

City Council Minutes
December 11, 2012

Regular Meeting
City Hall Council Chambers

Tuesday, December 11, 2012
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, December 11, 2012 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	Pinette	Sgt.	12/07/12	1526
Matthew Vachon	Pinette	Sgt.	12/07/12	1515
Arthur Verow	Pinette	Sgt.	12/07/12	1630
Jerry Goss	P. Ryan	CC	12/07/12	1445
Kevin O'Connell	P. Ryan	CC	12/07/12	1600

CITY COUNCIL REGULAR MEETING
Tuesday, December 11, 2012 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 November 16, 2012 Special Meeting, November 19, 2012 Regular Meeting, November 20, 2012 Annual Meeting and November 30, 2012 Emergency Special Meeting.** (Councilor Verow)
- B. Awards, Petitions and Public Comments.**
 - 1. Public Comments.
- IV. Recess for Public Hearing.**
 - 1. Discuss the Founding Partners Program.
- V. Adjourn Public Hearing and Continue with Regular Meeting.**
- C. Consent Calendar.**
 - 1. (2012-A239) ORDER, Authorize Purchase of Water Meters For Water Department. (Councilor Vachon)
 - 2. (2012-A240) ORDER, Commit Water Assessment to Treasurer for Collection. (Councilor Verow)
 - 3. (2012-A241) ORDER, Commit Sewer Assessment to Treasurer for Collection. (Councilor Goss)
 - 4. (2012-A242) ORDER, Designate City Manager to Act as Agent of the City Council for Approval of Utility Location Permits. (Councilor Ferris)
 - 5. (2012-A243) ORDER, Authorize City Manager, or His Designee, to Sign Release Deeds on Behalf of the City of Brewer. (Councilor Vachon)
 - 6. (2012-A244) ORDER, Authorize City Clerk to Sign Applications for Renewal of Liquor Licenses on Behalf of the City Council. (Councilor Verow)
 - 7. (2012-A245) ORDER, Authorize City Clerk, or in the Absence of the City Clerk, a Deputy City Clerk, to Sign Applications for Liquor Catering Events, Beano Licenses, Bingo Licenses and Other Games of Chance on Behalf of the City Council. (Councilor Goss)

8. (2012-A246) ORDER, Authorize the City Manager, Stephen Bost, or His Designee, to Apply For, Accept and be the Designated City Official to Accept Delivery of Forfeited Property on Behalf of the City of Brewer and To Authorize the City Solicitor, Joel Dearborn, To Certify on all Applications for Forfeited Property to the Authority of the City Manager To Act on Behalf of the City of Brewer.
(Councilor Ferris)
9. (2012-A247) ORDER, Award Contract for Installation of a New HVAC System for the Public Safety Facility Museum.
(Councilor Vachon)
10. (2012-A248) ORDER, Authorize Seeley Electric to Install New Pump Controls at the Pierce Road Pump.
(Councilor Verow)
11. (2012-A249) ORDER, Authorize Agreement with Carol J. Jewell and Gordon W. Brewer, for Payment of Tax Liens and Current Taxes, 73 Outback Lane (PVT).
(Councilor Goss)
12. (2012-A250) ORDER, Accept Donations to Brewer Programs from Charles “Dusty” and Eleanor Fisher.
(Councilor Ferris)
13. (2012-A251) ORDER, Designate the Public Safety Director as the Brewer Official Authorized to Enroll the City in the Medicare Program. (Councilor Vachon)
14. (2012-A252) ORDER, Authorize Purchase of the Richard Wilson Estate on 39 Mill Street. (Councilor Goss)
15. (2012-B079) RESOLVE, Amend the Schedule of City Council Regular Meetings to Change the ~~May~~ January Regular Meeting Date. (Councilor Verow)
16. (2012-B080) RESOLVE, Ratify the Police Department Patrol Collective Bargaining Contract. (Councilor Ferris)
17. (2012-B081) RESOLVE, Ratify the Police Department Command Officers Collective Bargaining Contract.
(Councilor Vachon)

D. Monthly Reports. (Councilor Verow)

E. Nominations, Appointments, Elections.

1. (2012-A253) ORDER, Appoint City Manager to Approve Road Excavation Permits. (Councilor Verow)
2. (2012-A254) ORDER, Reappoint and Appoint Deputy Registrar of Voters.
(Councilor Goss)

3. (2012-A255) ORDER, Reappoint Timothy Briggs of Dexter, Maine as the City of Brewer's Local Sealer of Weights and Measures. (Councilor Ferris)
4. (2012-A256) ORDER, Appoint Registrar of Voters. (Councilor Vachon)
5. (2012-B082) RESOLVE, Ratify Director of Environmental Services', or His Designee, Appointment of Agents at the Landfill. (Councilor Verow)
6. (2012-B083) RESOLVE, Confirm the City Clerk's Appointment of a Deputy City Clerk and Deputy Registrar of Voters of the City of Brewer. (Councilor Goss)

F. Unfinished Business. (no items)

G. New Business.

1. (2012-A257) ORDER, Authorize Contract to become a Founding Partner In the New Bangor Arena. (Councilor Vachon)

H. New Items with Leave of Council.

I. ADJOURN

A. Minutes of November 16, 2012 Special Meeting, November 19, 2012 Regular Meeting, November 20, 2012 Annual Meeting and November 30, 2012 Emergency Special 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.

PUBLIC COMMENTS.

None at this time.

IV. Recess for Public Hearing.

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

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

Chairman O'Connell declared a quorum present. The City Clerk read the notice for the public hearing.

NOTICE OF PUBLIC HEARING
CITY OF BREWER

The City of Brewer will hold a public hearing on Tuesday, December 11, 2012, at 6:00p.m. at Brewer City Hall Council Chambers to present the Founding Partners program. The purpose of this program is to pledge community support and assistance to the new arena and conference facility in Bangor. Public comments will be solicited at this Hearing. All persons wishing to make comments or ask questions about this civic partnership and marketing opportunity are encouraged to attend this Public Hearing. Comments may be submitted in writing to: D'arcy Main-Boyington, Economic Development Director, 80 North Main Street, Brewer, ME 04412 at any time prior to the Public Hearing. TTD/TTY users may call 1-800-457-1220. If you are physically unable to access any of the City's programs or services, please call 989-7500 so that accommodations can be made.

Pamela J. Ryan
City Clerk

Published in the Bangor Daily News
December 4, 2012

Chairman O'Connell asked Economic Development Director D'arcy Main-Boyington to explain the Founding Partners program.

D'arcy Main-Boyington:

The Founding Partners Program is a once-in-a-lifetime opportunity for the City of Brewer. We've been hearing about the new Bangor Arena for a number of years now, but it was only recently that we got to see for ourselves just what it is they are building. The new Cross Insurance Center is not just a replacement of the old Bangor Auditorium; it is a new state-of-the-art facility unlike anything else in the State of Maine.

Much like the result of the construction of the old Bangor Auditorium more than half a century ago, this new facility will add a tremendous new boost to our economy as it draws people from further outside our region. Those people will be looking for places to eat, places to sleep, and places to shop. Brewer is in a perfect position to attract a good chunk of that spending.

Among other things, this new facility will add business conferencing to the list of capabilities the previous facility offered. This will draw folks from all around the country and from Canada.

It has become very apparent to us that this is a project with great long-term value, and one with which we would like to be involved. We are very excited about the opportunity to provide support to this regional project, while also affording the City of Brewer an incredible opportunity to market itself to all who utilize the arena and conference center.

Founding Partner status will provide Brewer many tangible and intangible benefits while allowing the City to show support for the huge investment the citizens of Bangor are making on behalf of our region.

The City of Brewer is not simply giving funds to Bangor, or to the promoter, to market the region. We are purchasing a marketing package that will provide us access to a great deal of signage throughout the facility, as well as many other marketing tools. It also provides us the naming rights for one of 10 conference break-out rooms, and even free use of the conference center as it is available.

