

City Council Minutes
January 10, 2012

Regular Meeting
City Hall Council Chambers

Tuesday, January 10, 2012
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 Doughty	-	present
Councilor Verow	-	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, Larry Doughty, Arthur Verow, Jerry Goss and Kevin O'Connell
MEMBERS OF THE BREWER CITY COUNCIL You are hereby notified a regular meeting of the City Council will be held on Tuesday, January 10, 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/Jerry Goss
Mayor and Chairman of the City Council

or _____
Majority of the City Council

a true copy, attest: s/Howard F. Kroll
City Clerk

OFFICER'S RETURN

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

Given/Delivered to:	by (person delivering)	Title	Date	Time
Joseph Ferris	K. Bouchard	Ptl.	01/06/12	1746
Larry T. Doughty	R. Gerald	Ptl.	01/06/12	1738
Arthur Verow	R. Gerald	Ptl.	01/06/12	1741
Jerry Goss	R. Gerald	Ptl.	01/06/12	1745
Kevin O'Connell	K. Bouchard	Ptl.	01/06/12	1739

CITY COUNCIL REGULAR MEETING
Tuesday, January 10, 2012 6:00 P.M.
Brewer City Hall Council Chambers

- I. Call to Order.** (Mayor Jerry Goss)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America. Regular Meeting**
(Mayor Goss)
- A. Minutes of December 13, 2011 Regular Meeting.** (Councilor Verow)
- B. Awards, Petitions and Public Comments.**
 - 1. (2012-B001) RESOLVE, Recognize the Honorable Senator Susan M. Collins for Her Dedicated Public Service and Tireless Efforts Over the Last 15+ Years to Increase Truck Weight Limits to Cover the Entire State of Maine. (Mayor Goss and Councilors Ferris, Doughty, Verow and O'Connell)
 - 2. (2012-B002) RESOLVE, Recognize Ryan Ward for Sherwood Forest Park. (Councilor O'Connell)
 - 3. (2012-B003) RESOLVE, Recognize Brewer Land Trust Volunteers For Sherwood Forest Park Trail Work. (Councilor Verow)
 - 4. (2012-B003A) RESOLVE, Supporting the Continued Operation of the Dorothea Dix Psychiatric Center and the Creation of a Committee to Advocate for Keeping the Center Open. (Councilor Verow)
 - 5. Presentation of FY2011 Audit Results.
 - 6. Public Comments.
 - a. Larry Adams comments on extension of I395.
- C. Consent Calendar.**
 - 1. (2012-A001) ORDER, Accept Funds to the Brewer Public Library from Charles and Eleanor Fisher for Youth Programs at the Library. (Councilor Ferris)
 - 2. (2012-A002) ORDER, Accept Funds to the Brewer Public Library from the Office of the District Attorney Regarding State of Maine VS. Angelia M. Jenkins. (Councilor O'Connell)
 - 3. (2012-A003) ORDER, Accept Donation from Charles and Eleanor Fisher to the Brewer Fire Department for Fire Education Materials and Supplies. (Councilor Doughty)
 - 4. (2012-A004) ORDER, Issue Release Deed to Kevin Santos, Common Sense Traders, 46 Center Street. (Councilor Verow)
 - 5. (2012-A005) ORDER, Accept Donation to the Brewer Parks and Recreation Department for the Winter Program/League Account. (Councilor Ferris)

6. (2012-A006) ORDER, Retain the Legal Services of William Dale, Esq. to Represent the City of Brewer in Two Pending Appeals Before the Maine State Board of Property Tax Review. (Councilor O'Connell)
7. (2012-A007) ORDER, Accept MMA Wellness Grant Funds Received by the City for Health Promotion Programs. (Councilor O'Connell)
8. (2012-A008) ORDER, Issue Release Deed to Bangor Hydro Electric Company Successor of Al Shair Mostafa (Against Whom Taxes Were Assessed), Green Point Road. (Councilor Doughty)
9. (2012-A009) ORDER, Accept Funds in a Forfeiture Resulting from a Recent Court Case that the Brewer Police Made a Substantial Contribution in the Successful Prosecution of. (Councilor Verow)
10. (2012-A010) ORDER, Authorize the Purchase of a Replacement Volute for the #1 Pump at Hardy Street Pump Station. (Councilor O'Connell)
11. (2012-A011) ORDER, Accept Gift Card from Aubuchon Hardware to The City of Brewer as a Thank You for the City's Business Over the Last Year. (Councilor Doughty)
12. (2012-B004) RESOLVE, Amend the Schedule of City Council Regular Meetings to Change the May Regular Meeting Date. (Councilor Ferris)

