

City Council Minutes  
January 14, 2014

Regular Meeting  
City Hall Council Chambers

Tuesday, January 14, 2014  
6:00 p.m.

The regular meeting was called to order by Chairman Jerry Goss.  
The city clerk called the roll:

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

Chairman Goss declared a quorum present. City Manager Bost and City Solicitor Dearborn were also present.

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

Chairman Goss read the notice for the regular meeting.

TO: Joseph Ferris, Jerry Goss, Kevin O'Connell, Matthew Vachon and Beverly Uhlenhake  
MEMBERS OF THE BREWER CITY COUNCIL You are hereby notified a regular meeting of the City Council will be held on Tuesday, January 14, 2014 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/Jerry Goss  
Mayor and Chairman of the City Council

or \_\_\_\_\_  
Majority of the City Council

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

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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	Feero	Sgt.	01/10/14	
Matthew Vachon	C. Landes	DCC.	01/10/14	4:40 pm
Beverly Uhlenhake	Feero	Sgt.	01/10/14	
Jerry Goss	Feero	Sgt.	01/10/14	
Kevin O'Connell	C. Landes	DCC.	01/10/14	4:00 pm

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**CITY COUNCIL REGULAR MEETING**  
**Tuesday, January 14, 2014 6:00 P.M.**  
**Brewer City Hall Council Chambers**

- I. Call to Order.** (Mayor Jerry Goss)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America.**  
(Mayor Goss)
- A. Minutes of December 10, 2013 Regular Meeting.** (Councilor Vachon)
- B. Awards, Petitions and Public Comments.**
  - 1. (2014-B001) Resolution of Respect for Sidney “Sid” Epstein.  
(Mayor Goss, Deputy Mayor Vachon and Councilors Ferris, O’Connell and Uhlenhake)
  - 2. (2014-B002) RESOLVE, Congratulate Chad White for Induction into the 2013 University of Maine Sports Hall of Fame.  
(Councilor Ferris)
  - 3. (2014-B003) RESOLVE, To Continue the Advancement of the Municipal Review Committee’s Post 2018 Planning Process.  
(Mayor Goss, Deputy Mayor Vachon, and Councilors Ferris, O’Connell and Uhlenhake)
  - 4. Recognition of Public Safety Personnel. (Swearing In)
  - 5. Public Comments.
- C. Consent Calendar.**
  - 1. (2014-A001) ORDER, Issue Release Deed to Carol L. Jewell and Gordon W. Brewer for Property Located at 73 Outback Lane (Tax Map 1, Lot 010B).  
(Councilor Vachon)
  - 2. (2014-A002) ORDER, Issue Release Deed to James L. Russell, III for Property Located at 115 Canterbury Road (Tax Map 12, Lot 004A). (Councilor Uhlenhake)
  - 3. (2014-A003) ORDER, Authorize a Release Deed to William A. Meucci, Successor Trustee of the William T. Meucci Living Trust, Dated January 10, 2013, and Any Amendments Thereto on the Property Situated at 149-153 State Street, Brewer, Maine.  
(Councilor O’Connell)
  - 4. (2014-A004) ORDER, Authorize Repayment Agreement with Brent and Suzanne Trueworthy Relative to the Property Situated at 112 South Main Street.  
(Councilor Ferris)
  - 5. (2014-A005) ORDER, Accept Proceeds from Sale of Surplus Materials and Appropriate for Use. (Councilor Vachon)
  - 6. (2014-A006) ORDER, Set Hearing for the Discontinuance of a Portion of Rudman Road. (Councilor Uhlenhake)
  - 7. (2014-A007) ORDER, Authorize Purchase of Water Meters for Water Department. (Councilor O’Connell)

8. (2014-A008) ORDER, Accept Donations to the Brewer Parks and Recreation Department for the Fall Program/Leagues. (Councilor Ferris)
9. (2014-A009) ORDER, Accept Firearm in a Forfeiture Resulting from a Court Case that the Brewer Police Made a Substantial Contribution to the Investigation of the Criminal Acts Committed by the Defendant and to the Seizure of Defendants in REM. (Councilor Vachon)
10. (2014-A010) ORDER Accept Community Grant Proceeds from Wal-Mart Foundation and Appropriate for Use. (Councilor Uhlenhake)
11. (2014-A011) ORDER Accept Proceeds from Termination of Woodchipper Agreement and Appropriate for Use. (Councilor O'Connell)
12. (2014-A012) ORDER Reallocate Portion of Assistant City Manager Position to Economic Development. (Councilor Ferris)
13. (2014-A013) ORDER Accept Donations to Brewer Programs From Charles "Dusty" and Eleanor Fisher. (Councilor Vachon )