The City of Brewer has consistently placed a high value on marketing to promote our business-friendly environment, as well as our many great Brewer businesses. We have made similar marketing commitments, in similar amounts, in the past for many years running. We prudently decreased our marketing commitments over the last 4 years due to the significant downturn in the economy. That was not the time to spend funds trying to encourage businesses to move or expand here since most businesses were contracting, or just holding on.

With the economy slowly starting to turn in a better direction, we've been waiting for the appropriate opportunity to re-engage our marketing efforts; this is the opportunity we have been waiting for.

It is also important to note that the funds we are using to pay for this will be dedicated economic development funds. They were raised originally as tax dollars, but, through Tax Increment Financing, were set aside into a TIF fund. This fund is sheltered from state and county taxes, and this is what makes this money so special. For regular, non-TIF related revenue the City of Brewer loses 68 cents on every single dollar to the county and the state. When we put tax dollars into a TIF fund we get to keep the entire dollar, rather than the 32 cents we would typically retain.

Of course, there are strings attached to this. First, we can only put a small amount of certain new developments into our TIF fund, and second, once the money is there we can spend it only on specific approved economic development related expenses. The state has allowed municipalities to do this because it encourages them to pursue economic development activities. We essentially triple the value of our money whenever we put it into a TIF fund. The City of Brewer pays for all economic development related activities from this fund so that we get three times the value of what we would otherwise get without the TIF. In this case, the \$65,000 would be more equivalent to a payment of \$20,800 from our General Fund. Also, because these funds and expenses are segregated from the General Fund, these expenses are not used to calculate tax rates. Whether we spent everything in the TIF fund in a single year, or nothing the effect on the tax remain would remain the same – no change. At this time, we have sufficient funds available in our TIF fund to cover the expense of the entire 7-year commitment.

Thank you.

Mayor O'Connell: Thank you very much. Councilor Ferris.

Councilor Ferris: D'arcy can you demonstrate how you would use the signage in the arena to promote shopping for Brewer or Brewer businesses.

D'arcy: Absolutely. We are still coming up with ideas but some of the ideas that we have come up with so are that we like to actually have signs over there that show the close proximity of the City of Brewer to the facility acknowledging that we are much closer than the Bangor Mall area so our businesses here, our restaurants, our retail shops, hotels anything like that can actually have their logo, their ad on that sign. Something on it that says did you realize that Brewer is only 1.2 miles away. Here are some great places where you can have lunch. We can do that for retail shops or any type of business that wanted too.

Councilor Ferris: Then it is your view that this kind of signage and advertisement would be effective for our citizens and our businesses.

D'arcy: I think it will. The amount of time that you spend in there there really is nobody that is going to be walking in this facility and not see our sign. There is just no way. They place these signs or will place these signs at every one of the major entrances of this facility, all along the corridors, outside the conference rooms there is a long hallway that has all of the founding partners on it and in the arena bowl itself there will be three signs plus our logo in there. There is a tremendous amount of signage. They will have email list of members that will send out regular notices to and they expect from their other similar size facilities they are running that this list to have thirty thousand to forty thousand people signing up for it and our ads will be on everyone of those notices with a link that puts it right back to our website.

Mayor O'Connell: Thank you. At this time I would like our Business Director, I mean Finance Director Karen Fussell to please come forward. If you could explain the TIF program please.

Finance Director Karen Fussell: Good evening Mayor and Members of the Council, I am Karen Fussell, Finance Director and honestly I am not sure that I can do any better job than D'arcy did. TIF is a very complicated complex financial instrument that does pretty much what D'arcy said in her very nice plain person language but it is a way to maximize the use of tax dollars raised in Brewer for use for the citizens of Brewer for economic development purposes and as D'arcy explained the real value of TIF taxing financial dollars the multiplier effect. The fact that every dollar raised in taxes we actually get spend in Brewer to support of Brewer as opposed to a dollar raised for general fund taxes which as D'arcy explained the vast majority of it gets to be to pay more in county tax and receive less in state aid or revenue sharing aid so we are able to use all that money to support economic development which of course as you know are used to support and build our tax base which in turn will help us to lower the tax rate so if you have specific questions as to how TIF works I would be happy to address that.

Councilor Goss: I guess the one question I would have is just to make sure I understand that this money that will be used for Founding Partners will not add to the tax dollars for our citizens.

Karen Fussell: That is correct. It will not impact the tax rate at all and as D'arcy has stated that actually already have funds available in TIF currently committed to TIF that we could not give back to the general fund to impact the tax rate even if we wanted to. Those funds have been set aside and building slowly over time, because we are trying to be conservative about how we use the TIF to make sure we have funds available for economic development opportunities like this as they come along to use prudently but....

Mayor O'Connell: Councilor Ferris

Councilor Ferris: Karen, we have not a specific legal opinion that this program is specifically eligible for TIF funds. Are you real confident that we are okay there?

Karen Fussell: I am very confident that this is totally within the guidelines that have been set, totally within the bounds, I mean it is solely firmly bound in economic development marketing for the city, it is going to promote Brewer's ???, it's going to get the Brewer name and Brewer's business logo out there and I mean it is going to have so many views by hundreds of thousands of people that will pass through the facility each year. I can't imagine how anybody could contend (???someone coughing) the true meaning and purpose of that fund.

Mayor O'Connell: Councilor Verow.

Councilor Verow: Mr. Chairman. Karen, we don't have a TIF policy as such do we? I know we have an investment policy which was adopted by the City Council, but we do not have a TIF policy as far as...

Karen Fussell: We follow the state laws and regulations regarding a TIF and every single TIF that the city has been through a public hearing, a public notice process as well as approval by the City Council as well as by the State Department of Economic and Community Development so I guess what I am saying is our policy is the state law regarding TIF. We're in compliance with that.

Councilor Verow: I am just wondering if we should have a separate policy for TIF programs.

Karen Fussell: Well every time the city considers whether or not to put a TIF in place for a particular project the Council and the public are notified and have the opportunity to say at that time what we develop as the list of projects that we would like to be potentially funded with revenue generated by that project going into that TIF so at that time we are essentially deciding or the Council is essentially deciding what projects are eligible for that so it is really decided on a two factor basis so I am not sure what a policy would state other than what the state guidelines which are pretty specific. I mean certainly they are not overly broad. They are very good at keeping it economic development focus. I mean we tried to get things approved in the past and they did not because they did not meet the guidelines.

Mayor O'Connell: Councilor Verow.

Councilor Verow: So you are not aware of other communities having formerly adopted TIF policies within their communities?

Karen Fussell: I am not.

Mayor O'Connell: Councilor Vachon.

Councilor Vachon: I know we have enough to pay for all seven years if we had to in one lump sum payment, would that completely drain it or is there or are we pretty comfortable?

Karen Fussell: It would spend it down so that by the time we made our first payment out of what you might call the fund balance, ????? pretty close to um, but we are anticipating that in subsequent years if we paid it all in one lump sum we would gradually build that back up so we certainly could do it, we certainly could do it if we chose to do it that way.

Mayor O'Connell: Any other questions? Councilor Verow

Councilor Verow: In the recent Maine Townsman there is a good article on TIF and it talks about what TIF funds can be used for – eligible funded projects include capital improvements to equipment, use for public safety or public improvements, expansion of public infrastructure, construction of ??? trails, and other improvements within designated TIF districts in the City of Brewer. I am just thinking TIF funds someone might argue that they could be available to for example run a line for electricity on Dirigo Drive. We do not have electricity there. We have lots for sale. That seems to be an impediment to those.

