BENEFITS.

filed August 7, 2013
by Jerry Goss

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 11 of the Charter, Codes and Ordinances of the City of Brewer entitled "Health Officer, Health and General Assistance" be amended as follows:

A. Amend Chapter 11, Sub-chapter 1 (General Assistance Ordinance), Article VI, Appendix A to read, in part, as follow:

APPENDIX A	Basic Necessities: Maximum Levels of Assistance.	
No. in Household	Monthly	(Change to)
1	\$550	\$579
2	\$641	\$669
3	\$818	\$845
4	\$1040	\$1061
5	\$1174	\$1223
6		\$1291

City Council Minutes
August 13, 2013

The maximum amounts allowed for utilities for lights, cooking, and other electric uses, excluding electric hot water are:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.20	\$82.50
5	\$21.00	\$90.00
6	\$22.70	\$97.50

*Add \$7.50 a month for each additional family member.

Change to:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.20	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

*Add \$7.50 a month for each additional family member.

Current:

With electric hot water

The maximum amount allowed for electric utilities for dwelling units that have electrically heated hot water shall be \$70 per month for the first member of the household, with an additional \$10 per month for each additional household member.

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$16.30	\$ 70.00
2	\$18.60	\$ 80.00
3	\$21.00	\$ 90.00
4	\$23.30	\$100.00
5	\$25.60	\$110.00
6	\$27.90	\$120.00

Note: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum amount for fuel as provided In Appendix E.

Change to:

With electrically heated hot water

The maximum amount allowed for utilities, hot water, for lights, cooking and other electric uses excluding heat:.

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$19.10	\$ 82.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$37.30	\$160.00
6	\$41.00	\$176.00

Note: For each additional person add \$10.00 per month.

Note: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided In Appendix E.

E. Amend Chapter 11, Sub-chapter 1 (General Assistance Ordinance), Article VI, Appendix E to read, in part, as follow:

Heating Fuel

Current:

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	February	225
October	100	March	225
November	200	April	125
December	200	May	50
January	225		

When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon.

When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. However, no eligible applicant shall be considered to need more than:

- 7 tons of coal per year
- 8 cords of wood per year
- 126,000 cubic feet of natural gas per year, or
- 1000 gallons of propane.

Change:

Heating Fuel

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	February	225
October	100	March	125
November	200	April	125
December	200	May	50
January	225		

When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon.

When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. However, no eligible applicant shall be considered to need more than:

- 7 tons of coal per year
- 8 cords of wood per year
- 126,000 cubic feet of natural gas per year, or
- 1000 gallons of propane.

F. Amend Chapter 11, Sub-chapter 1 (General Assistance Ordinance), Article VI, Appendix F to read, in part, as follow:

Current:

Household & Personal Items

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

Child Under 5 Allowance

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

<u>Number of Children</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1	\$12.80	\$ 55.00
2	\$17.40	\$ 75.00
3	\$23.30	\$ 100.00
4	\$27.90	\$120.00

Change to:

Household & Personal Items

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

Note: For each additional person add \$1.25 per week or \$5.00 per month.

Child Under 5 Allowance

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

<u>Number of Children</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1	\$12.80	\$ 55.00
2	\$17.40	\$ 75.00
3	\$23.30	\$ 100.00
4	\$27.90	\$120.00

NOTE: The overall maximums found in Appendix A are effective from July 1, 2013 to June 30, 2014. The maximums found in Appendices B, C, D, E and F are effective from October 1, 2013 to September 30, 2014.

ACTION: Councilor Goss 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.

2013-C009

August 13, 2013

TITLE: AMEND CHAPTER 24 (LAND USE CODE) ARTICLE 9 (STREETS AND ROADS), SECTION 906.3.5 (STREET DESIGN STANDARDS - RESIDENTIAL STREETS), NUMBER 5 (RESIDENTIAL STANDARDS), ITEMS 1 AND 3 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER.

filed August 7, 2013
by Arthur Verow

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 24, Article 9 (Streets and Roads), Section 906.3.5 (Street Design Standards – Residential Streets), Number 5 (Residential Standards, Items 1 and 3 of the Charter, Codes and Ordinances of the City of Brewer entitled “Land Use Code” be amended as follows:

906.3 STREET DESIGN STANDARDS

5. RESIDENTIAL STANDARDS

The following minimum standards shall be met by all streets within Residential developments, and shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts and other appurtenances:

**MINIMUM DESIGN AND CONSTRUCTION
STANDARDS FOR STREETS
RESIDENTIAL DEVELOPMENTS**

City Council Minutes
August 13, 2013

ITEM	COLLECTOR	MINOR
1. Minimum right of way width	60'	50' (<u>see note 1</u>)
2. Minimum pavement width	32'	24'
3.. Minimum paved shoulder width (each side)	4'	3' (<u>see note 1</u>)
4. Minimum travel way (each side)	12'	11'
5. Minimum grade	0.5%	0.5%
6. Maximum grade	8%	10%
7. Maximum grade at intersections	3%	3%
for minimum distance	75'	50'
8. Number of sidewalks	1	1
9.** Number of curbed sides	2	2
10. Minimum centerline radii	250'	150'
11. Minimum tangent length between reverse curves	200'	100'
12. Gravel base (6" minus aggregate)	18"	18"
13. Crushed aggregate (2" minus aggregate)	6"	6"
14. Pavement thickness-base course	2"	2"
15. Pavement thickness-surface course	1.25"	1.25"
16. Minimum cross slope (travel way)	2%	2%
17. Minimum cross slope (shoulders)	4%	4%
18. Sidewalks		
1. Minimum width	5'	5'
2. Gravel base course	12"	12"
3. Pavement thickness	2"	2"
19. Dead-end or cul-de-sac streets		
1. Maximum length (see section 906.2.5.)		
2. Minimum right of way radius		65'
3. Minimum pavement radius at CL (center line) of road		45'
20. Minimum pavement/curb radii at intersection	30'	25'
-If minor intersects with minor		25'
-if minor intersects with collector		25'
21. Max sub-elevation (Collector)	0.08	
22. Grades of streets should conform as closely as possible to the original relief of the land.		
23. All changes in grade shall be connected by vertical curves such as to provide clear visibility for a distance of 200'.		
24. All residential streets shall have a drainage system consisting of underdrains and storm drains.		
25. All materials shall meet the standards set forth in "Department of Transportation (State of Maine) Standard Specification for Highways and Bridges", 1988 and as subsequently revised.		
26. Design speed, 35 mph for collector streets and 25 mph for minor streets.		

Note 1: Minor streets abutting lots reviewed under the Adaptive Reuse District provisions of this ordinance may, with favorable recommendation of the City Engineer and upon approval of the Planning Board, be reduced to a minimum right of way width of 36 feet as long as two – twelve foot wide paved travel lanes, two – one foot wide paved shoulders and accommodations for one sidewalk and all public utilities are provided.

ACTION: Councilor Verow 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.

The next three orders are all executive sessions.

The motions were made and seconded and the orders were all passed by unanimous vote.

Chairman O'Connell said the first executive session on a personnel matter would include City Council members and the City Assessor, then City Council members and the City Clerk and the last session will be City Council members and the City Manager each party will convene into an executive session for their annual evaluation. He said the regular meeting would resume after the executive sessions.

This motion was seconded and passed by unanimous vote.

2013-A128

August 13, 2013

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

filed August 7, 2013
by Joseph Ferris

ORDERED, that the Brewer City Council convene in executive session pursuant to Title1, Maine Revised Statutes Annotated, § 405(6)(A) on a personnel matter.

2013-A129

August 13, 2013

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

filed August 7, 2013
by Jerry Goss

ORDERED, that the Brewer City Council convene in executive session pursuant to Title1, Maine Revised Statutes Annotated, § 405(6)(A) on a personnel matter.

2013-A130

August 13, 2013

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

filed August 7, 2013
by Matthew Vachon

ORDERED, that the Brewer City Council convene in executive session pursuant to Title1, Maine Revised Statutes Annotated, § 405(6)(A) on a personnel matter.

The regular meeting was called back to order by Chairman O'Connell.

The city clerk called the roll:

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

H. Items with Leave of Council.

The following order was introduced under suspension of the rules. The City Clerk polled the council and unanimous consent was obtained to take up this item.

2013-A134

August 13, 2013

TITLE: ORDER, EXTEND THE CITY MANAGER'S EMPLOYMENT CONTRACT.

filed August 12, 2013
(after the deadline)
by Jerry Goss and
Matthew Vachon

WHEREAS, the City Council has done a performance evaluation of the City Manager, Stephen M. Bost; and

WHEREAS, the City Council believes it is in the best interest of the citizens, businesses, employees and staff of the City of Brewer to extend the term of the City Manager's Employment Contract;

City Council Minutes
August 13, 2013

NOW, THEREFORE, BE IR ORDERED, that Section 2(A) of the Employment Contract of the City Manager, Stephen M. Bost, is amended to provide for an expiration date of May 3, 2017, and in all other respects the Employment Contract will remain in full force and effect.

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

The order was passed by unanimous vote.

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 unanimous vote. The meeting adjourned at 8:25 pm.

ADJOURNED, ATTEST: _____ Pamela J. Ryan
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine

City Council Minutes
August 13, 2013