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

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

1. (2014-B004) RESOLVE, Accept Resignation of Robert Zani as an Associate Member of the Planning Board of the City of Brewer. (Councilor Vachon)
2. (2014-B005) RESOLVE, Accept Resignation of B. Autumn Schmeling as a Member of the Brewer Library Board of Trustees. (Councilor Uhlenhake)
3. (2014-A014) ORDER, Appoint a Regular Member and an Associate Member to the Brewer Planning Board to Fill Vacancies. (Councilors Vachon and O'Connell)

**F. Unfinished Business.**

1. (2013-C011) Amend the General Assistance Ordinance to Incorporate Changes In Maximum Benefits. (Councilor Uhlenhake)  
(posted 12/11/13)
2. (2013-C012) Amend Chapter 19 (Traffic Code), Article 3, Section 315, Schedules F and H of the City of Brewer Charter, Codes and Ordinances. (Councilor O'Connell) (posted 12/11/13)
3. (2013-C013) Amend Chapter 15 (Parks & Recreation), Article 5 (Parks), Section 501(a) (Definitions) to add Items 7 and 8 and Article 7 (Safe Zones), Section 702 (Safe Zones) to add an Item (j) of the City of Brewer Charter, Codes and Ordinances. (Councilor Vachon) (posted 12/11/13)

**G. New Business.**

1. (2014-C001) Amend Chapter 13 (Brewer Planning Board Ordinance), Article 1 (The Brewer Planning Board), Section 102 (Appointment), Section 102.3 and add a Section 102.6 of the City of Brewer Charter, Codes and Ordinances. (Councilor Ferris)

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

**I. ADJOURN.**

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**A. Minutes of December 10, 2013 Regular Meeting.**

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

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

2014-B001

January 14, 2014

**TITLE: RESOLUTION OF RESPECT FOR SIDNEY "SID" EPSTEIN.**

filed January 8, 2014  
by Jerry Goss, Matthew Vachon,  
Joseph Ferris, Kevin O'Connell  
and Beverly Uhlenhake

**WHEREAS**, on the 9<sup>th</sup> day of December, 2013, death brought to a close the full and active life of Sidney "Sid" Epstein of Bangor and Scarborough; and

**WHEREAS**, Sid Epstein was a graduate of Bangor High School and the Wharton School at the University of Pennsylvania; and

**WHEREAS**, Sid Epstein was a devoted husband, father, grandfather, and great-grandfather, and life-long member of his church community, Congregation Beth Israel; and

**WHEREAS**, Sid enlisted in the Marines and served throughout the war in Philadelphia, in charge of materials and distribution and was discharged as a Captain; and

**WHEREAS**, Sid was a fixture in the Greater Brewer-Bangor business community for decades. He was a former director of the old Northeast Bank, President of the Jewish Community Center, member of the Bangor Water District board, a Mason and a member of the Kiwanis Club of Dover Foxcroft for over 75 years; and

**WHEREAS**, the stature he attained in his community for his many years of dedicated service was recognized during his lifetime; he was part of a generation where deals were made in person, unwritten promises were honored years after the fact and business relationships were often deeply personal;

**NOW, THEREFORE BE IT RESOLVED**, that the Brewer City Council does by this resolution and public pronouncement, recognize the positive influence of Sidney “Sid” Epstein on the well-being and development of the community in which he worked, worshipped, and earned the deep respect of all who knew him; and

**FURTHER, RESOLVED**, that this resolution be spread upon the permanent records of the City of Brewer and that copies thereof be distributed to members of his family in testimony to the high esteem held for Sidney “Sid” Epstein by the citizens and officials of the City of Brewer, Maine.

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

Councilor Uhlenhake read the resolve into the record while presenting a plaque with the resolve on it to Carol Epstein and her son.

Carol Epstein spoke a little bit about her father’s daily business routine and passed around the room pictures of the Brewer Shopping Center when it was first built by Sid. She thanked the Council for honoring her father and the plaque.

Councilor Ferris said his relationship with Sid went back over 30 years and they became friends.

Mayor Goss said that the Council recognizes people that make us (City of Brewer) what we are. He said that when Sid spoke his word was all you needed.

The resolve was adopted by unanimous vote.