Karen Fussell: So in examining projects like that – in order to do something like with TIF funds that we currently have, we would either have to go back to the state and amend one of our current TIFs to add that as an eligible project and chances are they would not do that because when they find one that is eligible for that particular TIF it needs to be directly related to project that you are actually TIFing or it actually needs to be within the TIF district- the physical boundaries of the TIF district. So it is possible that if a business maybe went out on Dirigo Drive and we TIF that business that we could make a case that electricity down Dirigo Drive would enhance that development and potentially other developments – we could probably work something like that in but to go back and amend an existing TIF for a project like that I think would have a low chance probability of getting approved by the state. The guidelines that they have are really ??? project or capital improvement that really needs to be directly related to the project that you are TIFing or needs to be typically within the TIF boundary or it needs to be related to your economic development operating expenses.

Councilor Verow: One more question. You said it had to be approved by the state. That would be the case with this project – the arena – is that true?

Karen Fussell: It wouldn't because what our plan is is that this is going to be a marketing expense for the economic development department and all expenses for economic development for operating expenses are eligible for funding with TIF. Right now we fund with it ??????????? and this would just be an added expense to the marketing which as D'arcy pointed out which has

aply paid the marketing expenses so this not a stand alone project that we are doing as a ????? project, this is an economic development marketing expense.

Mayor O'Connell: Any other questions? Thank you very much. At this time we would like to have comments from the public if there are any. If you have any please come forward, state your name and where you live please.

Gail Kelly, 710 No. Main Street. Good evening Mr. Mayor and Council. As a former councilor and mayor of this wonderful city I want to tell you that when I read about this article I was really excited for the City of Brewer, to think that they were this forward thinking and do able to bring this project before you and know that Brewer can finally get on the map and this will be world wide, this is an incredible incredible adventure and journey for the city. We could actually benefit a lot more than anybody can ever imagine because we are so close to that dream. If you think about what could happen and how much land there is in Brewer to be built on. Hotels , more restaurants, - not everybody wants to go to the mall. But I think everybody will come across that bridge for ??? and we have a couple of bridges that will bring them here very soon. Some of the things that I was looking at is that the company Global Spectrum is an international player in the entertainment and convention industry so think about what that would do for all of us. Look at what their project over in Bangor has already done. Look at the jobs that it created and some of that money is coming here rather anybody knows it or not. I think I look at it from the citizens view on taxes and I have heard comments that couldn't they lower our taxes with the money they are going to spend on this. It can't be because this is where the money is and this where it has to stay so why not spend it to help Brewer grow and be what it should be. We already are a City of Caring so lets be a bigger City of Caring. I think this is an absolute wonderful opportunity and I think that you should vote to put this city on the map. Thank you.

Mayor O'Connell: Thank you. Anybody else like to speak at this time?

Joe Cote: Good Evening Mayor O'Connell, City Council and City officials. My name is Joe Cote and I live at 32 Locksley Lane and I have been a Brewer resident for several years. My wife and I are bringing up two children in the City. I am here tonight not only as a citizen but also as a business leader, Vice-president and General Manager of Cianbro Construction here in Brewer. I think this here is a very good opportunity for the City of Brewer. There are not many times we have the opportunities to engage in things like this. You are talking a lot of money and to some it certainly is. I think the benefits we garner from this by investing in the next eight years ?????this will pay better dividends ??????. I just want to say in closing here that I just want to thank the council and other members of the city for thinking outside the box. I think that is important for our city and I think ???? collaboration, communication and all working together we can make things much better than they are now (last sentence is inaudible).

Mayor O'Connell: Thank you.

Jen Brooks: Good evening. Jen Brooks, 236 Elm Street. I am here supporting the City of Brewer's use of the TIF fund to support the marketing efforts through the Cross Insurance Center. The Cross Insurance Center is a huge economic driver for our region and a regional asset. The center will help support jobs for the people of our city, it will support businesses in our city. An economic impact analysis that ??????policy research. He estimated that visitors to the center will generate approximately 26 million dollars to the center each year. With only half of that 26 million dollars staying in the City of Bangor. Given Brewer's proximity to the center, marketing our businesses to the visitors of the convention and shows provides an excellent opportunity for our small businesses. Without this our businesses are at a disadvantage. They lack the ability to market in the ?. I hope you see this as a great opportunity for our businesses and our city.

Mayor O'Connell: Thank you.

Allen Campbell: I am Allen Campbell and I live at 57 Park Avenue East. I don't think there is a person in this room tonight that does not want to see Brewer grow and develop into a community that we would like to have it evolve to. This is an excellent opportunity for us to get the word out as to who we are and what we can do to bring in small business, to bring in more people. We have a great education system in this town and this is an excellent chance for us to move forward and to grow into the community we would really like to have. The auditorium and the convention over there is going to be a tremendous impact on not only Bangor but Brewer and the whole community which is going to open up a lot of doors for a lot of small businesses and a lot of people in the area. I would welcome these folks to take a real good look at this because if anything we need to move forward with this project. Thank you.

Mayor O'Connell: Thank you.

Dennis St. Peter: Good evening, I am Dennis St. Peter. I am the president and ceo of CES. For those that don't know us we are an engineering consulting firm here in Brewer and we employ forty or so employees. I am here to speak in support of the program that you have dedicated funding for this marketing approach. I think as far as I understand it will be a great way to market the existing Brewer businesses as well as attract new business opportunities to the area. One of our goals is to grow our business and to improve the employment opportunities in the area. We recently hired five new people and we are going to be advertising for some more. I think this is a great way to help us accomplish our goals of growing in the area and adding new jobs. Thank you for the opportunity.

Mayor O'Connell: Thank you.

Tom McGary: My name is Tom McGary. I live at 22 Chapman Street. I have lived in Brewer since 1997 and owned a business here since 2005. I am also on the Leadership Committee for Mobilize Eastern Maine and a founding member of the Brewer Business Alliance. I have served as a commissioner for the Brewer Housing Authority, been active as a volunteer for Brewer Winterfest, the American Folk Festival and in the Brewer School system.

I am excited to hear Brewer is considering becoming a Founding Partner with the new Cross Insurance Arena. The price of \$65,000 per year seems like a bargain for the exposure this will certainly generate for the City. This arena will be the premiere facility of its kind for all of New England and will most assuredly generate a huge influx of people, dollars and investment opportunities for this area.

The money to pay for this campaign comes from a fund specifically developed and set aside for this purpose. When I see how well Brewer has managed their TIF program, I feel very fortunate to have such an innovative and responsible Economic Development Office.

To suggest that we spend this money on reducing sewer costs or new sidewalks seems shortsighted to me. I maintain 3 buildings in Brewer and walk a lot so I am well aware of both of these issues. However, I feel developing an increased revenue stream through economic development would be a better use of these funds. The old adage "you have to spend it to make it" is very true and I feel this would be an excellent investment for the City of Brewer. Thank you.

Mayor O'Connell: Thank you. At this time I am going to have the City Clerk read some letters we received concerning this.

The City Clerk read the following written comments received into the record:

Subject: Brewer Support for Bangor Arena
Date: Monday, December 10, 2012
From: Melissa MacCrae (Spin A Yarn)
To: D'arcy Main-Boyington

I won't be at the hearing/meeting on Tuesday, but as a Brewer resident and business owner, I thoroughly support the city spending funds earmarked for economic development on economic development. Thanks, D'arcy!

Subject: Public Hearing/Founding Partners Program
Date: Tuesday, December 11, 2012
From: djmarsters@myfairpoint.net
To: D'arcy Main-Boyington

D'arcy, please share these comments tonight if there is an opportunity. I am working or I would attend myself.

I believe the City of Brewer residents will absolutely benefit from the benefits of the new arena. The arena will draw more people to our Greater Bangor Region as well as be a drawing force to maintain our younger adults in the community. Our Brewer businesses should have a prominent position to strategically put us in the forefront of people from all over Maine and many from the Provinces and other New England States. The arena increases opportunity for this region to be a destination for many conventions and events. Event planners are looking for activities for those

traveling with spouses/significant others to attend while their partners are involved in convention activities. I support the funding for this advertising to help our area businesses. Too many people think of just concerts for the events but many industries have Trade Shows and Annual Meetings that bring specialist to our area thus providing an opportunity to make connections for Bio-Science, Commercial and Industrial, Food, Medical Innovators and many other industries. What a great way for our small business entrepreneurs to get face time with these larger market players. Brewer needs this to help our existing businesses and to show that "Brewer Means Business". I'm not aware of any tax implications to the City of Brewer for construction and maintenance of the Arena. This help promotes Brewer But as a neighboring City we can show our support and direct business to our great City of Brewer.