D. Monthly Reports. (Councilor Verow)

E. Nominations, Appointments, Elections.

1. (2012-A012) ORDER, Reappoint Timothy Briggs of Dexter, Maine as the City of Brewer's Local Sealer of Weights and Measures. (Councilor Ferris)
2. (2012-A013) ORDER, Appoint Robert Zani to the Board of Commissioners of the Housing Authority of the City of Brewer to Fill a Vacancy for an Unexpired Term. (Councilors Doughty and O'Connell)

F. Unfinished Business.

1. (2011-C018) Amend the Land Use Code, Chapter 24, Article 1, General, Section 108 Amendments, Subsection 108.2 Zoning Amendments, Item 4 Council and by adding Subsection 108.2.5 of the Charter, Codes and Ordinances of the City of Brewer. (Councilor Doughty)
2. (2011-C019) Amend Chapter 1, Entitled "The City Council", Article 3 Rules of Order, Section 330.5C Posting of Proposed Ordinances or Ordinance Amendments of the Charter, Codes and Ordinances of the City of Brewer. (Councilor Verow)

G. New Business.

1. (2012-C001) Amend Chapter 1, Entitled "The City Council", Article 5, City Boards, Committees and Commissions, Section 502.6 of the Charter, Codes and Ordinances of the City of Brewer.
(Councilor Ferris)
2. (2012-A014) ORDER, Accept the Communication from the Maine Attorney General's Office Regarding that Office's Response to the City's Request for Review and Comment on the Land Sale Transaction Between the Brewer Housing Authority and B. Calvin Bubar, III. (Councilor Verow)

H. New Items with Leave of Council.

I. ADJOURN.

A. Minutes of December 13, 2012 Regular Meeting.

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

B. Awards, Petitions and Public Comments.

2012-B001

January 10, 2012

TITLE: RESOLVE, RECOGNIZE THE HONORABLE SENATOR SUSAN M. COLLINS FOR HER DEDICATED PUBLIC SERVICE AND TIRELESS EFFORTS OVER THE LAST 15+ YEARS TO INCREASE TRUCK WEIGHT LIMITS TO COVER THE ENTIRE STATE OF MAINE.

filed January 4, 2012
by Jerry Goss, Joseph Ferris
Larry Doughty, Arthur
Verow and Kevin O'Connell

WHEREAS, in response to an alert by the Federal Highway Administration to the Maine Department of Transportation that they were in violation of Federal vehicle weight limits on the Maine Turnpike weighing 100,000 pounds, in 1998, United States Senator Susan M. Collins worked to provide an exemption to allow trucks weighing 100,000 pounds the ability to operate on the Maine Turnpike and I-95 to Kittery; and

WHEREAS, Senator Collins played a critical role in facilitation of an agreement to extend the Maine Turnpike for three additional miles through Augusta, so trucks in excess of 80,000 pounds wouldn't have to travel on secondary roads; and

WHEREAS, in 2007, Senator Collins reintroduced the Commercial Truck Safety Pilot Program Act which directs the Secretary of Transportation to establish a commercial truck safety pilot program in Maine to allow the weight limit on all Maine highways to be set at 100,000 pounds, and was introduced in the 107th, 108th, and 109th Congresses; and

WHEREAS, Senator Collins introduced the Commercial Truck Fuel Savings Demonstration Act of 2008 in response to the growing energy crisis, which created a two-year pilot program that allowed trucks carrying up to 100,000 pounds to travel on federal interstate system whenever diesel fuel prices are at or above \$3.50 a gallon; and

WHEREAS, in 2009, President Obama signed the Consolidated Appropriations Act of 2010, which included a provision by Maine Senator Susan M. Collins and supported by the State's entire Congressional Delegation that created a one-year pilot program raising weight limits on the Interstate system; and

WHEREAS, in 2010, it was determined by the Maine Department of Transportation that during the one year pilot period the number of crashes involving trucks on Maine's local roads was reduced by 72, as compared to the five-year average; and