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2014-B002

January 14, 2014

**TITLE: RESOLVE, CONGRATULATE CHAD WHITE FOR INDUCTION INTO THE 2013 UNIVERSITY OF MAINE SPORTS HALL OF FAME.**

filed January 8, 2014  
by Joseph Ferris

**WHEREAS**, Brewer native Chad White, the son of James and Diana (Cameron) White both formerly of Brewer was a three sports star at Brewer High School; and

**WHEREAS**, Chad was born into one of Brewer's finest sports families as his father, mother and both brothers, Robbie and Jamie were great athletes at Brewer High School in their own right; and

**WHEREAS**, Chad attended the University of Maine and enjoyed great success on the Maine baseball team being named Captain in 1993 and earned North Atlantic Conference Player of the year honors in that same season; and

**WHEREAS**, Chad White was selected to the NAC All-American Conference Team and the NAC All-Tournament Team in 1993 and was also named a Second Team All-American; and

**WHEREAS**, Chad White was drafted by the Houston Astros in 1993 (56<sup>th</sup> round) and went on to play for three years in the Astros organization; and

**WHEREAS**, Chad White by his accomplishments has demonstrated good character and leadership, qualities that reflect positively upon the University of Maine, the City of Brewer and Brewer High School;

**NOW, THEREFORE, BE IT RESOLVED**, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith congratulates Chad White on his induction into the 2013 University of Maine Sports Hall of Fame.

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

Councilor Ferris read the resolve into the record while presenting a plaque with the resolve on it to Chad White.

Councilor Ferris said that Chad's father, Jim, and he have literally been friends since kindergarten so he has known Chad and followed his career for a long time.

Chad thanked the Council for the commendation and said that he always played as hard as he could and had fun too. He said he also had a lot of help and support from his family.

Mayor Goss said that Chad played the game of baseball the way it should be played. He has left his mark on Brewer High School and the University of Maine as doing things the right way and being an excellent role model.

The resolve was adopted by unanimous vote.

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2014-B003

January 14, 2014

TITLE: RESOLVE, TO CONTINUE THE ADVANCEMENT OF THE MUNICIPAL REVIEW COMMITTEE'S POST 2018 PLANNING PROCESS.

filed January 8, 2014  
by Jerry Goss, Matthew Vachon  
Joseph Ferris, Kevin O'Connell and  
Beverly Uhlenhake

**WHEREAS**, the Charter Municipality of Brewer is one of approximately 187 municipalities or groups of municipalities (the "Charter Municipalities") all of which have entered into long term Waste Disposal Agreements with the Penobscot Energy Recovery Company ("PERC") providing for waste disposal needs through March 31, 2018; and

**WHEREAS**, pursuant to the Waste Disposal Agreements, the Charter Municipalities established the Municipal Review Committee, Inc. (the "MRC") to represent them as to matters that arise under the Waste Disposal Agreements and as to other matters related to PERC; and

**WHEREAS**, the mission of the MRC is to ensure the affordable, long-term, environmentally-sound disposal of the municipal solid waste ("MSW") of its members; and

**WHEREAS**, the Waste Disposal Agreements will expire on or about March 31, 2018, unless extended; and

**WHEREAS**, the MRC, pursuant to a Resolution adopted by its Board of Directors on December 10, 2009, has been actively engaged in investigating alternative waste disposal arrangements to replace the existing Waste Disposal Agreements after March 31 2018; and

**WHEREAS**, in furtherance of its mission, the MRC proposes to continue its efforts to extend its mission beyond 2018 by developing one or more alternative solid waste management and disposal solutions for consideration by the legislative bodies of the Charter Municipalities, which alternatives may include potential development of an integrated solid waste management and resources recovery facility to be owned and controlled either by the Charter Municipalities or in partnership with other private partners; and

**WHEREAS**, the MRC has issued a Request for Expressions of Interest soliciting proposals for alternative technologies for the sorting, recycling, processing and disposal of MSW and is exploring several alternative sites for such a facility within the MRC Region with a view to securing options on one or more potential sites for this purpose; and

**WHEREAS**, the MRC Board of Directors, serving the interests of the Charter Municipalities at large, has unanimously adopted a Resolution at its annual membership meeting held on December 11, 2013 pursuant to which it plans to take steps to further develop a potential integrated solid waste management and resource recovery facility to accommodate the disposal of MSW originating in the Charter Municipalities after March 31, 2018 including, without limitation, (i) exploring available alternative technologies for the sorting, recycling, processing and disposal of MSW originating in the Charter Municipalities; (ii) engaging in discussions with possible joint venture partners or other third parties with respect to the potential financing, development and/or ownership of an alternative facility either under the control of the MRC or under shared control with other private partners; (iii) securing options or other rights in land on one or more potential sites for such a facility, and (iv) preparing and filing an application with the Maine Department of Environmental Protection for a Determination of Public Benefit in connection therewith (the foregoing elements being referred to collectively in the following resolutions as the "MRC Post-2018 Planning Initiative"); and

**WHEREAS**, the MRC is seeking an indication of support from its existing membership before proceeding further with its proposed course of action.