Respectfully
Deborah Marsters
76 Rotherdale Rd.
Brewer, ME 04412

Subject: City Council Meeting
Date: Tuesday, December 11, 2012
From: Dale Graham
To: D'arcy Main-Boyington

Hello D'arcy,

Thank you for considering me to speak at the Council meeting tonight but I have a prior commitment I'm unable to change.

I spoke with all three of our physicians about the marketing proposal and they fully agree with you about the value of the marketing aspects. You have our blessing to voice our opinion if necessary.

The physicians and I have confidence in you and your endeavors as a spoke person for the Brewer Community; we know we're in capable hands.

Good luck at the meeting.

Merry Christmas and a very Happy New Year!!

Dale Graham
Practice Administrator
Penobscot Eye Care

Subject: CIC Marketing Agreement Proposal
Date: Tuesday, December 11, 2012
From: Roope, Ronald

To: D'arcy Main-Boyington

D'arcy,

I fully support the City of Brewer's proposal to enter into a marketing agreement with the Cross Insurance Center in Bangor. I feel strongly that it will provide a unique and valuable marketing opportunity to highlight Brewer based businesses and economic development activities. Furthermore, the agreement supports a tremendous new regional asset that will benefit the communities that surround it.

I should probably mention that I am no longer a Brewer resident but am very active in the Brewer community at a personal and professional level.

Ron Roope
Vice President
Senior Commercial Relationship Manager
Bangor Savings Bank
99 Franklin Street
Bangor, ME 04401

Jill McDonald
78 Oak Grove Drive
Brewer, Maine

December 11, 2012

As a citizen of Brewer, a member of the Brewer Economic Development Corporation, and a marketing professional, I am in support of Brewer's presence in the new arena. This arena will become a focal point for new visitors from all over Maine and beyond. Strategic placement of information in this venue to build awareness of businesses just across the river can build short and long term opportunities for commerce and business development. This is a rare opportunity to share in the benefits of a project launch of a scope that comes along once in a generation. Brewer should not pass up the opportunity to tap into this new market.

Mayor O'Connell: Thank you very much. I also received one today from Bangor City Councilor – Major General Nelson Durgin, the Mayor.

City of Bangor, Maine
Office of the City Council

December 11, 2012

Brewer City Council
City of Brewer
80 N. Main St.
Brewer, ME 04412

Members of the City Council:

On behalf of the City of Bangor I would like to thank the City of Brewer for your consideration of the investment of marketing dollars in the Cross Insurance Center. We are grateful that the City of Brewer has reached out to Bangor in this collaborative way to help support operations of the facility for the next 7 years.

We recognize that the City of Brewer has consistently placed a high value on marketing to promote its business environment and that of the larger community. The partnerships that we have forged with Global Spectrum, Front Row Marketing, Cross Insurance, and our founding partners will be the foundation of a comprehensive marketing and communication strategy that will make the new arena and convention center a premier destination location for concerts, sporting events, family entertainment, conferences, conventions and trade shows. The number of people that are expected to go through the Center is conservatively forecasted to be more than 300,000 annually. As you know, there is no other facility like this in the state, and it is highly unlikely that there will be another one in the state for many years to come.

We in Bangor are proud of the Cross Insurance Center, and we know that this facility will draw people from all over Maine and eastern Canada for its events. Additionally, it will bring people from out of state for its business conferencing capability and capacity.

Again, thank you for your consideration and we look forward to working with Brewer as a Founding Partner of the Cross Insurance Center.

Respectfully,

s/Nelson E. Durgin
Nelson E. Durgin, Mayor

Cc: Catherine Conlow, Bangor City Manager
Steve Bost, Brewer City Manager
Global Spectrum

Mayor O'Connell: Do we have any comments from anyone else? Seeing none would like to have the Clerk poll the Council and continue the regular meeting.

City Clerk polled the Council and all were present.

Mayor O'Connell: I would like to make an announcement that I did miss under public comments. On December 29th we will be issuing marriage licenses from 6 – 8 a.m. on Saturday December 29th.

Mayor O'Connell: Would the City Clerk poll the Council members to take the item under New Business out of order.

City Clerk polled the Council and the vote was unanimous.

Mayor O'Connell: Chair recognizes Councilor Vachon.

2012-A257

December 11, 2012

TITLE: ORDER, AUTHORIZE CONTRACT TO BECOME A FOUNDING PARTNER IN THE NEW BANGOR ARENA.

filed December 5, 2012
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 City stands to lose the opportunity to become a Founding Partner and the exceptional economic development value and potential it offers if it does not act 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;

WHEREAS, the Cross Insurance Center, an arena and convention center that promises to draw people from all over Maine and eastern Canada as well as from out of state, is under construction in Bangor; and

WHEREAS, the size, amenities and location of the facility will put the state and region on the map as a premier destination location for concerts, sporting events, entertainment, conferences, conventions and trade shows, among other events, with an estimated 300,000 people or more per year expected to go through it; and

WHEREAS, the Center, through its contracted venue management firm Global Spectrum, is offering 8 organizations—on a first come, first served basis—the opportunity to become Founding Partners in the arena; and

WHEREAS, Founding Partner status would provide Brewer many tangible and intangible benefits while allowing the City to show support for the huge investment Bangor is making on behalf of our region; and

WHEREAS, the Founding Partner designation offers a lucrative and cost-effective marketing opportunity for the City that will provide broad visibility to the Brewer brand and allow the City to promote its existing businesses and encourage new development; and
2012-A257, page 2

WHEREAS, as an economic development marketing expense, the cost of the Founding Partner designation is eligible to be paid for with tax-sheltered tax increment financing (TIF) funds; and

WHEREAS, the Founding Partner contract requires a commitment of \$65,000 per year for seven years, and the City has sufficient TIF funds available to cover this cost without negative impact on other state approved TIF-eligible economic development projects and such that there will be no impact on the City's tax rate;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the City Manager, or his designee, to review and execute any and all documents necessary to secure a Founding Partner position in the Cross Insurance Center, including entering into a seven year contract with Global Spectrum as a Founding Partner supporter that commences with the opening of the arena, which is expected to take place in the fall of 2013; and

BE IT FURTHER ORDERED, that the cost of Founding Partner contract will be paid for through the Economic Development Department marketing expense line using tax sheltered TIF funds; and

FURTHER ORDERED, that the contract cost will be paid for in seven annual installments of \$65,000 or equivalent alternative installments if otherwise determined by the City Manager to be in the best interest of the City commencing with the term of the contract expected to be the fall of 2013.

Mayor O'Connell asked the City Clerk to poll the Council to see if there was unanimous consent to take Order 2012-A257 under New Business out of order.

The City Clerk polled the Council and the vote unanimous to take the order under the New Business section of the agenda out of order.

ACTION: Councilor Vachon moved that the order have passage. The motion was seconded by Councilor Jerry Goss

Mayor O'Connell: Any comments?

Councilor Verow: Yes, Mr. Chairman. I have toured the arena and agree that it is a show piece in this region. That said I am having a little trouble getting my arms around the proposal that the City of Brewer spend \$455,000 to become a founding partner of the facility. Maybe you call it sticker shock. To tie up \$455,000 of our TIF funds on this project I have to question that I guess, I know that other members of the Council may have different points of view and I respect those.

Mayor O'Connell: Thank you sir. Any comments on order A257 or would you like to make comments about the arena.

Councilor Goss: I would like to make a comment about the order.