WHEREAS, in January of 2011, Senator Collins introduced legislation that would permanently move the heavy trucks off secondary roads onto federal interstate highways, alleviating safety hazards for motorists and pedestrians and decreasing wear and tear on secondary roads; and

WHEREAS, on November 18, 2011, the President of the United States signed the Transportation Funding Bill that includes the provision from Senator Collins to allow heavier trucks to use Maine's federal interstates for at least the next 20 years;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens and Employees of the City of Brewer, Maine, herewith recognizes and commends the Honorable Senator Susan M. Collins for her stewardship and dedicated efforts to help improve Maine's economy and standard of living by tirelessly working to increase truck weight limits for the entire state of Maine. She has been a champion for this cause and instrumental to its being signed into law in November of 2011, and we thank her for her commitment and dedication to our region and state.

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

The resolve was adopted by unanimous consent.

2012-B002

January 10, 2012

TITLE: RESOLVE, RECOGNIZE RYAN WARD FOR SHERWOOD FOREST PARK PROJECT.

filed January 4, 2012
by Kevin O'Connell

WHEREAS, Ryan Ward of Brewer, designed a 30 foot walking bridge for the Sherwood Forest Park for his Eagle Scout project; and

WHEREAS, during the Columbus Day weekend, Ryan and numerous other Scout volunteers assisting him, constructed the bridge which spans a stream on the park trail; and

WHEREAS, his completed project allowed for easy access for volunteers to complete the task of installing wood chips on the remaining section of unfinished trail; and

WHEREAS, the walking bridge will provide for years of enjoyment for all citizens using the Sherwood Forest Park Trail;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council herewith recognizes and commends Ryan Ward for his recently completed Eagle Scout project at Sherwood Forest Park.

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

The resolve was adopted by unanimous consent.

2012-B003

January 10, 2012

TITLE: RESOLVE, RECOGNIZE BREWER LAND TRUST VOLUNTEERS FOR SHERWOOD FOREST PARK TRAIL WORK.

filed January 4, 2012
by Arthur Verow

WHEREAS, on Sunday, November 13, 2011 approximately 20 volunteers including members of the Brewer Land Trust worked on the Sherwood Forest Park Trail; and

WHEREAS, these volunteers distributed over 50 yards of wood chips on the Sherwood Forest Park Trail and in addition cleared numerous areas along the trail; and

WHEREAS, these volunteers provided their own tools in completing the trail loop in the park;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council herewith recognizes and commends the Brewer Land Trust and park neighbors for their outstanding effort in finishing the Sherwood Forest Park Trail.

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

The resolve was adopted by unanimous consent.

2012-B003A

January 10, 2012

TITLE: RESOLVE, SUPPORTING THE CONTINUED OPERATION OF THE DOROTHEA DIX PSYCHIATRIC CENTER AND THE CREATION OF A COMMITTEE TO ADVOCATE FOR KEEPING THE CENTER OPENING.

filed January 4, 2012
by Arthur Verow

WHEREAS, the Dorothea Dix Psychiatric Center serves all of Northern and Eastern Maine; and

WHEREAS, the Riverview Psychiatric Center in Augusta is the only other State-run psychiatric hospital in Maine and serves all of the southern part of the State of Maine and is the only forensic psychiatric facility for the entire State; and

WHEREAS, closing the Dorothea Dix Psychiatric Center would put significant additional burden on the Riverview Psychiatric Centers capacity and resources; and

WHEREAS, the closing of the Dorothea Dix Psychiatric Center would isolate consumers needing this level of service by hospitalizing them at a significantly further distance from their natural supports, including family, potentially leading to longer stays and more difficult reintegration back into the community; and

WHEREAS, closing the Dorothea Dix Psychiatric Center would place increased burdens on emergency response systems such as public safety, mental health providers, hospitals and others who are able to utilize the Dorothea Dix Psychiatric Center as a resource for a significant population; and

WHEREAS, from a census of over 1100 prior to the efforts to deinstitutionalize in the 1970s to the current in-patient capacity between 50-66 depending on available funds, the Dorothea Dix Psychiatric Center is by default the primary resource for a large population whose support systems are often vulnerable to budget issues and program cuts and who when they are In need due to their mental health issues depend on the services of the Dorothea Dix Psychiatric Center;

BY THE CITY COUNCIL OF THE CITY OF BREWER

BE IT RESOLVED THAT, the City of Brewer calls upon the Maine Legislature to maintain continued operations of the Dorothea Dix Psychiatric Center and, further, that the Maine Legislature work to restore funding cuts made to the Dorothea Dix Psychiatric Center; and BE IT FURTHER RESOLVED. THAT the City Council of Brewer supports the creation of a task force for the purpose of advocating for maintaining the Dorothea Dix Psychiatric Center.

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

The resolve was adopted by unanimous consent.

Mayor Goss said the City Clerk would poll the Council members to see if item 6 of this section of the agenda could be taken out of order. The City Clerk polled the Council members and it was a unanimous vote.

6. Larry Adams comments on Extension of I395.

Larry Adams spoke in regard to the extension of I-395 through Brewer, went on MDOT website, 15Apr09 was the last PAC meeting, Ring route was the last route chosen at the time, it is not now, there is a purpose of needs version that details what is the checklist is for the project.

Steve Bost spoke about his conversation with MDOT, called Senator Rosen, called BDN reporter (Nok Noi Ricker), left message for MDOT Commissioner and Deputy Commissioner and spoke with the new project manager, spoke with David Cole, Ex-MDOT Commissioner, got a phone call from Commissioner Burnhart with apologies.

Manley DeBeck, 35 Goupee Street, member of the PAC 2001-2009 said his last meeting was in 2009 and the project was on hold due to lack of funding.

5. Presentation of FY2011 Audit Results.

Finance Director Karen Fussell introduced Casey Leonard of RKO to speak about the FY2011 audit. Casey supplied each Councilor with a package of information that detailed revenues and expenses for FY2011. The City is in compliance with GASB34.

PUBLIC COMMENTS.

Mayor Goss read a letter addressed to Director of Environmental Services Ken Locke from Clarissa Trasko of MDEP commending the WPCF staff and their professionalism.

C. Consent Calendar.

Councilor Verow moved that the orders on the Consent Calendar have passage and the resolve be adopted. The motion was seconded and passed by unanimous vote.

2012-A001

January 10, 2012

TITLE: ORDER, ACCEPT FUNDS TO THE BREWER PUBLIC LIBRARY
FROM CHARLES AND ELEANOR FISHER FOR
YOUTH PROGRAMS AT THE LIBRARY.

filed January 4, 2012
by Joseph Ferris

WHEREAS, The Brewer Public Library has received a donation totaling \$100 from Dusty and Eleanor Fisher; and

WHEREAS, the library and the donors would like the funds to be used for children's programming;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts the funds of \$100 from the Fisher Family; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the funds be deposited in account 0107204-300420 (Library Donations) and appropriated for expenditure from account 0117201-506150 (Library Special Events).

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

2012-A002

January 10, 2012

TITLE: ORDER, ACCEPT FUNDS TO THE BREWER PUBLIC LIBRARY
FROM THE OFFICE OF THE DISTRICT ATTORNEY
REGARDING STATE OF MAINE VS ANGELIA M. JENKINS.

filed January 4, 2012
by Kevin O'Connell

WHEREAS, The Brewer Public Library has received notice of court-ordered restitution payments totaling \$900 from theft of books by Angelia M. Jenkins; and

WHEREAS, The Brewer Public Library has received the first monthly installment totaling \$50.00 and is scheduled to receive monthly payments until the balance is paid in full; and

WHEREAS, the library would like the funds to be used in replacement of stolen books at the library;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts the funds of \$900 from the restitution; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the funds be deposited to account 0107204-30446 (Library Reimbursement) and be appropriated and expended from account 0117201-502750 (Library Books).

2012-A003

January 10, 2012

TITLE: ORDER, ACCEPT DONATION FROM CHARLES AND ELEANOR FISHER TO THE BREWER FIRE DEPARTMENT FOR EDUCATION MATERIALS AND SUPPLIES.

filed January 4, 2012
by Larry T. Doughty

WHEREAS, the City of Brewer has received a donation of \$100.00 from Charles and Eleanor Fisher;

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 deposited in the Fire Miscellaneous Revenues account 0105904-300490; and

FURTHER ORDERED, that the City Council authorizes the appropriation and expenditure of these funds from the Department's budget account 0115921-502900 (Fire Education Materials and Supplies); and

FURTHER ORDERED, that a letter of acknowledgement and appreciation be sent to Charles and Eleanor Fisher for their generous donation.

2012-A004

January 10, 2012

TITLE: ORDER, ISSUE RELEASE DEED TO KEVIN SANTOS, COMMON SENSE TRADERS, 46 CENTER STREET.

filed January 4, 2012
by Arthur Verow

ORDERED, that a municipal release deed be issued to Kevin Santos, Common Sense Traders, releasing to him all rights, title and interest the City of Brewer may have acquired in the property on 46 Center Street (City Tax Map 30, Lot 108) by virtue of City of Brewer tax or sewer lines recorded in the Penobscot County Registry of Deeds in the following volumes and pages:

Volume	Page
12584	294
12408	115
12256	308
11636	68
12074	37
11440	250
11855	321
12168	343
12506	223

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 \$16,825.67 in principal was collected along with \$2961.01 in interest and \$179.70 in costs.

2012-A005

January 10, 2012

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PARKS AND RECREATION DEPARTMENT FOR THE WINTER PROGRAM/LEAGUE ACCOUNT.

filed January 4, 2012
by Joseph Ferris

WHEREAS, the Brewer Parks and Recreation Department has received a donation of \$167.03 from Ruby Tuesday for Brewer Parks and Recreation Department's Winter Program/League Account;

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 Winter Program/League Account (0107123 300329); and

AND FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0117121 506140 Winter Program/League Expense.

City Council Minutes
January 10, 2012

NOTE: The Brewer Parks and Recreation Director sends a letter of acknowledgement and appreciation on behalf of the City Council to all those that donate to these programs.

2012-A006

January 10, 2012

TITLE: ORDER, RETAIN THE LEGAL SERVICES OF WILLIAM DALE, ESQ. TO REPRESENT THE CITY OF BREWER IN TWO PENDING APPEALS BEFORE THE MAINE STATE BOARD OF PROPERTY TAX REVIEW.

filed January 4, 2012
by Kevin O'Connell

WHEREAS, there are currently two appeals involving the City pending before the Maine State Board of Property Tax Review; and

WHEREAS, the City Solicitor has recommended retaining experienced outside legal counsel to represent the City in these matters;

NOW THEREFORE BE IT ORDERED by the City Council that the City hereby retains the services of William H. Dale, Esq. to represent the City of Brewer in the matter currently pending before the Maine State Board of Property Tax Review.

2012-A007

January 10, 2012

TITLE: ORDER, ACCEPT MMA WELLNESS GRANT FUNDS RECEIVED BY THE CITY FOR HEALTH PROMOTION PROGRAMS.

filed January 4, 2012
by Kevin O'Connell

WHEREAS, the City of Brewer, Maine has applied for and received a \$3,800.00 wellness grant from the Maine Municipal Association, which shall be spent by the City on qualified health promotion programs; and

NOW, THEREFORE, BE IT ORDERED, that this grant in the amount of \$3,800.00 shall be deposited into account 0600501-360000-53006 and to expend the same amount from account 0600501-560000-53006.

2012-A008

January 10, 2012

TITLE: ORDER, ISSUE RELEASE DEED TO BANGOR HYDRO ELECTRIC COMPANY SUCCESSOR OF AL SHAIR MOSTAFA (AGAINST WHOM TAXES WERE ASSESSED), GREEN POINT ROAD.

filed January 4, 2012
by Larry T. Doughty

ORDERED, that a municipal release deed be issued to Bangor Hydro Electric Company Successor of Al Shair Mostafa (against whom taxes were assessed), releasing to them all rights, title and interest the City of Brewer may have acquired in the property on Green Point Road (City Tax Map 7, Lot 24) by virtue of City of Brewer tax or sewer lines recorded in the Penobscot County Registry of Deeds in the following volumes and pages:

Volume	Page
12168	324

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 \$925.72 in principal was collected along with \$86.03 in interest and \$76.90 in costs.

2012-A009

January 10, 2012

TITLE: ORDER, ACCEPT FUNDS IN A FORFEITURE RESULTING FROM A RECENT COURT CASE THAT THE BREWER POLICE MADE A SUBSTANTIAL CONTRIBUTION IN THE SUCCESSFUL PROSECUTION OF.

filed January 4, 2012
by Arthur Verow

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

WHEREAS, this sum of money 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 sum of money forfeited as a result of the recent criminal investigation cited:

Case Reference Number	Sum
CR-2009-811	\$820.00

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

FURTHER ORDERED, that these funds be deposited into the Asset Forfeiture Receipt Account 0200101-320000 and that expenditures are authorized from the Asset Forfeiture Expense Account 0200101-520000.

2012-A010

January 10, 2012

TITLE: ORDER, AUTHORIZE THE PURCHASE OF A REPLACEMENT VOLUTE FOR THE #1 PUMP AT HARDY STREET PUMP STATION.

filed January 4, 2012
by Kevin O'Connell

WHEREAS, the volute for the #1 pump at Hardy Street pump station has worn out and we are down to two available pumps at the station; and

WHEREAS, we have received a price quote for a replacement pump volute from Process Distributors Inc. who is the New England region representative for PACO pump parts, and

WHEREAS, the Sewer Department has sufficient asset management reserve funds set aside to pay for this project and DEP has deemed them eligible for expenditure on this purchase;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the City Manager to issue a purchase order to Process Distributors, Inc. of Wrentham, MA for \$12,817 and charge the project costs to account number 0581003-583015 Hardy Street Pump Station #1 Volute Replacement to be funded with sewer asset management reserve funds; and

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

2012-A011

January 10, 2012

TITLE: ORDER, ACCEPT GIFT CARD FROM AUBUCHON HARDWARE TO THE CITY OF BREWER AS A THANK YOU FOR THE CITY'S BUSINESS OVER THE LAST YEAR.

filed January 4, 2012
by Larry T. Doughty

WHEREAS, on January 5, 2012, the City received a gift card for \$74.38 from Aubuchon Hardware in appreciation of the City's business over the last year; and

WHEREAS, the majority of the City's business with Aubuchon is through the Public Works Department;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby accepts the \$74.38 gift card and authorizes its expenditure by the Public Works Department on materials and supplies it needs to support City operations.

2012-B004

January 10, 2012

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

filed January 4, 2012
by Joseph Ferris

WHEREAS, the City Council, at its annual meeting held on November 15, 2011, adopted Resolve 2011-B040 establishing dates of its regular monthly meeting for 2012; and

WHEREAS, Tuesday, May 9, 2012 was established as the date for the May, 2012 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 2011-B040, be amended by changing the date of the regular meeting for the month of May 2012 from Tuesday, May 9, 2012 to Tuesday, May 1, 2012 at 6:00 p.m.

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.

2011-A012

January 11, 2011

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

filed January 5, 2011
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, 2011 and expiring December 31, 2011.

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

The order was passed by unanimous consent.

2012-A013

January 10, 2012

TITLE: ORDER, APPOINT ROBERT ZANI TO THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF BREWER TO FILL A VACANCY FOR AN UNEXPIRED TERM.

filed January 4, 2012
by Larry T. Doughty and
Kevin O'Connell

EMERGENCY PREAMBLE

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

WHEREAS, it is in the best interest of the City to immediately appoint a candidate to fill the vacancy so they can attend training workshops; 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 the Brewer; and

ORDERED, that Robert Zani, 339 North Main Street, is herewith appointed to the Board of Commissioners of the Housing Authority of the City of Brewer fill a vacancy of an unexpired term;

ORDERED, that Mr. Zani's term will commence immediately and expire March 31, 2015.

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

The order was passed by unanimous consent.

F. Unfinished Business.

1. (2011-C018) Amend the Land Use Code, Chapter 24, Article 1, General, Section 108 Amendments, Subsection 108.2 Zoning Amendments, Item 4 Council and by adding Subsection 108.2.5 of the Charter, Codes and Ordinances of the City of Brewer. (Councilor Doughty)

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

The ordinance amendment was enacted by unanimous vote.

2. (2011-C019) Amend Chapter 1, Entitled "The City Council", Article 3 Rules of Order, Section 330.5C Posting of Proposed Ordinances or Ordinance Amendments of the Charter, Codes and Ordinances of the City of Brewer. (Councilor Verow)

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

The ordinance amendment was enacted by unanimous vote.

G. New Business.

2012-C001

January 10, 2012

TITLE: AMEND CHAPTER 1, ENTITLED "THE CITY COUNCIL", ARTICLE 5, CITY BOARDS, COMMITTEES AND COMMISSIONS, SECTION 502.6 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER.

filed January 4, 2012
by Larry T. Doughty

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 1 Entitled "The City Council", Article 5, City Boards, Committees and Commissions, Section 502.6 of the Charter, Codes and Ordinances of the City of Brewer be amended as follows:

ARTICLE 5. CITY BOARD, COMMITTEES AND COMMISSIONS.

SECTION 502. POLICY AND GUIDELINES.

SECTION 502.6. Boards shall ~~use may adopt rules of order, the 2007 edition of "The Modern Rules of Order" by the Pennsylvania Bar Institute , or they may adopt supplemental rules of order~~ for the conduct of hearings and meetings and the reporting, taping, filming or recording of public hearings and meetings. The Board may adopt additional rules of order as long as the adopted rules are consistent with State Law. If there is conflict between The Modern Rules of Order and adopted rules of order and State Law, State Law prevails. A copy of these rules shall be filed in the City Clerk's Office.

ACTION: Councilor Doughty moved that the proposed ordinance amendment be filed with the City Clerk for posting. The motion was seconded and passed by unanimous vote.

2012-A014

January 10, 2012

TITLE: ORDER, ACCEPT THE COMMUNICATION FROM THE MAINE ATTORNEY GENERAL'S OFFICE REGARDING THAT OFFICE'S RESPONSE TO THE CITY'S REQUEST FOR REVIEW AND COMMENT ON THE LAND SALE TRANSACTION BETWEEN THE BREWER HOUSING AUTHORITY AND B. CALVIN BUBAR, III.

filed January 4, 2012
by Arthur Verow

ORDERED, that the December 21, 2011 written communication from the Maine Attorney General's office to the City of Brewer concerning the City's request to that office for review and comment on the land sale transaction between the Brewer Housing Authority and B. Calvin Bubar, III be accepted and placed in the minutes of this meeting.

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

The order was passed by unanimous consent.

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-B005

January 10, 2012

TITLE: RESOLVE, SUPPORTING THE CONTINUED OPERATION OF THE UNITED STATES POSTAL SERVICE EASTERN MAINE PROCESSING AND DISTRIBUTION FACILITY.

filed January 10, 2012
by Arthur Verow and
Kevin O'Connell

WHEREAS, the United States Postal Service operates two processing and distribution facilities In the State of Maine; and

WHEREAS, one facility, known as the Eastern Maine Processing and Distribution Facility, is located in Hampden and the second, known as the Southern Maine Processing and Distribution Facility, is located in Scarborough; and

WHEREAS, the United States Postal Service is considering the closure of the Eastern Maine Processing and Distribution Facility; and

WHEREAS, the Eastern Maine Processing and Distribution Facility services northern and eastern Maine; and

WHEREAS, closure of the Eastern Maine Processing and Distribution Facility would leave only the Southern Maine Processing and Distribution Facility, 144 miles south of the Hampden Facility; and

WHEREAS, the Eastern Maine Processing and Distribution Facility has been in operation since 1994; and

WHEREAS, the Eastern Maine Processing and Distribution Facility currently employs 183 people consisting of nine managers, 172 full-time employees, and two part-time employees; and

WHEREAS, according to the United States Postal Service, closure of the Eastern Maine Processing and Distribution Facility would result in the loss of at least approximately 42 jobs; and

WHEREAS, closure of the Eastern Maine Processing and Distribution Facility would have a negative impact on the economy and quality of life in Southern Penobscot County; and

WHEREAS, according to the 2010 United States Census report, Southern Penobscot County experienced an overall population growth of 14 percent, more than three times the statewide average;

BY THE CITY COUNCIL OF THE CITY OF BREWER:

BE IT RESOLVED, THAT the City of Brewer calls upon the United States Postal Service to maintain and continue the operation of the Eastern Maine Processing and Distribution Facility and, further, encourages the United States Postal Service to work with local communities to explore areas in which the postal service can grow for the benefit of the United States Postal Service and the citizens and businesses of the Southern Penobscot County.

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

The resolve was adopted by unanimous consent.

Chairman Goss said he would accept a motion for adjournment.

ACTION: Councilor Doughty moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting adjourned at 7:42 p.m.

ADJOURNED, ATTEST: _____ Howard F. Kroll
City Clerk
A TRUE COPY, ATTEST: _____ Brewer, Maine