**NOW THEREFORE**, in recognition of the above, the City Council of the Charter Municipality of Brewer does hereby resolve as follows:

**RESOLVED:** That the Charter Municipality of Brewer supports the MRC's efforts to continue the MRC mission by providing a regional solid waste solution beyond 2018 for the benefit of the Charter Municipalities, including the MRC Post-2018 Planning Initiative; and

**RESOLVED:** That the Charter Municipality of Brewer supports the reasonable expenditure of funds as may be approved by the MRC Board of Directors to support the foregoing efforts and other extraordinary technical, legal, engineering and other necessary advisory costs related to those efforts to be funded from an Operating Budget Stabilization Fund established and administered by the MRC for this purpose; and

**RESOLVED:** That, in recognition of the fact that the Charter Municipality of Brewer is a member of the MRC, which is working actively on alternative waste disposal and recycling alternatives for the collective benefit of its members for the period beginning in April of 2018, it hereby declares it to be its policy not to enter into any agreement prior to January 1, 2017, that would conflict with or preclude consideration by it of any solid waste management and disposal solution for the post-March 31, 2018 time period that may be developed by the MRC for its membership as an outgrowth of the MRC Post-2018 Planning Initiative.

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

Councilor Ferris asked what the is doing by adopting this resolve?

Finance Director Karen Fussell explained what the goal of the resolve was and that it did not commit the City to anything.

The resolve was adopted by unanimous vote.

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#### RECOGNITION OF PUBLIC SAFETY PERSONNEL. (SWEARING IN)

Director of Public Safety Perry Antone introduced Zachary Caron as Brewer Police Department's newly hired patrol officer.

The City Clerk swore in Zachery and Mayor Goss presented him with a coin of the City. Public Safety Director Antone pinned Zachary's badge to his uniform. Antone said that Officer Caron would be leaving for the police academy very soon.

Director of Public Safety Perry Antone introduced Steve Cummings as Brewer Fire Department's newest firefighter.

The City Clerk swore in Steve Cummings and Mayor Goss presented him with a coin of the City. Public Safety Director said that Steve had been a call firefighter for the department and was very happy to welcome him as an employee.

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#### PUBLIC COMMENTS.

Mayor Goss and the rest of the Council thanked all the departments involved for excellent service during the recent bad weather.

At the request of Councilor Joseph Ferris, the Public Safety Director Perry Antone and the Water Department Supervisor Rodney Butler presented brief reports on the hazards of exploding railroad cars and water supply poisoning by chemicals (two incidents that have occurred recently in other parts of the country) and how is Brewer prepared for such incidents.

Public Safety Director Perry Antone spoke with Chief Rick Fowler of the railroad police. Mr. Fowler confirmed that there are no hazardous materials being transported between the mill and Brewer and back. It is all wood products being transported. Antone spoke with Verso and confirmed what Chief Fowler had to say.

Water Department Supervisor Rodney Butler spoke about the safety of the source of water for Brewer and the surrounding areas that the water department serves. He said that the selection of the source is in a very good place, very rural, no roads where anything is being hauled, no industry. The City owns most of the acreage around the watershed and has conservation easements with other owners nearby. Butler said he felt that the water supply was safe from being contaminated.

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**C. Consent Calendar.**

**ACTION:** Councilor Ferris removed order 2014-A012 from the consent calendar.

Councilor Vachon moved that the orders on the consent calendar with the exception of A012 have passage. The motion was seconded and passed by unanimous vote.

2014-A001

January 14, 2014

**TITLE:** ORDER, ISSUE RELEASE DEED TO CAROL L. JEWELL AND GORDON W. BREWER FOR PROPERTY LOCATED AT 73 OUTBACK LANE (TAX MAP 1, LOT 010B).

filed January 8, 2014  
by Matthew Vachon

ORDERED, that a municipal release deed be issued to Carol L. Jewell and Gordon W. Brewer, for property located at 73 Outback Lane releasing to them all rights, title and interest the City of Brewer may have acquired in the property located on 73 Outback Lane (City Tax Map 1, Lot 010B) by virtue of City of Brewer tax or sewer liens recorded in the Penobscot County Registry of Deeds in the following volumes and pages:

Volume	Page
12506	206
12847	256
13227	316

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 \$9,774.63 in principal was collected, along with \$430.57 in interest and \$79.25 in costs.

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2014-A002

January 14, 2014

TITLE: ORDER, ISSUE RELEASE DEED TO JAMES L. RUSSELL, III  
FOR PROPERTY LOCATED AT 115 CANTERBURY  
ROAD.

filed January 8, 2014  
by Beverly Uhlenhake

ORDERED, that a municipal release deed be issued to James L. Russell, III, for property located at 115 Canterbury Road releasing to him all rights, title and interest the City of Brewer may have acquired in the property located on 115 Canterbury Road (City Tax Map 12, Lot 004A) by virtue of City of Brewer tax or sewer liens recorded in the Penobscot County Registry of Deeds in the following volumes and pages:

Volume	Page
13228	4
12847	297
12506	344

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 \$12,440.64 in principal was collected, along with \$1149.50 in interest and \$126.61 in costs.