Mayor O'Connell: Yes, sir.

Councilor Goss: I plan to vote in favor of this order, I will be right up front because I have had a chance to tour the facility twice and each time I go I just am blown away by the opportunities for the City of Brewer. Not to do it would be not treating our City fairly. Number one yes we are cooperating with Bangor and that is one of the things that we thought would be a good idea. This is a chance for us to walk the talk. You talk about businesses in the City and I heard a number of comments that we need to do something for our businesses in the City before we do this advertising. This the way to do that and probably a once in a lifetime opportunity. I have never seen an advertising opportunity come along like this at this price tag. Yes, it has sticker shock but as Tom McGary said you have to spend it to make it. I think this is a great opportunity to attract new businesses and as I have said since I came on the Council, one of those new businesses I want to see in the City of Brewer is I want to see a new hotel conference center in the City of Brewer. Wow, right next to Cancer Care would be a tremendous place and it is just one short hop to that convention center. This might be the tipping point to draw that business into our City. I think it will have other businesses that will follow as our City begins to stand and grow in a time where we have gone through several years where it has been a little bit slim and the only reason we have grown is because of the efforts of our economic development people promoting our City and I want to make sure we give them the best tools to work with and this to me is that tool. Not to do this to me would be sending a poor message to our economic development people. To me it would be saying we want you to publicize but we want you to do it with a squirt gun. Now I want the big guns and to me this is it. The more I hear about it and the more I have the opportunity to talk with people that have questions about it, it has allowed that discussion to go even deeper and even greater understanding for what it can bring to this City.

Mayor O'Connell: Thank you. Councilor Ferris.

Councilor Ferris: Well some of this is my fault. Several weeks ago I was reading in the Bangor Daily News where the Bangor City Council was taking a tour of the new arena and I called Steve immediately and said I think it would be a good idea for us to take a tour of the new arena. A couple of weeks later we get in there and all of sudden D'arcy's talking, Steve's talking, oh my god, oh my god and they are right. This is a great opportunity and I have listened to everybody speak tonight. I am frugal by nature and I know we have spent more money than this a year in economic development line in our budget that we have gotten very little for, if anything, and

after several years this is a big deal. I think this is something we should do and I am going to support it.

Mayor O'Connell: Thank you. I can tell you as Councilor Ferris said we took the tour I was blown away. All I can remember is when Kenny Rogers was performing in the auditorium and he had two things in his hand – one was a microphone and the other was an umbrella. He will not have an umbrella in his hand. This place is amazing. I got the same feeling when I walked in as I did when I was an eight year old kid walking into Fenway Park. Stepping out of the concourse up in between the seats. It just blew me away walking in there and the place isn't even finished yet. It is just amazing to see the benefits that we are going to get from this. I really do feel that we need to step forward, need to buck up and support the City of Bangor in this one. Any more comments? Calling for a vote.

Mayor O'Connell: All those in favor. All those opposed. 4 to 1 (Councilor Verow opposed).

Mayor O'Connell said that it had been brought to his attention that a person in the audience who wanted to address the council at the Public Comments portion of the agenda did not hear it announced. Mayor O'Connell asked that person if they would like to step up to the podium and address the council members at this time.

George Firestone from Ellsworth, Maine addressed the council members asking for their help in resolving some issues he felt he was having with the Brewer Police Department stemming from an incident that occurred in late 2011.

C. Consent Calendar.

ACTION: Councilor Verow removed resolve 2012-B079 from the consent calendar.
Councilor Ferris removed orders 2012-A251 and A252 from the consent calendar.

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

2012-A239

December 11, 2012

TITLE: ORDER, AUTHORIZE PURCHASE OF WATER METERS
FOR WATER DEPARTMENT.

filed December 5, 2012
by Matthew Vachon

WHEREAS, the Water Department is replacing older failing/failed meters and remotes with new meters meeting current EPA Lead rules; and

WHEREAS, this is a planned item for replacement at the minimum rate of 5.4% yearly and was included in the Water Departments FY13 CIP approved by Council in June 2012;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to EJ Prescott's in the amount of \$10,500.00 for the purchase of a 100- 5/8 inch water meters; 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; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to the Water Department CIP account 0571003-573012, titled, "Replace meters 5.4% per year".

2012-A240

December 11, 2012

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

filed December 5, 2012
by Arthur Verow

WHEREAS, under Chapter 40 of the Water Department Ordinance of the City of Brewer, a water charge is assessed to water users;

NOW, THEREFORE WE, the Brewer City Council does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$599,674.54** at the established rate, as provided by Maine Law and as such sections may be amended from time to time; and

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

EVENT	COMMITMENT	COMMENTS
December, 2012	\$592,412.14	
September, 2012	\$ 3,859.51	
October, 2012	\$ 2,569.12	
November, 2012	\$ 833.77	
Total	\$599,674.54	

FURTHER, IT IS ORDERED, that a detailed commitment of the **\$599,674.54** is on file in the City Clerk's office and incorporated into this order; and

FURTHER, IT IS ORDERED, that a majority of the City Council shall sign the detailed commitment on file in the City Clerk's office; and

FURTHER, IT IS ORDERED, that the City Clerk shall deliver the signed commitment to the City Treasurer, as agent for the City Council.

2012-A241

December 11, 2012

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

filed December 5, 2012
by Jerry Goss

WHEREAS, under Chapter 31 of the Sewer and Pre-treatment Ordinance of the City of Brewer, a sewer charge is assessed to sewer users;

NOW, THEREFORE WE, the Brewer City Council does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$520,424.65** at the established rate, as provided by Title 30-A M.R.S.A. § 3406 and Title 38 M.R.S.A. § 1208 and as such sections may be amended from time to time; and

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

EVENT	COMMITMENT	COMMENTS
December, 2012	\$517,387.87	
September, 2012	\$117.68	
October, 2012	\$1,971.56	
November, 2012	\$947.54	
Total	\$520,424.65	

FURTHER, IT IS ORDERED, that a detailed commitment of the **\$520,424.65** is on file in the City Clerk's office and incorporated into this order; and

FURTHER, IT IS ORDERED, that a majority of the City Council shall sign the detailed commitment on filed in the City Clerk's office; and

FURTHER, IT IS ORDERED, that the City Clerk shall deliver the signed commitment to the City Treasurer, as agent for the City Council.

2012-A242

December 11, 2012

TITLE: ORDER, DESIGNATE CITY MANAGER TO ACT AS AGENT
OF THE CITY COUNCIL FOR APPROVAL OF
UTILITY LOCATION PERMITS.

filed December 5, 2012
by Joseph Ferris

ORDERED, that Stephen Bost, Brewer City Manager, is herewith authorized to accept applications for utility location permits on behalf of the City Licensing Authority, to wit, the City Council, for calendar year 2013; and

FURTHER ORDERED, that Stephen Bost, in his capacity as Brewer City Manager, is authorized to approve such applications on behalf of the Brewer City Council during calendar year 2013.

NOTE: Chapter 20 of the City of Brewer Code of Ordinances entitled "Licenses and Permits", under Section 307 provides that the City Council may designate the City Manager to accept and approve applications for utility location permits in their behalf.

2012-A243

December 11, 2012

TITLE: ORDER, AUTHORIZE CITY MANAGER, OR HIS DESIGNEE, TO SIGN
RELEASE DEEDS ON BEHALF OF THE CITY OF BREWER.

filed December 5, 2012
by Matthew Vachon

ORDERED, that the City Manager, or his designee, is herewith authorized to sign Release/Municipal Quitclaim Deeds on behalf of the City of Brewer releasing any interest the City might have in and to real estate covered by a Tax Collector's Lien Certificate which has been paid within the statutory period of redemption, but not discharged by the City Treasurer within the same time period.