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2014-A003

January 14, 2014

TITLE: ORDER, AUTHORIZE A RELEASE DEED TO WILLIAM A. MEUCCI,  
SUCCESSOR TRUSTEE OF THE WILLIAM T. MEUCCI  
LIVING TRUST, DATED JANUARY 10, 2013, AND ANY  
AMENDMENTS THERETO ON THE PROPERTY SITUATED  
AT 149-153 STATE STREET, BREWER, MAINE.

filed January 8, 2014  
by Kevin O'Connell

WHEREAS, William A. Meucci, Successor Trustee of the William T. Meucci Living Trust, dated January 10, 2013 and any amendments thereto, (hereinafter referred to as the "Successor Trustee") is the successor owner of the property situated at 149-153 State Street, Brewer, Maine, hereinafter referred to as the "Property".

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WHEREAS, the City has acquired title to the Property by virtue of the automatically foreclosed real estate tax liens and sewer liens recorded in the Penobscot Registry of Deeds in the following Volumes and Pages:

Volume	Page	Volume	Page	Volume	Page
9378	96	12848	20	12848	19
12584	293	12506	325	12506	324
12256	306	12169	63	12167	35
11440	342	11440	341; and		

WHEREAS, the Successor Trustee entered into an agreement with the City to redeem the property; and

WHEREAS, the Successor Trustee has paid the City all sums due in full;

NOW, THEREFORE, BE IT ORDERED, that a Release Deed on the Property be issued to William A. Meucci, Successor Trustee of the William T. Meucci Living Trust, dated January 10, 2013, and any amendments thereto, as successor in interest to William T. Meucci; and

FURTHER BE IT ORDERED, that the Release Deed shall be substantially in the form of Exhibit A, attached hereto and made a part hereof; and

FURTHER BE IT ORDERED, that the City Manager, Stephen Bost, be authorized to execute and deliver the Release Deed to William A. Meucci, Successor Trustee of the William T. Meucci Living Trust dated January 10, 2013, and any amendments hereto, and to take any and all actions and sign any and all documents to effectuate the transfer.

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2014-A004

January 14, 2014

TITLE: ORDER, AUTHORIZE REPAYMENT AGREEMENT WITH  
BRENT AND SUZANNE TRUEWORTHY RELATIVE  
TO THE PROPERTY SITUATED AT 112 SOUTH MAIN  
STREET.

filed January 8, 2014  
by Joseph Ferris

EMERGENCY PREAMBLE

WHEREAS, orders passed by the Brewer City Council do not become effective until five (5) 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

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

WHEREAS, Brent and Suzanne Trueworthy are the owners of a home situated at 112 South Main Street in Brewer, (generally shown on the City of Brewer's Tax Assessor's Map 28, Lot 44), and is hereinafter referred to as the "Property"; and

WHEREAS, the Tax Collector's Lien Certificates on the Property have automatically foreclosed; and

WHEREAS, the City is willing to allow Brent and Suzanne Trueworthy to pay the real estate taxes, interest and costs assessed against the Property under certain terms and conditions; and

WHEREAS, Brent and Suzanne Trueworthy are willing to accept the City's terms and conditions;

NOW, THEREFORE, BE IT ORDERED that the City Council authorizes the attached Agreement between the City of Brewer and Brent and Suzanne Trueworthy; and

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

2014-A005

January 14, 2014

TITLE: ORDER, ACCEPT PROCEEDS FROM SALE OF SURPLUS  
MATERIALS AND APPROPRIATE FOR USE.

filed January 8, 2014  
by Matthew Vachon

WHEREAS, the Engineering Department recently inventoried materials accumulated over many years from the upgrade of a number of intersections around the City; and

WHEREAS, several traffic signal cabinets and many components were obsolete and no longer of any value as spare parts; and

WHEREAS, these obsolete components were disposed of at Corey Recycling of Orrington resulting in revenue in the amount of \$354.00; and

WHEREAS, the Engineering Department desires to use these unanticipated proceeds to supplement the account from which traffic signal maintenance expenses are paid;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith declares the excess traffic signal components surplus property and orders the proceeds from the sale of this surplus property be deposited into account 0106904-300490 (Misc. Revenue) and appropriated for expenditure from 0116100-504100 (General Protections – Equipment Maintenance and Repairs) to be used to offset anticipated future traffic signal maintenance expenses.