2012-A244

December 11, 2012

TITLE: ORDER, AUTHORIZE CITY CLERK TO SIGN APPLICATIONS
FOR RENEWAL OF LIQUOR LICENSES ON BEHALF
OF THE CITY COUNCIL.

filed December 5, 2012
by Arthur Verow

ORDERED, that the City Clerk is herewith authorized to sign, on behalf of and as agent of the City licensing authority, to wit, the City Council, all applications for renewal of State of Maine Liquor licenses during calendar year 2013. This authorization is subject to the limitation on his authority as set forth in Chapter 20 of the Charter, Codes and Ordinances of the City of Brewer.

NOTE: *This authority is not applicable to new liquor license applications or changes in types of liquor licenses nor does it apply to special amusement permits for dancing and live entertainment. The City Council shall continue to hold public hearings on new and changed liquor license applications and on applications for new, changed and renewal of special amusement permits for dancing and live entertainment.*

2012-A245

December 11, 2012

TITLE: ORDER, AUTHORIZE CITY CLERK, OR IN THE ABSENCE OF THE CITY CLERK, A DEPUTY CITY CLERK, TO SIGN APPLICATIONS FOR LIQUOR CATERING EVENTS, BEANO LICENSES, BINGO LICENSES AND OTHER GAMES OF CHANCE ON BEHALF OF THE CITY COUNCIL.

filed December 5, 2012
by Jerry Goss

ORDERED, that the City Clerk, or in the absence of the City Clerk, a Deputy City Clerk, is herewith authorized to sign, on behalf of and as agent of the City Licensing Authority, to wit, the City Council, all applications to operate beano, bingo or other games of chance during the year 2013. This authorization is subject to the limitation on the City Clerk's authority as set forth in Chapter 20 of the Charter, Codes and Ordinances of the City of Brewer; and

FURTHER ORDERED, that the City Clerk is herewith authorized to sign, on behalf of and as agent of the City Licensing Authority, to wit, the City Council, all applications for catered events at which alcohol is to be served by persons, corporations or other legal entities licensed by the State of Maine to do liquor catering during the year 2013. The City Clerk is also authorized to sign, on behalf of and as agent of the City Licensing Authority, to wit, the City Council, all applications to the State of Maine for approval for events at the Brewer Auditorium at which BYOB is permitted during the year 2013. This authorization is subject to the limitation on the City Clerk's authority as set forth in Chapter 20 of the Charter, Codes and Ordinances of the City of Brewer.

2012-A246

December 11, 2012

TITLE: ORDER, AUTHORIZE THE CITY MANAGER, STEPHEN BOST, OR HIS DESIGNEE, TO APPLY FOR, ACCEPT AND BE THE DESIGNATED CITY OFFICIAL TO ACCEPT DELIVERY OF FORFEITED PROPERTY ON BEHALF OF THE CITY OF BREWER AND TO AUTHORIZE THE CITY SOLICITOR, JOEL DEARBORN, TO CERTIFY ON ALL APPLICATIONS FOR FORFEITED PROPERTY TO THE AUTHORITY OF THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF BREWER.

filed December 5, 2012
by Joseph Ferris

WHEREAS, from time to time, the City of Brewer becomes eligible to receive forfeited property as the result of its Police Department personnel being involved in resolving criminal cases; and

WHEREAS, in order to receive forfeited property an application must be prepared and submitted on behalf of the City; and

WHEREAS, the City needs to designate a person who may accept forfeited property on its behalf; and

WHEREAS, the City also needs to designate the person to receive the delivery of the transfer of forfeited documents and/money on behalf of the City; and

WHEREAS, the City Solicitor has to certify in the application for transfer of forfeited property to the authority of the person signing the application;

NOW THEREFORE, IT IS HEREBY ORDERED, by the Brewer City Council as follows:

1. The City Manager, Stephen Bost, or his designee, is authorized to sign any and all applications for the transfer of forfeited property on behalf of the City of Brewer.
2. The City Manager, or his designee, is authorized to accept forfeited property on behalf of the City.
3. The City Manager, or his designee, is hereby designated as city official to receive the delivery of any and all forfeited documents and/or money on behalf of the City.
4. The City Solicitor, Joel Dearborn, is authorized to certify to the authority of the City Manager, or his designee, to act on behalf of the City, as provided in this Order on any and all applications for the transfer of forfeited property.

2012-A247

December 11, 2012

TITLE: ORDER, AWARD CONTRACT FOR INSTALLATION OF A NEW HVAC SYSTEM FOR THE PUBLIC SAFETY FACILITY MUSEUM.

filed December 5, 2012
by Matthew Vachon

WHEREAS, the interior renovation of the new Public Safety Facility, Police and Fire Museum has recently been completed; and

WHEREAS, the Museum does not have an adequate HVAC system; and

WHEREAS, the City Engineer solicited proposals from five local mechanical contractors for the installation of a new HVAC system for this facility; and

WHEREAS, only one bidder provided a bid for the new HVAC system; and

WHEREAS, the one bid received was reviewed and determined to be acceptable by the City Engineer; and

WHEREAS, funds are available in the City's capital improvement program fund to pay for this project;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to issue a purchase order in the amount of \$12,800 to R. J. Morin, Inc. of Old Town for the installation of a new heat pump HVAC system for the Public Safety Facility Police and Fire Museum; and

BE IT FURTHER ORDERED, that the cost of this work shall be charged to account 0200000-520000-59009 (Public Safety Museum Expense) and be funded by reallocation of available capital funds from the following accounts:

0510113-551379 (Pierce Rd Paving—proj complete)	\$4580
0510140-551090 (CIP Unallocated—avail funds)	\$4220
0510113-551380 (State St Paving—proj complete)	\$3301
0510133-551377 (Trackless MT5 Sidewalk Plow—proj complete)	\$387
0510133-551386 (JCB Loader—proj complete)	\$312

2012-A248

December 11, 2012

TITLE: ORDER, AUTHORIZE SEELEY ELECTRIC TO INSTALL NEW
PUMP CONTROLS AT THE PIERCE ROAD PUMP.

filed December 5, 2012
by Arthur Verow

WHEREAS, the volume of water being pumped during heavy rain events from the Pierce Road pump station is contributing to surcharge condition in the downstream sewers near State Street and Brooks Street area; and

WHEREAS, an electrical upgrade at the station to install a new pump controller system will help decrease the peak flow volume of sewer being pumped to the gravity sewer on State Street which will lessen the effect of surcharge condition in the area sewer system;

NOW, THEREFORE BE IT ORDERED, that the City Manager, or his designee, is authorized to issue a purchase order to Seeley Electric of Otis, Maine in the amount of \$15,453 (\$14,253 for parts and \$1,200 for labor) to complete the project; and

BE IT FURTHER ORDERED, that the City Council authorizes the appropriation and expenditure of \$15,453 from account 0817900-504400 (Pump Station Maintenance and Repair) for this project, which will be funded by dollars from 080000-110805 (Sewer Capital Reserve); 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.

2012-A249

December 11, 2012

TITLE: ORDER, AUTHORIZE AGREEMENT WITH CAROL L. JEWELL AND
GORDON W. BREWER, FOR PAYMENT OF TAX LIENS
AND CURRENT TAXES, 73 OUTBACK LANE (PVT).

filed December 5, 2012
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, it is imperative that this order become immediately upon its passage to allow terms of the agreement to commence without delay; 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, the City has filed a tax lien against the property located at 73 Outback Lane (PVT), Map 10, Lot 10B, that is due to automatically foreclose on December 17, 2012; and

WHEREAS, Carol L. Jewell and Gordon W. Brewer, owners of the property, wish to enter into a payment arrangement with the City to provide the City the taxes, interest and fees that are due in exchange for the ability to reacquire the property after the foreclosure date;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes an agreement between the City of Brewer and Carol L. Jewell, and Gordon W. Brewer wherein Jewell and Brewer are permitted to reacquire the property at 73 Outback Lane (PVT), which will be acquired by the City by virtue of foreclosing City of Brewer tax collector liens, provided Jewell and Brewer pays to the City of Brewer all outstanding tax obligations relating to the property; and

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

AGREEMENT

THIS AGREEMENT made this _____ day of December 2012, by and between the **City of Brewer**, a body politic, located in the County of Penobscot, State of Maine, hereinafter referred to as the **“City”** and **“Carol J. Jewell”** and **“Gordon W. Brewer”**, of Brewer, County of Penobscot, State of Maine, hereinafter referred to as Jewell and Brewer.

WITNESSETH

WHEREAS, Jewell and Brewer own the property situated at 73 Outback Lane (PVT), Brewer, Maine (Tax Assessor’s Map 10, Lot 10B), hereinafter referred to as the Property; and

WHEREAS, the City filed tax collector’s lien certificates against the Property; and

WHEREAS, the tax collector’s lien certificates will foreclose on December 17, 2012; and

WHEREAS, the City will acquired title to the Property; and

WHEREAS, Jewell and Brewer wants to reacquire the Property; and

WHEREAS, the City is willing to allow Jewell and Brewer to reacquire title to the property under certain terms and conditions; and

WHEREAS Jewell and Brewer are willing to accept the City's terms and conditions in order to reacquire the Property, when the Agreement has been fully completed.

NOW THEREFORE

Based upon the foregoing and other valuable considerations it is agreed the City and Jewell and Brewer as follows:

- 1) Jewell and Brewer shall pay to the City Two Hundred Dollars (\$200.00) toward the real estate taxes, interest and fees due on said Property on December 14, 2012.
- 2) Thereafter, Jewell and Brewer shall pay to the City Two Hundred Dollars (\$200.00) weekly on all outstanding real estate taxes, interest and fees until paid in full. Payments will be allocated to the balance of 2011 real estate taxes then to the next oldest debt, with interest and fees being paid first.
- 3) The failure of Jewell and Brewer to make the payments to the City as hereinbefore provided will automatically make this Agreement null and void and Jewell and Brewer shall have no further rights to reacquire the Property under the terms and conditions of this Agreement.
- 4) Each Party represents to the other he or she has full and complete authority to enter into this Agreement.
- 5) The Agreement contains the complete understanding of the parties and may only be modified by written mutual agreement of the parties.

IN WITNESS WHEREAS, the City has caused this instrument to be signed by Stephen M. Bost, its City Manager, duly authorized and Carol L. Jewell and Gordon W. Brewer has signed in their individual capacity, all on the day, month and year first above written.

CITY OF BREWER

WITNESS

BY: _____
PRINTED NAME: STEPHEN M. BOST
Its: City Manager
Duly Authorized

WITNESS

CAROL L. JEWELL

WITNESS

GORDON W. BREWER

2012-A250

December 11, 2012

TITLE: ORDER, ACCEPT DONATIONS TO BREWER PROGRAMS FROM CHARLES "DUSTY" AND ELEANOR FISHER.

filed December 5, 2012
by Joseph Ferris

WHEREAS, the City of Brewer has received Charles "Dusty" and Eleanor Fisher four \$100 donations to the Library, the Parks and Recreation Department, the Fire Department and the Police Department to support youth programs;

NOW, THEREFORE, BE IT ORDERED, that the City Council, herewith accepts these funds and authorizes their receipt to and appropriation and expenditure from the following accounts:

	<u>Dept</u>	<u>Receipt To</u>	<u>Expend From</u>
\$100	Library	0107204-300420	0117201-502200
\$100	Rec	0107123-300324	0117121-506100
\$100	Police	0105804-300490	0115801-501550
\$100	Fire	0105904-300490	0115921-502900

FURTHER ORDERED, that the Council thanks the Fishers for their generous donations in support of youth programs in Brewer and directs the Clerk to send a letter of appreciation to the Fishers for their contribution to the City.

2012-A251

December 11, 2012

TITLE: ORDER, DESIGNATE THE PUBLIC SAFETY DIRECTOR AS THE BREWER OFFICIAL TO ENROLL THE CITY IN THE MEDICARE PROGRAM.

filed December 5, 2012
by Matthew Vachon

WHEREAS, in accordance with the Patient Protection and Affordable Care Act, the City must revalidate its Medicare enrollment information on or before December 31, 2012; and

WHEREAS, Medicare requires an organization designate one or more officials as authorized to enroll the City in Medicare, make changes and updates to the organization's status with Medicare, and to commit the organization to fully abide by the statutes, regulations, and program instructions of the Medicare program; and

WHEREAS, recent changes to the City's public safety management structure require the City Council to update this designation;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby grants to the Public Safety Director the authority to enroll the City in Medicare, make changes and updates to the City's status with Medicare, and to commit the City to fully abide by the statutes, regulations, and program instructions of the Medicare program; and

FURTHER ORDERED, that this authorization supersedes and replaces any earlier authorizations made by previous Councils.

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

City Manager Bost said Chief Antone was appointed so the City would be in compliance with Medicare Rules and Procedures. Also this would apply to ambulance contract.

The order was passed by unanimous vote.

2012-A252

December 11, 2012

TITLE: ORDER, AUTHORIZE PURCHASE OF THE RICHARD WILSON
ESTATE ON 39 MILL STREET.

filed December 5, 2012
by Jerry Goss

WHEREAS, the Estate of Richard Wilson has been offered to the City of Brewer for purchase; and

WHEREAS, the said property is located on tax map 21 lot 60 along the Sedgeunkedunk Stream; and

WHEREAS, said property would provide additional recreational use for all residents of the City of Brewer and would be a benefit to the community; and

WHEREAS, the City has funds available in its property acquisition CIP account;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to purchase the property located at 39 Mill Street for the price of \$15,000; and

BE IT FURTHER ORDERED, that this purchase shall be paid from CIP account 0510101-551100 (Property Acquisition).

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

Councilor Ferris said he removed this order from the consent calendar as he would be abstaining from voting.

The order was passed by a 4 to 0 vote, Councilor Ferris abstaining.

2012-B079

December 11, 2012

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

filed December 5, 2012
by Arthur Verow

WHEREAS, the City Council, at its annual meeting held on November 20, 2012, adopted Resolve 2012-B075 establishing dates of its regular monthly meeting for 2013; and

WHEREAS, Tuesday, January 8, 2013 was established as the date for the January, 2013 regular meeting; and

WHEREAS, all members of the City Council will not be available to attend this Council meeting;

NOW, THEREFORE, BE IT RESOLVED, that Council Resolve 2012-B075, be amended by changing the date of the regular meeting for the month of January 2013 from Tuesday, January 8, 2013 to ~~Tuesday~~ Monday, January ~~15~~ 14, 2013 at 6:00 p.m.

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

Councilor Verow moved that the resolve be amended by 1) changing the word May on the agenda page to January; 2) changing the second Tuesday in the last paragraph of the resolve to Monday and the number 15 to 14.

The resolve was adopted by unanimous vote.

2012-B080

December 11, 2012

TITLE: RESOLVE, RATIFY THE POLICE DEPARTMENT PATROL
COLLECTIVE BARGAINING CONTRACT.

filed December 5, 2012
by Joseph Ferris

EMERGENCY PREAMBLE

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

WHEREAS, the changes in the agreement need to be effective immediately upon adoption of this resolve;

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 resolve become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer;

WHEREAS, a collective bargaining agreement between the City of Brewer and the unit representing the employees of the patrol units has recently been negotiated; and

WHEREAS, the negotiators for both sides have recommended that this collective bargaining agreement be ratified by their representative parties;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council herewith ratifies this agreement and authorizes the City Manager, or his designee, to execute the document on behalf of the City of Brewer; and

FURTHER RESOLVED, that the City Clerk file the City's copy of the original contracts in the City's record archives.