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2014-A006

January 14, 2014

TITLE: ORDER, SET HEARING FOR THE DISCONTINUANCE OF  
A PORTION OF RUDMAN ROAD.

filed January 8, 2014  
by Beverly Uhlenhake

WHEREAS, the two (2) abutters to Rudman Road have requested that a portion of the road be abandoned; and

WHEREAS, the portion of Rudman Road requested to be abandoned only provides ingress and egress for pedestrian and vehicular traffic to the abutting properties; and

WHEREAS, the abutters have agreed to waive damages if a portion of Rudman Road is discontinued pursuant to Title 23 M.R.S.A. §3026, et seq.; and

WHEREAS, the City Assessor has determined that there will be no damages to the abutters who are Spain Enterprises, LLC and Bangor-Brewer Bowling Lanes, Inc.; and

WHEREAS, the City Engineer has recommended the discontinuance of a portion of Rudman Road, said portion being shown on Exhibit A, attached hereto and made a part hereof; and

WHEREAS, a hearing needs to be held before the discontinuance takes place pursuant to Title 23 M.R.S.A. §3026 and notice thereof given to the abutting property owners and Planning Board members and alternate members;

NOW, THEREFORE, BE IT ORDERED, that a public hearing for the consideration by the City Council of the discontinuance of a portion of Rudman Road be held on February 11, 2014, at 6:00 p.m. in the City Council Chambers located at Brewer City Hall, 80 North Main Street, Brewer, Maine; and

FURTHER BE IT ORDERED, that the City Clerk shall send a copy to the abutters of that portion of Rudman Road to be discontinued to each member and associate member of the Planning Board of the City of Brewer and to the City Planner; and

FURTHER BE IT ORDERED, that the City Engineer, or his designee, shall post an attested copy of this Order in the area of that portion of Rudman Road to be discontinued.

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2014-A007

January 14, 2014

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

filed January 8, 2014  
by Kevin O'Connell

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 Department's FY14 CIP, approved by Council in June, 2013;

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 \$12,960.00 for the purchase of 108 – 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".

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2014-A008

January 14, 2014

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

filed January 8, 2014  
by Joseph Ferris

WHEREAS, the Brewer Parks and Recreation Department has received a donation of \$100.00 from Bangor Tire Company 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 this donation 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.

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2014-A009

January 14, 2014

TITLE: ORDER , ACCEPT FIREARM IN A FORFEITURE RESULTING FROM A COURT CASE THAT THE BREWER POLICE MADE A SUBSTANTIAL CONTRIBUTION TO THE INVESTIGATION OF THE CRIMINAL ACTS COMMITTED BY THE DEFENDANT AND TO THE SEIZURE OF DEFENDANTS IN REM.

filed January 8, 2014  
by Matthew Vachon

WHEREAS, as a result of a criminal investigation conducted by a member of the Brewer Police Department a firearm was seized and forfeited by a defendant involved in the investigation; and

WHEREAS, this firearm was offered to the City in recognition of the valuable assistance of the Brewer Police Department in the successful completion of the investigation; and

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

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, Maine, by vote of its City Council, does herewith approve the transfer of the following firearm forfeited as a result of the recent criminal investigation cited:

Superior Court Docket No. CR-2012-3482

One (1) .25 cal. semi-automatic handgun

AND FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to sign a memorandum to accept these forfeited firearm on the behalf of the City of Brewer; and

FURTHER ORDERED, that this firearm be turned over to the Brewer Police Department to be added to their inventory for law enforcement purposes.

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2014-A010

January 14, 2014

TITLE: ORDER , ACCEPT COMMUNITY GRANT PROCEEDS FROM  
WALMART FOUNDATION AND APPROPRIATE  
FOR USE.

filed January 8, 2014  
by Beverly Uhlenhake

WHEREAS, the City of Brewer Wellness Committee applied for and received a Community Grant of \$2,500 from the Wal-Mart Foundation to support employee wellness activities and initiatives within the City;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council hereby accepts the \$2,500 grant and authorizes it to be deposited in account 0600053-360000-53011 (Wal-Mart Wellness Grant Revenue) and expended from 0600053-560000-53011 (Wal-Mart Wellness Grant Expense) on employee wellness activities and initiatives.

FURTHER ORDERED, that the City Clerk send a letter of thanks and acknowledgment to the Wal-Mart Foundation on behalf of the City Council for this generous contribution.

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2014-A011

January 14, 2014

TITLE: ORDER , ACCEPT PROCEEDS FROM TERMINATION OF  
WOODCHIPPER AGREEMENT AND APPROPRIATE  
FOR USE.

filed January 8, 2014  
by Kevin O'Connell

WHEREAS, in 1994 the City entered into an agreement with Veazie, Orono and Orrington to jointly purchase and maintain a woodchipper for collective use; and

WHEREAS, in the last few years the woodchipper has been used primarily by Orrington and Orono and all four communities have agreed it is time to terminate the agreement and liquidate the replacement reserve that had been set aside; and

WHEREAS, the City Council would like to use these unanticipated funds to purchase nine additional life-saving voice amplifiers for the Fire Department and to allocate the remaining money to the Flags in Brewer account to provide for replacement of American flags along the City's main thoroughfares;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council hereby accepts the \$6,223.99 in proceeds resulting from the termination of the Interlocal Wood Chipper Agreement of 1994 and authorizes the appropriation of \$3,573.00 to the Fire Uniform and Protective Equipment account (0115911-502810) to purchase 9 voice amplifiers and the remaining \$2,650.99 to be deposited into the Flags in Brewer Revenue account (0200000-320000-50001) to pay for replacement flags.

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2014-A012

January 14, 2014

TITLE: ORDER , REALLOCATE PORTION OF ASSISTANT CITY  
MANAGER POSITION TO ECONOMIC DEVELOPMENT.

filed January 8, 2014  
by Joseph Ferris

WHEREAS, in an effort to maximize utilization of personnel, reduce grant administration costs, and support pursuit of new grant opportunities for the City, the City Council wishes to dedicate a portion of the Assistant City Manager's time to the Economic Development Department in the role of Community Development Coordinator; and

WHEREAS, the City has sufficient resources in its TIF Special Project Fund to support this expense;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council hereby authorizes the current 1.0 FTE (full time equivalent) position of Assistant City Manager position to be reallocated to 0.8 FTE Assistant City Manager in the City Manager's Office and 0.2 FTE Community Development Coordinator in the Economic Development Department; and

FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of \$10,000 in TIF Special Project Funds from Org 0115700 (Economic Development Salary and Benefits) to support this reallocation.

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

Councilor Ferris asked what this was all about.

City Manager Stephen Bost said that Assistant City Manager James Smith would take over the management of the housing grant program.

The order was passed by unanimous vote.

\*\*\*

2014-A013

January 14, 2014

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

filed January 8, 2014  
by Matthew Vachon

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

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby accepts these funds and authorizes their receipt to and appropriation and expenditure from the following accounts in support of youth education and recreation programs:

	<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.

**D. Monthly Reports.**

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

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

2014-B004

January 14, 2014

**TITLE:** RESOLVE, ACCEPT RESIGNATION OF ROBERT ZANI AS AN ASSOCIATE MEMBER OF THE PLANNING BOARD OF THE CITY OF BREWER.

filed January 8, 2014  
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, it is necessary for vacancies to be filled on city boards and committees before the next meeting; and

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

WHEREAS, Robert Zani has submitted a letter of resignation dated January 7, 2014, as an associate member of the Brewer Planning Board; and

WHEREAS, the City Council must vote to accept this resignation and declare a vacancy for an associate member before proceeding to fill the vacancy for the unexpired term of former regular member Beverly Uhlenhake;

NOW, THEREFORE, BE IT RESOLVED, that the City Council herewith accepts the resignation of Robert Zani as an associate member of the Brewer Planning Board and declares that a vacancy will exist on the Planning Board for an associate member.

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

The resolve was adopted by unanimous vote.

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2014-B005

January 14, 2014

**TITLE:** RESOLVE, ACCEPT RESIGNATION OF B. AUTUMN SCHMELING  
AS A MEMBER OF THE BREWER LIBRARY BOARD  
OF TRUSTEES.

filed January 8, 2014  
by Beverly Uhlenhake

WHEREAS, B. Autumn Schmeling has submitted a letter of resignation dated December 17, 2013, as a member of the Brewer Library Board of Trustees; and

WHEREAS, the City Council must vote to accept this resignation and declare a vacancy on this board before proceeding to fill the vacancy for the unexpired term of B. Autumn Schmeling;

NOW, THEREFORE, BE IT RESOLVED, that the City Council herewith accepts the resignation of B. Autumn Schmeling as a member of the Brewer Library Board of Trustees and declares that a vacancy will exist on the Brewer Library Board of Trustees.

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

The resolve was adopted by unanimous vote.

\*\*\*

2014-A014

January 14, 2013

**TITLE:** ORDER, APPOINT A REGULAR MEMBER AND AN ASSOCIATE  
MEMBER TO THE BREWER PLANNING BOARD TO FILL  
VACANCIES.

filed January 8, 2014  
by Matthew Vachon and  
Kevin O'Connell

ORDERED, that Robert Zani, 339 No. Main Street is herewith appointed as a regular member of the Planning Board to fill the vacancy of an unexpired term on the board and Thomas McGary is herewith appointed an associate member of the Planning Board to fill a vacancy; and

ORDERED, that Mr. Zani's term will commence January 19, 2014 and expire March 31, 2016 and Mr. McGary's term will commence January 19, 2014 and expire March 31, 2015.

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

The order was passed by unanimous vote.

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**F. Unfinished Business.**

1. (2013-C011) Amend the General Assistance Ordinance to Incorporate Changes In Maximum Benefits. (Councilor Uhlenhake) posted 12/11/13)

**ACTION:** Councilor Uhlenhake moved that proposed ordinance amendment be enacted. The motion was seconded and passed by unanimous vote.

\*\*\*

2. (2013-C012) Amend Chapter 19 (Traffic Code), Article 3, Section 315, Schedules F and H of the City of Brewer Charter, Codes and Ordinances. (Councilor O'Connell) (posted 12/11/13)

**ACTION:** Councilor O'Connell moved that proposed ordinance amendment be enacted. The motion was seconded and passed by unanimous vote.

\*\*\*

3. (2013-C013) Amend Chapter 15 (Parks & Recreation), Article 5 (Parks), Section 501(a) (Definitions) to add Items 7 and 8 and Article 7 (Safe Zones), Section 702 (Safe Zones) to add an Item (j) of the City of Brewer Charter, Codes and Ordinances. (Councilor Vachon) (posted 12/11/13)

**ACTION:** Councilor Vachon moved that proposed ordinance amendment be enacted. The motion was seconded and passed by unanimous vote.

\*\*\*

**G. New Business.**

2014-C001

January 14, 2013

**TITLE:** AMEND CHAPTER 13 (BREWER PLANNING BOARD ORDINANCE), ARTICLE 1 (THE BREWER PLANNING BOARD), SECTION 102 (APPOINTMENT), SECTION 102.3 AND ADD A SECTION 102.6 OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES.

filed January 8, 2014  
by Joseph Ferris

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 15 (Parks & Recreation) of the Charter, Codes and Ordinances of the City of Brewer, Section 102 (Appointment) be amended as follows:

1. Amend Section 102.3 by adding the following at the end of the section:

SECTION 102.3. The term of each member and associate member shall be for three (3) years. The term of each member shall end on December 31<sup>st</sup>. Effective December 31, 2002, the terms of the present duly appointed and existing Planning Board members and associate members whose terms are scheduled to expire December 31, 2002 shall be extended to March 31, 2003, the terms of members and associate members scheduled to expire December 31, 2003 shall be extended to March 31, 2004, and the terms of members and associate members scheduled to expire December 31, 2004 shall be extended to March 31, 2005. Thereafter the terms of each member and associate member shall expire on March 31<sup>st</sup>.

Notwithstanding the foregoing, beginning April 1, 2015, three (3) members of the Board whose term expires on March 31, 2015, shall be appointed for a three (3) year term expiring on March 31, 2018 and three (3) year terms thereafter. One (1) member and one (1) associate member of the Board whose term will expire on March 31, 2015, shall be appointed for a one (1) year term that shall expire on March 31, 2016. Thereafter, the one (1) member and one (1) associate member of the Board shall be appointed for three (3) year terms to expire on March 31<sup>st</sup>.

[It is the intent of this ordinance amendment that after March 31, 2015, the terms of no more than three (3) members and associate members shall expire in any one year.]

2. Add a Section 102.6:

SECTION 102.6. No members of the City Council shall serve concurrently as a member of the Brewer City Council and a member or associate member of the Planning Board for the City of Brewer.

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

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

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.

2014-A015

January 14, 2014

**TITLE: ORDER, DECLARE THE PROPERTY SITUATED AT 8 EAST SUMMER STREET TO BE SURPLUS PROPERTY AND TO AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO DISPOSE OF SAID PROPERTY.**

filed January 13, 2014  
(under suspension of the rules)  
by Matthew Vachon and  
Kevin O'Connell

WHEREAS, the City acquired title to the property situated at 8 East Summer Street in Brewer by virtue of expired real estate tax liens and sewer liens; and

WHEREAS, the City has perfected its title by a Bill in Equity; and

WHEREAS, the City staff has concluded that the property located at 8 East Summer Street is not required by the City for public purposes.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby declares the property situated at 8 East Summer Street to be surplus property and authorizes the City Manager, or his designee, to list said Property for sale with a licensed Maine real estate broker, if he deems it advisable; and

FURTHER BE IT ORDERED, that the City Manager, or his designee, is authorized to sell the said Property at such price as he determines to be in the best interest of the City; and

FURTHER BE IT ORDERED, the City Manager, or his designee, is authorized to take any and all actions and to sign any and all documents to effectuate the sale of said Property.

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

The order was passed by unanimous vote.

\*\*\*

**I. ADJOURN.**

Mayor Goss said he would accept a motion for adjournment.

**ACTION:** Councilor Ferris moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting adjourned at 6:51 pm.

**ADJOURNED, ATTEST:** \_\_\_\_\_ Pamela J. Ryan  
City Clerk

**A TRUE COPY, ATTEST:** \_\_\_\_\_ Brewer, Maine