2012-B081

December 11, 2012

TITLE: RESOLVE, RATIFY THE POLICE DEPARTMENT COMMAND
OFFICERS COLLECTIVE BARGAINING CONTRACT.

filed December 5, 2012
by Matthew Vachon

EMERGENCY PREAMBLE

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

WHEREAS, the changes in the agreement need to be effective immediately upon adoption of this resolve;

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 resolve become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer;

WHEREAS, a collective bargaining agreement between the City of Brewer and the unit representing the command officers of the Brewer Police Department has recently been negotiated; and

WHEREAS, the negotiators for both sides have recommended that this collective bargaining agreement be ratified by their representative parties;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council herewith ratifies this agreement and authorizes the City Manager, or his designee, to execute the document on behalf of the City of Brewer; and

FURTHER RESOLVED, that the City Clerk file the City's copy of the original contracts in the City's record archives.

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.

2012-A253

December 11, 2012

**TITLE: ORDER, APPOINT CITY MANAGER TO APPROVE ROAD
EXCAVATION PERMITS.**

filed December 5, 2012
by Arthur Verow

WHEREAS, under Title 23 M.R.S.A. Section 3351, the municipal road commissioner, in Brewer's instance, the Director of Public Works, is authorized to direct owners to make sewer, water and conduit connections or other work as may be designated prior to the paving or substantially repairing any street or public highway; and

WHEREAS, under Title 23, M.R.S.A. Section 3352, the municipal road commissioner, in Brewer's instance, the Director of Public Works, is authorized, in the case of an emergency, to grant and renew permits for digging and making excavations in the driveways of any of the public highways of the City for the repairing of gas, water, steam, oil, gasoline, petroleum or any other liquid or ammonia pipes or conduits or for any other lawful purpose; and

WHEREAS, both Sections 3351 and 3352 provide that in the absence of the municipal road commissioner, in Brewer's instance, the Director of Public Works, the municipal officers may appoint some other official to act in his stead under these sections;

NOW, THEREFORE, BE IT ORDERED, the City Council herewith appoint Stephen Bost, Brewer City Manager, to give notices and grant permits under Title 23, M.R.S.A. Sections 3351 and 3352 in the absence of the Director of Public Works for calendar year 2013.

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

The order was passed by unanimous vote.

2012-A254

December 11, 2012

**TITLE: ORDER, REAPPOINT AND APPOINT DEPUTY REGISTRARS OF
VOTERS.**

filed December 5, 2012
by Jerry Goss

ORDERED, that Priscilla Gray is herewith reappointed to the position of Deputy Registrar of Voters for the City of Brewer; and

ORDERED, that Pamela Spaulding and Cheryl Morrow are herewith appointed to the position of Deputy Registrar of Voters;

FURTHER ORDERED, that their terms shall commence January 1, 2013 and shall expire December 31, 2015.

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

The order was passed by unanimous vote.

2012-A255

December 11, 2012

TITLE: ORDER, REAPPOINT TIMOTHY BRIGGS OF DEXTER, MAINE AS THE CITY OF BREWER'S LOCAL SEALER OF WEIGHTS AND MEASURES.

filed December 5, 2012
by Joseph Ferris

ORDERED, that Timothy Briggs of Dexter, Maine hereby be reappointed the City of Brewer's local sealer of weights and measures for a one year term beginning January 1, 2013 and expiring December 31, 2013.

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

The order was passed by unanimous vote.

2012-A256

December 11, 2012

TITLE: ORDER, APPOINT REGISTRAR OF VOTERS.

filed December 5, 2012
by Matthew Vachon

ORDERED, that Pamela J. Ryan is herewith appointed to the position of Registrar of Voters for the City of Brewer;

FURTHER ORDERED, that Mrs. Ryan's term shall commence January 1, 2013 and shall expire December 31, 2015.

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

The order was passed by unanimous vote.

2012-B082

December 11, 2012

TITLE: RESOLVE, RATIFY DIRECTOR OF ENVIRONMENTAL SERVICES', OR HIS DESIGNEE, APPOINTMENT OF AGENTS AT THE LANDFILL.

filed December 5, 2012
by Arthur Verow

WHEREAS, Chapter 22, Article 10, Section 10.5 of the Charter, Codes and Ordinances of the City of Brewer provides that the Director of Environmental Services, or his designee, shall appoint such agents as he deems necessary to act in his stead in carrying out and enforcing the rules and regulations established for the use of the City's construction demolition debris landfill; and

WHEREAS, Chapter 22, Article 10, Section 10.5 of the Charter, Codes and Ordinances of the City of Brewer further provides that the appointment of such agents shall be ratified by a majority of the City Council at the first regularly scheduled council meeting of each calendar year; and

WHEREAS, the Director of Environmental Services, or his designee, has appointed Michael Hewes, Daisy Wilson and Sandee Barber as his agents to act in his stead in carrying out and enforcing the rules and regulations established for use of the City's landfill;

NOW, THEREFORE, BE IT RESOLVED, that the City Council herewith ratifies the Director of Environmental Services', or his designee, appointments of these individuals as his agents to act as his agents in carrying out and enforcing the rules and regulations established for se of the City's construction demolition debris landfill.

NOTE: The terms of these appointments are for one year commencing January 1, 2013 and expiring December 31, 2013.

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

The resolve was adopted by unanimous vote.

2012-B083

December 11, 2012

TITLE: RESOLVE, CONFIRM THE CITY CLERK'S APPOINTMENT OF
DEPUTY CITY CLERK AND DEPUTY REGISTRAR OF
VOTERS.

filed December 5, 2012
by Jerry Goss

EMERGENCY PREAMBLE

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

WHEREAS, it is imperative that this resolve become effective immediately upon its adoption to confirm the City Clerk's appointment of a Deputy City Clerk and Deputy Registrar of Voters so that the appointee may proceed with her duties without interruption; 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 resolve become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer;

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk's appointment of Christine M. Landes as Deputy City Clerk and Deputy Registrar of Voters is herewith confirmed by the City Council; and

BE IT FURTHER RESOLVED, that Mrs. Landes term as Deputy Registrar of Voters commence immediately and shall expire December 31, 2015.

ACTION: Councilor Goss 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.

H. New 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.

2012-C020

December 11, 2012

TITLE: AMEND CHAPTER 9, ENTITLED "FIRE PREVENTION",
ARTICLE 6 FIREWORKS, SECTION 602 EXCEPTIONS OF THE
CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER.

filed December 11, 2012
(after the deadline)
by Joseph Ferris and
Arthur Verow

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 9 of the Charter, Codes and Ordinances of the City of Brewer entitled "The Fire Department", Article 6 Fireworks, Section 602 Exceptions be amended as follows:

SECTION 602. EXCEPTIONS. The provisions of this Ordinance shall not apply to the use or possession of signal torpedoes or other signaling devices by railroads in the operation of their trains; or to the sale, use or possession of normal stocks of flash light compositions for photographers or dealers in photographic supplies or flares used to mark disabled vehicles or dangerous spots on the highways or toy pistols, toy canes, toy guns or cannons in which paper caps containing 25/100ths grains or less of explosive compound are used, if they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, or to the sale, possession or use of sparklers that do not contain magnesium chlorinates or per chlorates. Additionally, beginning January 1, 2012, the provisions of this Ordinance shall not apply to the sale, and possession ~~or use~~ of consumer fireworks as defined under Title 8 M.R.S.A. § 221-A(1-A), within the City of Brewer, so long as the sale, and possession ~~and use~~ of the consumer fireworks are consistent with Title 8 M.R.S.A. § 221-A through and including Section 237, the rules adopted by the Commissioner of the Maine Department of Public Safety and federal law. The use of consumer fireworks shall be restricted to those areas of the City of Brewer that permit the discharge of shotguns, muzzle loaders, black powder guns, revolvers and pistols pursuant to Chapter 35 of the Codes and Ordinances of the City of Brewer.

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.

City Council Minutes
December 11, 2012

Mayor 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 7:15 pm.

ADJOURNED, ATTEST: _____ Pamela J. Ryan
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine