

**CITY COUNCIL JOINT WORKSHOP MEETING**  
**Tuesday, July 24, 2012 5:00 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)
  - 1. Meeting with the Brewer High School District Trustees and the Brewer School Committee to discuss proposed renovations to Brewer High School.
  - 2. Public Comments.
  - 3. ADJOURN.

**CITY COUNCIL REGULAR MEETING**  
**Tuesday, July 24, 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.**  
(Mayor Goss)
- A. Minutes of May 29, 2012 Special Meeting and June 5, 2012 Regular Meeting.** (Councilor Verow)
- B. Awards, Petitions and Public Comments.**
  - 1. (2012-B034) RESOLVE, Recognize Notable Brewer Athlete Danny Coombs. (Councilor Verow)
  - 2. (2012-B035) RESOLVE, Recognize Mary Lynne Hunter for Her 26 Years of Service to the City of Brewer.  
(Mayor Goss, Councilors O’Connell, Ferris, Verow and Doughty)
  - 3. Discussion: Ordinance on Fireworks. (Councilor Doughty)
  - 4. Public Comments.
- C. Consent Calendar.**
  - 1. (2012-A136) ORDER, Issue Municipal Release Deed to Judy B. Spake DBA Real Estate Services Successor of Shawn L. MacDougall, Pleasant Street. (Councilor Verow)
  - 2. (2012-A137) ORDER, Issue Municipal Release Deed to Brian Perry, 52 Brimmer Street. (Councilor O’Connell)
  - 3. (2012-A138) ORDER, Accept Donations to the Brewer Parks and Recreation Department for the Summer/Leagues Program. (Councilor Ferris)
  - 4. (2012-A139) ORDER, Authorize the Release of a Temporary Construction Easement Granted by Hilary B. Graebert and Delores A. Craig. (Councilor Doughty)
  - 5. (2012-A140) ORDER, Authorize a Permanent Easement to Bangor Hydro Electric Company for Pole Anchors and Guys on Elm Street. (Councilor Verow)
  - 6. (2012-A141) ORDER, Rescind Order 2012-A133 Passed at the June 5, 2012 Regular Council Meeting.  
(Councilor Doughty)
  - 7. (2012-A142) ORDER, Authorize the City Manager, or His Designee, to Sign an Assent Agreement for a Natural Gas Installation in and Across a City Sewer Easement. (Councilor O’Connell)
  - 8. (2012-A143) ORDER, Authorize the City Manager, or His Designee, to Sign an Easement for a Natural Gas Line Installation on the City Hall Property.  
(Councilor Ferris)

9. (2012-A144) ORDER, Grant Approval to Schooners to Allow Patrons to Consume Alcohol at a Special Outdoor Event on the Establishment's Property. (Councilor Doughty)
10. (2012-A145) ORDER, Refer a Proposed Amendment to Article 12 Impact Fees, Section C of the City of Brewer Land Use Code (Chapter 24) to the City of Brewer Planning Board for a Hearing and Recommendation Within Sixty (60) Days After this Order Becomes Effective. (Councilor Verow)
11. (2012-A146) ORDER, Add City Council Order NOV2001-A05 (Impact Fees) as an Addendum to Chapter 38, Development Ordinance. (Councilor Verow)
12. (2012-A147) ORDER, Authorize Amendment to City's 401 Plan. (Councilor Ferris)
13. (2012-A148) ORDER, Authorize Appropriation of Funds for the Water Enterprise Account Wellness Program. (Councilor Doughty)
14. (2012-A149) ORDER, Authorize Appropriation of Funds for the Sewer Enterprise Account Wellness Program. (Councilor O'Connell)
15. (2012-A150) ORDER, Accept Donations of Books and Materials and Authorize Sale of Surplus Books and Materials. (Councilor Verow)
16. (2012-A151) ORDER, Authorize Set Offs Against Unpaid Taxes. (Councilor Ferris)
17. (2012-A152) ORDER, Authorize Termination of Parking Lot Lease with Brewer Federal Credit Union. (Councilor Doughty)
18. (2012-A153) ORDER, Accept Funds in Support of Bicentennial Celebration. (Councilor Ferris)
19. (2012-A154) ORDER, Authorize Issuance of the City's General Obligation Bonds to Finance Various Municipal Transportation and Infrastructure Projects and a Tax Levy Therefor. (Councilor O'Connell)
20. (2012-A155) ORDER, Authorize the City's General Obligation Bonds to Finance Upgrade to the City's Water Ozonation Plant, to Provide Ultraviolet Disinfection and a Tax Levy Therefor. (Councilor Doughty)
21. (2012-A156) ORDER, Authorize the Conveyance of the Former State Street and Middle School Properties and a Strip of Land in Front of the Former Middle School Property to Brewer Redevelopment LLC. (Councilor Ferris)

22. (2012-B036) RESOLVE, Ratify the Collective Bargaining Contract Between the City and the Firefighters of the Brewer Fire Department. (Councilor Doughty)

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

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

1. (2012-B037) RESOLVE, Accept Resignation of Mary Lynne Hunter as Assessor of the City of Brewer. (Mayor Goss. Councilors O'Connell, Ferris, Doughty and Verow)
2. (2012-A157) ORDER, Appoint Ben Birch as Interim City Assessor of the City of Brewer. . (Mayor Goss. Councilors O'Connell, Ferris, Doughty and Verow)
3. (2012-B038) RESOLVE, Declare Results of the June 12, 2012 City of Brewer Charter Amendment Election, City of Brewer School Budget Approval Election and the State of Maine Primary Election. (Councilor O'Connell)
4. (2012-B039) RESOLVE, Confirm the City Manager's Appointment of Suesan Packer as the Part-Time Overseer-General Assistance Administrator and Confirm Andrew Varisco and Ken Hanscom as the Backup Overseer-General Assistance Administrators for the City of Brewer. (Councilor Verow)

**F. Unfinished Business.**

1. (2012-C008) Amend the General Assistance Ordinance to Incorporate Changes In Maximum Benefits. (Councilor Doughty) (posted 5/29/12)
2. (2012-C009) Amend Article VI, Section 6.8 (B) of the General Assistance Ordinance Adopted by the Municipal Officers in the City of Brewer to Incorporate the FY 2013 "Temporary" Housing Assistance Limit. (Councilor Verow)(posted 5/29/12)
3. (2012-C010) Amend Land Use Code, Chapter 24, Article 3 Zoning Districts, Section 307.1, Schedule of Dimensional Requirements, Item 4 Minimum Depth Frontage (feet) and Article 4 Performance Standards, Section 436 Yards and Setbacks, Sections 436.1 Through 436.6. (Councilor Verow)(posted 6/6/12)
4. (2012-C011) Amend Chapter 28 "The Brewer Sign Ordinance" of the Charter, Codes and Ordinances of the City of Brewer by Complete Substitution of the Chapter. (Councilor Verow)(posted 6/6/12)

**G. New Business.**

1. (2012-C012) Amend Chapter 31, Entitled Sewer and Pre-Treatment Ordinance, Article 12 “Schedule of Sewer Rates”, Section 1200 of the Charter Codes and Ordinances of the City of Brewer. (Councilor Ferris)
2. (2012-A158) ORDER, To Convene in Executive Session Pursuant to Title 1 M.R.S.A., § 405(6)(A) on a Personnel Matter. (Councilor O’Connell)
3. (2012-A159) ORDER, Convene in Executive Session Pursuant to Title 1, M.R.S.A. § 405(6)(A) on a Personnel Matter (City Manager’s Annual Evaluation). (Councilor Ferris)
4. (2012-A160) ORDER, Convene in Executive Session Pursuant to Title 1, M.R.S.A. § 405(6)(A) on a Personnel Matter (City Clerk’s Annual Evaluation). (Councilor Verow)

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

**I. ADJOURN.**

**CITY COUNCIL REGULAR MEETING  
Tuesday, July 24, 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.**  
(Mayor Goss)

**A. Minutes of May 29, 2012 Special Meeting and June 5, 2012 Regular Meeting.** (Councilor Verow)

**ACTION: COUNCILOR VEROW MADE A MOTION THAT THE MINUTES OF MAY 29, 2012 AND JUNE 5, 2012 BE APPROVED, MOTION SECONDED, MOTION APPROVED BY UNANIMOUS VOTE.**

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

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2012-B034

July 24, 2012

TITLE: RESOLVE, RECOGNIZE NOTABLE BREWER ATHLETE  
DANNY COOMBS.

filed July 18, 2012  
by Arthur Verow

**WHEREAS**, Danny Coombs, a Brewer High School graduate, Class of 1960, was an accomplished athlete on the playing fields and courts during his youth as a student of Brewer schools; and

**WHEREAS**, Danny earned much recognition State-wide for his many accomplishments in the field of athletics, setting records at the Eastern Maine High School basketball tournament that still stand today and being a star performer on the baseball diamond as a top notch pitcher; and

**WHEREAS**, Danny's early success earned him a scholarship to Seton Hall University, a most prestigious Big East Conference institution in New Jersey where he continued to star on the basketball court at the highest Division I level; and

**WHEREAS**, it was while at Seton Hall that Danny's prowess as a premier left-handed baseball pitcher was recognized to the extent that he was offered a professional baseball contract with the Houston Colt 45's now known as the Houston Astros; and

**WHEREAS**, his career in professional baseball covered nine years of major league play for both the Astros and the San Diego Padres; and

**WHEREAS**, following his retirement from professional ball, Danny embarked on a career as a teacher and coach in the Houston, Texas educational system; and

**WHEREAS**, throughout the years, Danny has always maintained close ties with family and friends here, and has made no secret of his affection for his home town of Brewer, Maine and his pride in the progress that has been achieved in this community;

**NOW, THEREFORE, BE IT RESOLVED**, that it is appropriate and fitting that the community should recognize Danny Coombs for representing the City of Brewer admirably wherever the fortunes of life have carried him and for being a positive role model for the youth of our City.

**ACTION: COUNCILOR VEROW MADE A MOTION THAT THE RESOLVE BE ADOPTED, MOTION SECONDED, MOTION APPROVED BY UNANIMOUS VOTE. MAYOR READ THE RESOLVE INTO THE RECORD.**

## **CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED**

2012-B035

July 24, 2012

TITLE: RESOLVE, RECOGNIZE MARY LYNNE HUNTER FOR HER  
26 YEARS OF SERVICE TO THE CITY OF BREWER.

filed July 18, 2012  
by Jerry Goss,  
Kevin O'Connell,  
Joseph Ferris, Arthur  
Verow and Larry T.  
Doughty

**WHEREAS**, June 16, 2012 marked the 26<sup>st</sup> anniversary of Mary Lynne Hunter's service as an employee and official of the City of Brewer, Maine; and

**WHEREAS**, Mary Lynne has served the citizens of Brewer in a competent and efficient manner as City Assessor for over 16 years; and

**WHEREAS**, Mary Lynne Hunter has proven to be a reliable and conscientious public employee providing valuable assistance to both the public and her fellow employees always in a courteous and helpful manner; and

**WHEREAS**, Mary Lynne Hunter will retire from the City of Brewer on July 20, 2012 and her last official working day will be also be July 20, 2012;

**NOW, THEREFORE, BE IT RESOLVED**, that the Brewer City Council, on behalf of the Citizens of the City of Brewer herewith recognizes and commends Mary Lynne Hunter for her 26 Years of outstanding and dedicated service to the Citizens of the City of Brewer as a most trusted and valuable employee of the City of Brewer and wish her the best in her retirement.

**ACTION: COUNCILOR O'CONNELL MADE A MOTION THAT THE RESOLVE BE ADOPTED, MOTION SECONDED, MOTION APPROVED BY UNANIMOUS VOTE.**

3. Discussion: Ordinance on Fireworks. (Councilor Doughty)

Councilor Doughty spoke about his concerns that took place during the 4<sup>th</sup> of July fireworks weekend before and a few days after.

4. Public Comments.

**C. Consent Calendar.**

**ACTION: COUNCILOR DOUGHTY REMOVED ITEM #A145, A152, A153 , A156 COUNCILOR VEROW REMOVED ITEM #A154, A155 , COUNCILOR FERRIS REMOVED ITEM #A144 , COUNCILOR VEROW MADE A MOTION THAT THE CONSENT CALDENDAR WITH THE EXCEPTION OF THOSE ITEMS REMOVED BE APPROVED, MOTION SECONDED, MOTION APPROVED BY UNANIMOUS VOTE.**

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2012-A136

July 24, 2012

TITLE: ORDER, ISSUE RELEASE DEED TO JUDY B. SPAKE DBA  
REAL ESTATE SERVICES SUCCESSOR OF  
SHAWN L. MACDOUGALL, PLEASANT STREET.

filed July 18, 2012

by Arthur Verow

ORDERED, that a municipal release deed be issued to Judy B. Spake dba Real Estate Services successor of Shawn L. MacDougal, releasing to her all rights, title and interest the City of Brewer may have acquired in the property on Pleasant Street (City Tax Map 24, Lot 58) 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
10997	170

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 \$75.60 in principal was collected, along with \$41.63 in interest and \$39.00 in costs.

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2012-A137

July 24, 2012

TITLE: ORDER, ISSUE RELEASE DEED TO BRIAN PERRY,  
52 BRIMMER STREET.

filed July 18, 2012  
by Kevin O'Connell

ORDERED, that a municipal release deed be issued to Brian Perry, releasing to him all rights, title and interest the City of Brewer may have acquired in the property on 52 Brimmer Street (City Tax Map 29, Lot 34) 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
12074	6
12256	269
12408	77
12584	255
12747	152

AND FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to execute the said municipal release deed on behalf of the City of Brewer, Maine.

NOTE: A total of \$3,243.98 in principal was collected, along with \$154.09 in interest and \$92.74 in costs.

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2012-A138

July 24, 2012

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

filed July 18, 2012  
by Joseph Ferris

WHEREAS, the Brewer Parks and Recreation Department has received donations totaling \$1080.00 from Awards Signage & Trophies, Brewer Federal Credit Union and Trans Tech Industries for Brewer Parks and Recreation Department's Summer/Leagues Program;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts these donations and directs that the donated funds be receipted to the Summer Program/Leagues Account (0107123 300327); and

AND FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0117121 506120 (Summer Program/Leagues).

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.

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2012-A139

July 24, 2012

TITLE:       ORDER,       AUTHORIZE THE RELEASE OF A TEMPORARY  
                                  CONSTRUCTION EASEMENT GRANTED BY  
                                  HILARY B. GRAEBERT AND DELORES A. CRAIG.

filed July 18, 2012  
by Larry T. Doughty

WHEREAS, the City has undertaken and nearly completed a sewer separation project in the Tibbetts Street area of the City; and

WHEREAS, the City obtained a Temporary Construction Easement from Hilary B. Graebert and Delores A. Craig; and

WHEREAS, the City needs to release the Temporary Construction Easement on the Hilary B. Graebert and Delores A. Craig property as soon as this sewer separation project has been completed;

NOW THEREFORE, BE IT ORDERED, that the City Manager, or his designees, is hereby authorized to sign a Release of the Temporary Construction Easement from Hilary B. Graebert and Delores A. Craig on behalf of the City as soon as the sewer separation project has been completed and to record the Release of the Temporary Construction Easement in the Penobscot County Registry of Deeds.

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2012-A140

July 24, 2012

TITLE:       ORDER,       AUTHORIZE A PERMANENT EASEMENT TO BANGOR  
HYDRO ELECTRIC COMPANY FOR POLE ANCHORS  
AND GUYS ON ELM STREET.

filed July 18, 2012

by Arthur Verow

WHEREAS, Bangor Hydro Electric Company is planning an upgrade to existing poles and conductors on Elm Street adjacent to City-owned parcels (Tax Map 6, Lot 13 and Tax Map 11, Lot 1); and

WHEREAS, New guys and anchors will be required outside of the existing Elm Street right of way, thus requiring easements for their installation; and

WHEREAS, the City Engineer has reviewed the proposed locations and recommends granting the necessary easements;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to execute a Permanent Utility Easement to Bangor Hydro Election Company for the installation of pole anchors and guys on City-owned properties on Elm Street as necessary to support an upgrade of the existing power lines along Elm Street.

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2012-A141

July 24, 2012

TITLE: ORDER, RESCIND ORDER 2012-A133 PASSED AT THE  
JUNE 5, 2012 REGULAR COUNCIL MEETING.

filed July 18, 2012  
by Larry T. Doughty

WHEREAS, the City Council of Brewer approved at its June 5, 2012 regular meeting Order 2012-A133 entitled "Authorize City Manager, or His Designee to Sign an Easement For a Natural Gas Line Installation on the City Hall Property; and

WHEREAS, the order contained the wrong title;

NOW, THEREFORE, BE IT ORDERED, that the City Council authorizes rescinding of the approval of Order 2012-A133:

2012-A133

June 5, 2012

TITLE: ORDER, AUTHORIZE CITY MANAGER, OR HIS DESIGNEE, TO  
SIGN AN EASEMENT FOR A NATURAL GAS LINE  
INSTALLATION ON THE CITY HALL PROPERTY.

filed May 30, 2012  
by Arthur Verow

WHEREAS, Getchell Brothers (Tax Map 29, Lot 124 and Lot 126) has applied for service from Bangor Gas; and

WHEREAS, the City Engineer has reviewed the proposed location of the requested service and recommends that it be granted; and

WHEREAS, the only reasonable means of access to the facilities being serviced is across and in a presumed sewer easement extending from the end of Union Street, said presumed easement assumed to be granted to the City of Brewer;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to sign an Assent Agreement granting Bangor Gas Company, LLC the right to install a private natural gas service line across and in a portion of the City of Brewer's presumed sewer easement for the purpose of servicing facilities on Tax Map 29, Lot 124 and Lot 126; and

BE IT FURTHER ORDERED, that the final Assent Agreement shall be reviewed and approved by the City Engineer and the City Solicitor prior to execution.

NOTE: We have been unable to verify that a recorded easement exists for this City-owned sewer line which runs across the Getchell Ice lot. We will continue to search for this, but in the meantime, Bangor Gas requires consent from the City to install the gas service to Getchell Ice, on the presumption that an easement exists.

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2012-A142

July 24, 2012

TITLE: ORDER, AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN AN ASSENT AGREEMENT FOR A NATURAL GAS INSTALLATION IN AND ACROSS A CITY SEWER EASEMENT.

filed July 18, 2012  
by Kevin O'Connell

WHEREAS, Getchell Brothers (Tax Map 29, Lot 124 and Lot 126) has applied for service from Bangor Gas; and

WHEREAS, the City Engineer has reviewed the proposed location of the requested service and recommends that it be granted; and

WHEREAS, the only reasonable means of access to the facilities being serviced is across and in a presumed sewer easement extending from the end of Union Street, said presumed easement assumed to be granted to the City of Brewer;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to sign an Assent Agreement granting Bangor Gas Company, LLC the right to install a private natural gas service line across and in a portion of the City of Brewer's presumed sewer easement for the purpose of servicing facilities on Tax Map 29, Lot 124 and Lot 126; and

BE IT FURTHER ORDERED, that the final Assent Agreement shall be reviewed and approved by the City Engineer and the City Solicitor prior to execution.

NOTE: We have been unable to verify that a recorded easement exists for this City-owned sewer line which runs across the Getchell Ice lot. We will continue to search for this, but in the meantime, Bangor Gas requires consent from the City to install the gas service to Getchell Ice, on the presumption that an easement exists.



**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2012-A144

July 24, 2012

TITLE: ORDER, GRANT APPROVAL TO SCHOONERS TO ALLOW PATRONS TO CONSUME ALCOHOL AT A SPECIAL EVENT ON THE ESTABLISHMENT'S PROPERTY.

filed July 18, 2012  
by Larry T. Doughty

WHEREAS, Schooners is licensed by the State of Maine, Bureau of Alcoholic Beverages, to sell liquor within the confines of its establishment at 5 South Main Street; and

WHEREAS, Schooners has submitted a request to the City Council for approval to allow consumption of alcohol in an outdoor area on its premises at 5 South Main Street on Wednesday, August 22, 2012 for a Wine Tasting from 5:00 p.m. to 10:00 p.m.; and

WHEREAS, it is the understanding of the City Council that the Bureau of Alcoholic Beverages may permit patrons of Schooners to consume alcohol in an outdoor area if the City Council approves of such activity; and

WHEREAS, it is the sense of the Brewer City Council that permitting patrons of Schooners to consume alcohol in an outdoor area at 5 South Main Street under conditions established by the Bureau of Alcoholic Beverages will not be detrimental to the peace, health and safety of the citizens of the City of Brewer;

NOW, THEREFORE, BE IT ORDERED, That the Brewer City Council herewith approves Schooners' request for permission to sell and allow patrons to consume alcohol in an enclosed and designated area at 5 South Main Street from 5:00 p.m. to 10:00 p.m. Wednesday, August 22, 2012; and

FURTHER, ORDERED, that the City Clerk inform the Bureau of Alcoholic Beverages of this approval of the Brewer City Council.

**ACTION: COUNCILOR DOUGHTY MADE A MOTION THAT THE ORDER HAVE PASSAGE, MOTION SECONDED, COUNCILOR FERRIS ABSTAINED FROM VOTING DUE TO CONFLICT OF INTEREST, ORDER PASSES 4-0, COUNCILOR FERRIS ABSTAINED FROM VOTING.**

# CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2012-A145

July 24, 2012

TITLE: ORDER, REFER A PROPOSED AMENDMENT TO ARTICLE 12  
IMPACT FEES, SECTION C OF THE CITY OF BREWER  
LAND USE CODE (CHAPTER 24) TO THE CITY OF BREWER  
PLANNING BOARD FOR A HEARING AND  
RECOMMENDATION WITHIN SIXTY (60) DAYS AFTER  
ORDER BECOMES EFFECTIVE.

filed July 18, 2012  
by Arthur Verow

WHEREAS, Chapter 24, Article 12 of the City of Brewer Land Use Code deals with impact fees within an Area Capital Investment District; and

WHEREAS, it is the sense of the City Council that a proposed amendment be considered by the City of Brewer Planning Board after a public hearing; and

WHEREAS, the City Council has the right to initiate a proposed amendment by referring it to the City of Brewer Planning Board for consideration pursuant to Chapter 24, Article 1, Section 108.1;

NOW, THEREFORE, BE IT ORDERED, that the following proposed amendment be referred to the City of Brewer Planning Board for a hearing and recommendation to the City Council within sixty (60) days after this Order becoming effective:

Amend Chapter 24, Article 12, Section C to read as follows:

“C. Impact fees will be determined on the basis of infrastructure needs in the service area, the proportionate share generated by the development project and the timing of proposed infrastructure improvements. The formula for assessing said fees for each Areal Capital Investment District will be prepared and submitted by the City Manager to the City Council for approval, and may be amended periodically by the Council ~~upon~~ with or without a recommendation by the City Manager.”

**ACTION: COUNCILOR VEROW MADE A MOTION THAT THE ORDER HAVE  
PASSAGE, MOTION SECONDED, COUNCILOR DOUGHTY ASKED LINDA JOHNS  
TO RESEARCH THE ORDER AND TO GET BACK TO THE COUNCIL WITH A  
REPORT, ORDER PASSES 5-0.**

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2012-A146

July 24, 2012

TITLE: ORDER, ADD CITY COUNCIL ORDER NOV2001-A05 (IMPACT FEES) AS AN ADDENDUM TO CHAPTER 38, DEVELOPMENT ORDINANCE.

filed July 18, 2012  
by Arthur Verow

WHEREAS, Section 103 of Chapter 38 provides that Impact Fees for Area Capital Improvement District shall be adopted pursuant to Title 30-A M.R.S.A. § 4354 and Article 12 of Chapter 24, the City of Brewer Land Use Code; and

WHEREAS, the City Council adopted City Council Order NOV2001-A05 establishing impact fees; and

WHEREAS, it is a sense of the City Council that City Council order NOV2001-A05 should become an addendum at the end of Chapter 38 to make it easier for anybody dealing with impact fees to locate the City Council Order establishing said fees.

NOW, THEREFORE, BE IT ORDERED that City Council Order NOV2001-A05 be added at the end of Chapter 38 as an addendum to make it easier for interested parties to locate the Impact Fee Schedule established by the City Council.

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2012-A147

July 24, 2012

TITLE: ORDER, AUTHORIZE AMENDMENT TO CITY'S 401 PLAN.

filed July 18, 2012  
by Joseph Ferris

WHEREAS, the City maintains a 401(a) retirement plan administered by ICMA and governed by plan documents that the City amends from time to time; and

WHEREAS, the City wishes to amend the City of Brewer 401 Plan for Managers retroactive July 1, 2012 to add an option for employees that would benefit them but would not result in cost to the City;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the City Manager, or his designee, to update and amend the ICMA 401(a) plan document to incorporate the desired change.

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2012-A148

July 24, 2012

TITLE: ORDER, AUTHORIZE APPROPRIATION OF FUNDS FOR THE  
WATER ENTERPRISE ACCOUNT WELLNESS PROGRAM.

filed July 18, 2012  
by Larry T. Doughty

WHEREAS, the Water Department anticipates small quantities of scrap metal from various construction projects in FY13 which will result in new revenues; and

WHEREAS, the Water Department will dedicate all proceeds from the sale of scrap metal to fund and support a water wellness program;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council herewith declares such scrap metal surplus, authorizes the sale of the surplus property and the receipt of the proceeds in account 0670001-300410 (Water Wellness Sale of Assets) and authorizes the appropriation and expenditure of funds received from recycling scrap metal in FY13, from account 0670001-500844 (Water Wellness Expense) to support the water wellness program which shall be funded by the proceeds from the sale of such surplus city property.



**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2012-A150

July 24, 2012

TITLE: ORDER, ACCEPT DONATIONS OF BOOKS AND MATERIALS  
AND AUTHORIZE SALE OF SURPLUS BOOKS AND  
MATERIALS.

filed July 18, 2012  
by Arthur Verow

WHEREAS, from time to time the Brewer Public Library receives donations of books and materials the Library already has or does not need; and

WHEREAS, from time to time the Library reviews its collection and retires books that are no longer in use; and

WHEREAS, the library would like to offer such unneeded books and materials to the public in exchange for a donation to the Library;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts the donations of books and materials it may receive throughout the year; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the Library Director to identify throughout the year books and materials that are unneeded and Council declares such items to be surplus and further authorizes the Library to offer the items to the public in exchange for a donation to the Library and directs that these proceeds be deposited in revenue account 0107204-300410 (Library Sale of Assets).

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2012-A151

July 24, 2012

TITLE: ORDER, AUTHORIZE SET OFFS AGAINST UNPAID TAXES.

filed July 18, 2012  
by Joseph Ferris

WHEREAS, Title 36, Section 905, M.R.S.A. requires the governing body to specifically authorize the Treasurer and other disbursing officers to withhold payment of any money due a taxpayer whose taxes are due and wholly or partially unpaid;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the Finance Director/Treasurer and Deputy Finance Director to withhold monies, excluding the payroll check of any employee, due and payable by the City of Brewer to any taxpayer to an amount not in excess of the unpaid taxes together with interest and costs.

NOTE: This is an annual order.

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2012-A152

July 24, 2012

TITLE: ORDER, AUTHORIZE TERMINATION OF PARKING LOT LEASE  
WITH BREWER FEDERAL CREDIT UNION.

filed July 18, 2012  
by Larry T. Doughty

WHEREAS, on January 5, 2001 the City entered into a lease with the Brewer Federal Credit Union for use of the BFCU parking lot located across from City Hall on North Main Street; and

WHEREAS, with the creation of the Riverwalk Park and associated public parking area located at the intersection of Wilson and Main Streets, City Hall no longer has a need to acquire supplemental parking; and

WHEREAS, the terms of the lease allow either party to terminate the lease at any time by giving the other party 30 days notice of intent to terminate in writing;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the City Manager, or his designee, to notify the Brewer Federal Credit Union of the City's intent to terminate the lease.

**ACTION: COUNCILOR DOUGHTY MADE A MOTION THAT THE ORDER HAVE  
PASSAGE, MOTION SECONDED, COUNCILOR DOUGHTY ASKED THE CITY  
SOLICITOR TO DISCUSS THE CONTRACT, ORDER PASSES 5-0.**

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2012-A153

July 24, 2012

TITLE: ORDER, ACCEPT FUNDS IN SUPPORT OF BICENTENNIAL  
CELEBRATION.

filed July 18, 2012  
by Joseph Ferris

WHEREAS, to date the City has received \$9,457.00 in tournament fees and sponsorships, a sum which exceeds the costs associated with putting on the event; and

WHEREAS, it is the desire of the Brewer Bicentennial Committee to award \$2,500 to the Maine Infantry Foundation in recognition of its work of preserving the long history of Maine's infantry, to recognize and help Infantrymen and their families who are involved in the current conflict, and to help finish the working memorial located inside the Maine Army National Guard's Armory in Brewer, which is home to Maine's only Infantry Company (B/3-172<sup>nd</sup> IN [MTN]);

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts these donations and directs that these funds be deposited in the Bicentennial Revenue account (0300100-320000); and

FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from the Bicentennial Expense account (0300100-520000), and that \$2,500 of these funds be awarded to the Maine Infantry Foundation;

FURTHER ORDERED, that the Brewer Bicentennial Committee send letters of acknowledgement and appreciation to all the golf tournament's sponsors listed below for their generous donations.

NOTE: Monetary Donations were/will be received from: Allen / Freeman / McDonnell Agency, Awards Signage & Trophies, Brewer Business Alliance, Brewer Car Wash, Brewer Federal Credit Union, Capital Ambulance, CES, Inc., Cianbro, City of Brewer, City of Brewer Economic Development Department, City of Brewer Environmental Services Department, Green Thumb Lawn Service, Law Office of Joel Dearborn, Law Office of

Joseph Ferris, Machias Savings Bank, Mayor Jerry Goss, NH Bragg, Norlen's Water Treatment, Stonington Furniture, Trans-Tech, and WABI.

In Kind Donations were received from: Balance Hair and Body, Bangor Municipal Golf Course, Bethel Inn & Resort, Concord Group, Da Vinci Signs, Dunkin Donuts, Hermon Meadows Golf Course, Mark Hall, Peerless Insurance, Progressive Insurance, Penobscot Valley Country Club, Rocky Knoll Country Club, Sonny's Par 3 and Driving Range, Sullivan Tire, Tim Horton's, and WS Emerson.

**ACTION: COUNCILOR FERRIS MADE A MOTION THAT THE ORDER HAVE PASSAGE, MOTION SECONDED, ORDER PASSES 5-0.**

## **CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED**

2012-A154

July 24, 2012

TITLE: ORDER, AUTHORIZE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BONDS TO FINANCE VARIOUS MUNICIPAL TRANSPORTATION AND INFRASTRUCTURE PROJECTS AND A TAX LEVY THEREFOR.

filed July 18, 2012  
by Kevin O'Connell

BY THE CITY COUNCIL OF THE CITY OF BREWER, BE IT HEREBY ORDERED:

THAT pursuant to 30 A M.R.S.A. §5772 and all other authority thereto enabling, there is hereby authorized the issue and sale at one time and from time to time up to One Million Dollars (\$1,000,000) aggregate principal amount of general obligation bonds of the City of Brewer, the proceeds of which, including premium, if any, may be used and are hereby appropriated to finance various municipal transportation and infrastructure projects and equipment purchases as more specifically listed on Attachment A hereto, and to finance issuance costs with respect thereto.

THAT the date, maturities (not to exceed the maximum term permitted by law), denominations, interest rate or rates, place of payment, and other details of said bonds, including the timing and provision for their sale and award shall be determined by the City Treasurer/ Finance Director.

THAT the bonds hereby authorized may be made subject to call for redemption, with or without a premium, before the date fixed for final payment of the bonds, as provided in 30-A M.R.S.A. §5772(6), as amended, as shall be determined by the City Treasurer/ Finance Director.

THAT said bonds shall be signed by the City Treasurer/ Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk, and that said bonds shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof. Any issue of bonds may be consolidated with and issued at the same time as any other issue of bonds authorized prior to their issuance, and the bonds may be divided into multiple series and issued in separate plans of financing.

THAT in each of the years during which any of the bonds are outstanding, there shall be levied a tax in an amount that, with other revenues, if any, available for that purpose, shall be sufficient to pay the interest on said bonds, payable in such years, and the principal of such bonds maturing in such years.

2012-A154, page 2

THAT pursuant to 30 A M.R.S.A. §5772, Section 15 of Article VI of the City Charter and any other authority thereto enabling, the City Treasurer/ Finance Director is hereby authorized to issue temporary notes of the City in anticipation of the forgoing bond issue, said notes to be signed by the City Treasurer/ Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk, and otherwise to be in such form and contain such terms and provisions including, without limitation, maturities (not to exceed 3 years from the issue date), denominations, interest rate or rates, place of payment, and other details as they shall approve, their approval to be conclusively evidenced by their execution thereof.

THAT the bonds and notes shall be transferable only on the registration books of the City kept by the transfer agent, and said principal amount of the bonds and notes of the same maturity (but not of other maturity), upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his or her attorney duly authorized in writing.

THAT the City Treasurer/ Finance Director and Chair of the City Council from time to time shall execute such bonds or notes as may be required to provide for exchanges or transfers of bonds or notes as heretofore authorized, all such bonds or notes to bear the original signature of the City Treasurer/ Finance Director and Chair of the City Council, and in case any officer of the City whose signature appears on any bond or note shall cease to be such officer before the delivery of said bond or note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof.

THAT upon each exchange or transfer of bonds or notes, the City and transfer agent shall make a charge sufficient to cover any tax, fee, or other governmental charge required to be paid

with respect to such transfer or exchange, and subsequent to the first exchange or transfer, the cost of which shall be borne by the City, the cost of preparing new bonds or notes upon exchanges or transfers thereof shall be paid by the person requesting the same.

THAT in lieu of physical certificates of the bonds and notes hereinbefore authorized, the City Treasurer/ Finance Director be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such bonds and notes in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing paragraphs regarding physical transfer of bonds, and the City Treasurer/ Finance Director be and hereby is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in her opinion, appropriate in order to qualify the bonds for and participate in the Depository Trust Company Book-Entry Only System.

THAT the officers executing such bonds or notes be and hereby are individually authorized and directed to covenant and certify on behalf of the City that no part of the proceeds of the issue and sale of the bonds or notes authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such bonds or notes to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code").

2012-A154, page 3

THAT the officers executing such bonds or notes be and hereby are individually authorized to covenant and agree, on behalf of the City, for the benefit of the holders of such bonds or notes, that the City will file any required reports and take any other action that may be necessary to ensure that interest on the bonds or notes will remain exempt from federal income taxation and that the City will refrain from any action that would cause interest on the bonds or notes to be subject to federal income taxation.

THAT the City Treasurer/ Finance Director be and hereby is authorized and empowered to take all such action as may be necessary to designate the bonds or notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code; it being the City Council's intention that, to the extent permitted under the Code, the bonds or notes be Section 265(b) designated and that the City Treasurer/ Finance Director with advice of bond counsel, make the required Section 265(b) election with respect to such bonds to the extent that the election may be available and advisable as determined by the City Treasurer/ Finance Director.

THAT the officers executing the bonds or notes be and hereby are individually authorized to covenant, certify, and agree, on behalf of the City, for the benefit of the holders of such bonds or notes, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by Rule 15c2 12 of the Securities and Exchange Commission, if applicable, are met.

THAT the investment earnings on the proceeds of the bonds, if any, and the excess proceeds of the bonds (including premium), if any, be and hereby are appropriated for the following purposes:

1. To any costs of the projects listed on Attachment A;

2. If the bonds are issued on a tax exempt basis, in accordance with applicable terms and provisions of the Arbitrage and Use of Proceeds Certificate delivered in connection with the sale of the bonds including, to the extent permitted thereunder, to the City's General Fund;
3. To pay debt service on the bonds.

THAT if the actual cost of any project differs from the estimated cost on Attachment A, the City Treasurer/ Finance Director is authorized, in her discretion to reallocate proceeds of the Bonds to any other listed Project.

THAT the City Treasurer/ Finance Director, Chair of the City Council, Clerk, and other proper officials of the City be, and hereby are, authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things, and to execute, deliver, file, approve, and record all such financing documents, contracts, agreements, assignments, certificates, and other documents as may be necessary or advisable, with the advice of counsel for the City, to carry out the provisions of this Order in connection with the refinancing of the Prior Bonds, the issuance, execution, sale, and delivery by the City of the bonds and notes and the execution and delivery of the documents, as may be necessary or desirable.

2012-A154, page 4

THAT if the City Treasurer/ Finance Director, Chair of the City Council, or Clerk are for any reason unavailable to approve and execute the bonds or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.

THAT if any of the officers or officials of the City who have signed or sealed the bonds and notes hereinbefore authorized shall cease to be such officers or officials before the bonds or notes so signed and sealed shall have been actually authenticated or delivered by the City, such bonds or notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds notes had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such bonds or notes, shall be the proper officers and officials of the City, although at the nominal date of such bonds or notes any such person shall not have been such officer or official.

THAT during the term any of the bonds are outstanding, the City Treasurer/ Finance Director is hereby authorized, in the name and on behalf of the City, to issue and deliver refunding bonds on either a current or advance refunding basis, to refund some or all of the bonds then outstanding, and to determine the date, form, interest rate, maturities (not to exceed 30 years from the date of issuance of the original bonds) and all other details of such refunding bonds, including the form and manner of their sale and award. The City Treasurer/ Finance Director is hereby further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity,

and each refunding bond issued hereunder shall be signed by the City Treasurer/ Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk.

Attachment A

School Building – Remediation and Demolition	\$234,000
Street Paving	\$170,000
Dirigo Drive Micro Surfacing	\$150,000
Sterling Wheeler	\$135,000
Elm Street Overlay	\$110,000
Trackless Sidewalk Plow	\$91,300
Signal Improvement Projects -- City 10% Share	\$55,000
General Road Construction	\$31,700
S. Main Paving -- City 10% Share	\$23,000

**ACTION: COUNCILOR O'CONNELL MADE A MOTION THAT THE ORDER HAVE PASSAGE, MOTION SECONDED, COUNCILOR VEROW ASKED THE CITY MANAGER TO HAVE THE CITY ENGINEER TO DISCUSS THE MICRO SURFACING, THE 10% SHARE IS THE CITY'S SHARE OF MDOT GRANTS THAT DID UPGRADES, ORDER PASSES 5-0.**



THAT pursuant to 30 A M.R.S.A. §5772, Section 15 of Article VI of the City Charter and any other authority thereto enabling, the City Treasurer/ Finance Director is hereby authorized to issue temporary notes of the City in anticipation of the forgoing bond issue, said notes to be signed by the City Treasurer/ Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk, and otherwise to be in such form and contain such terms and provisions including, without limitation, maturities (not to exceed 3 years from the issue date), denominations, interest rate or rates, place of payment, and other details as they shall approve, their approval to be conclusively evidenced by their execution thereof.

THAT the bonds and notes shall be transferable only on the registration books of the City kept by the transfer agent, and said principal amount of the bonds and notes of the same maturity (but not of other maturity), upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his or her attorney duly authorized in writing.

THAT the City Treasurer/ Finance Director and Chair of the City Council from time to time shall execute such bonds or notes as may be required to provide for exchanges or transfers of bonds or notes as heretofore authorized, all such bonds or notes to bear the original signature of the City Treasurer/ Finance Director and Chair of the City Council, and in case any officer of the City whose signature appears on any bond or note shall cease to be such officer before the delivery of said bond or note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof.

THAT upon each exchange or transfer of bonds or notes, the City and transfer agent shall make a charge sufficient to cover any tax, fee, or other governmental charge required to be paid with respect to such transfer or exchange, and subsequent to the first exchange or transfer, the cost of which shall be borne by the City, the cost of preparing new bonds or notes upon exchanges or transfers thereof shall be paid by the person requesting the same.

THAT in lieu of physical certificates of the bonds and notes hereinbefore authorized, the City Treasurer/ Finance Director be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such bonds and notes in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing paragraphs regarding physical transfer of bonds, and the City Treasurer/ Finance Director be and hereby is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in her opinion, appropriate in order to qualify the bonds for and participate in the Depository Trust Company Book-Entry Only System.

THAT the officers executing such bonds or notes be and hereby are individually authorized and directed to covenant and certify on behalf of the City that no part of the proceeds of the issue and sale of the bonds or notes authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would

cause such bonds or notes to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”).

2012-A155, page 3

THAT the officers executing such bonds or notes be and hereby are individually authorized to covenant and agree, on behalf of the City, for the benefit of the holders of such bonds or notes, that the City will file any required reports and take any other action that may be necessary to ensure that interest on the bonds or notes will remain exempt from federal income taxation and that the City will refrain from any action that would cause interest on the bonds or notes to be subject to federal income taxation.

THAT the City Treasurer/ Finance Director be and hereby is authorized and empowered to take all such action as may be necessary to designate the bonds or notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code; it being the City Council’s intention that, to the extent permitted under the Code, the bonds or notes be Section 265(b) designated and that the City Treasurer/ Finance Director with advice of bond counsel, make the required Section 265(b) election with respect to such bonds to the extent that the election may be available and advisable as determined by the City Treasurer/ Finance Director.

THAT the officers executing the bonds or notes be and hereby are individually authorized to covenant, certify, and agree, on behalf of the City, for the benefit of the holders of such bonds or notes, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by Rule 15c2 12 of the Securities and Exchange Commission, if applicable, are met.

THAT the investment earnings on the proceeds of the bonds, if any, and the excess proceeds of the bonds (including premium), if any, be and hereby are appropriated for the following purposes:

4. To any costs of the project;
5. If the bonds are issued on a tax exempt basis, in accordance with applicable terms and provisions of the Arbitrage and Use of Proceeds Certificate delivered in connection with the sale of the bonds including, to the extent permitted thereunder, to the City’s General Fund;
6. To pay debt service on the bonds.

THAT the City Treasurer/ Finance Director, Chair of the City Council, Clerk, and other proper officials of the City be, and hereby are, authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things, and to execute, deliver, file, approve, and record all such financing documents, contracts, agreements, assignments, certificates, refunding escrow agreements, and other documents as may be necessary or advisable, with the advice of counsel for the City, to carry out the provisions of this Order in connection with the refinancing of the Prior Bonds, the issuance, execution, sale, and delivery by the City of the bonds and notes and the execution and delivery of the documents, as may be necessary or desirable.

THAT if the City Treasurer/ Finance Director, Chair of the City Council, or Clerk are for any reason unavailable to approve and execute the bonds or any related financing documents, the

person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.

2012-A155, page 4

THAT if any of the officers or officials of the City who have signed or sealed the bonds and notes hereinbefore authorized shall cease to be such officers or officials before the bonds or notes so signed and sealed shall have been actually authenticated or delivered by the City, such bonds or notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds notes had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such bonds or notes, shall be the proper officers and officials of the City, although at the nominal date of such bonds or notes any such person shall not have been such officer or official.

THAT during the term any of the bonds are outstanding, the City Treasurer/ Finance Director is hereby authorized, in the name and on behalf of the City, to issue and deliver refunding bonds on either a current or advance refunding basis, to refund some or all of the bonds then outstanding, and to determine the date, form, interest rate, maturities (not to exceed 30 years from the date of issuance of the original bonds) and all other details of such refunding bonds, including the form and manner of their sale and award. The City Treasurer/ Finance Director is hereby further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the City Treasurer/ Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk.

**ACTION: COUNCILOR DOUGHTY MADE A MOTION THAT THE ORDER HAVE PASSAGE, MOTION SECONDED, COUNCILOR VEROW ASKED THE CITY MANAGER TO SPEAK ABOUT THE \$1.1 MILLION DOLLAR SECONDARY TREATMENT FACILITY. RODNEY BUTLER SPOKE ABOUT THE UPGRADE FOR THE NEW FACILITY-, COUNCILOR DOUGHTY SPOKE ABOUT THE FEDERAL GOVERNMENT POSITION TO FORCE UNFUNDED MANDATES, ORDER PASSES 5-0.**

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2012-A156

July 24, 2012

TITLE: ORDER, AUTHORIZE THE CONVEYANCE OF THE FORMER STATE STREET AND MIDDLE SCHOOL PROPERTIES AND A STRIP OF LAND IN FRONT OF THE FORMER MIDDLE SCHOOL PROPERTY TO BREWER REDEVELOPMENT LLC.

filed July 18, 2012  
by Joseph Ferris

WHEREAS, the redevelopment of the former State Street and Middle School properties, and a strip in front of the former Middle School property are a high priority for the Brewer City Council and City staff; and

WHEREAS, it has become clear the City needs to convey the property to Brewer Redevelopment, LLC, an entity wholly owned by the City of Brewer, to expedite the redevelopment of the said former State Street and Middle School properties, and a strip in front of the former Middle School property; and

WHEREAS, the City Council finds the property to be conveyed is surplus property upon the recommendation of the City Manager, and within the meaning of the Brewer City Charter; and

NOW, THEREFORE, BE IT ORDERED, that the said properties are declared surplus property, upon the recommendation of the City Manager and within the means of the Brewer City Charter; and

BE IT FURTHER ORDERED, that the former State Street and Middle School properties, and a strip in front of the former Middle School property shall be conveyed by Municipal Quitclaim Deed to Brewer Redevelopment, LLC, the form of said deed shall be acceptable to the City Solicitor; and

BE IT FURTHER ORDERED that the City Manager, or his designee, is authorized to sign any and all documents to effectuate said transfers.

**ACTION: COUNCILOR FERRIS MADE A MOTION THAT THE ORDER HAVE PASSAGE, MOTION SECONDED, COUNCILOR DOUGHTY ASKED THE CITY SOLICITOR TO DISCUSS, ORDER PASSES 5-0.**

## **CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED**

2012-B036

July 24, 2012

TITLE: RESOLVE, RATIFY THE COLLECTIVE BARGAINING CONTRACT BETWEEN THE CITY AND THE FIREFIGHTERS OF THE BREWER FIRE DEPARTMENT.

filed July 18, 2012  
by Larry T. Doughty

WHEREAS, negotiations between the City of Brewer and IAFF, Local 2162, representing the Firefighters of the Brewer Fire Department, have recently been completed; and

WHEREAS, the two parties have reached agreement on the terms and conditions of a contract;

NOW, THEREFORE, BE IT RESOLVED, that the City Council, on behalf of the City of Brewer, herewith ratifies this collective bargaining agreement and authorizes the City Manager, or his designee, to sign said agreement on behalf of the City of Brewer. This agreement shall be effective upon signing and shall expire June 30, 2015.

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

**ACTION: COUNCILOR VEROW MADE A MOTION THAT THE MONTHLY REPORTS FROM CITY DEPARTMENTS BE ACCEPTED AND PLACED ON FILE WITH THE CITY CLERK, MOTION SECONDED, MOTION APPROVED BY UNANIMOUS VOTE.**

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

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2012-B037

July 24, 2012

TITLE: RESOLVE, ACCEPT RESIGNATION OF MARY LYNNE HUNTER  
AS ASSESSOR OF THE CITY OF BREWER.

filed July 18, 2012  
by Jerry Goss,  
Kevin O'Connell,  
Joseph Ferris, Arthur  
Verow and Larry T.  
Doughty

**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 effective date of the resignation of the retiring assessor within these five days;

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, Mary Lynne Hunter has submitted, by letter dated June 20, 2012, her resignation as Assessor of the City of Brewer; and

WHEREAS, the City Council is required to formally accept this resignation and declare the position of Assessor of the City of Brewer vacant for the unexpired term of Mary Lynne Hunter before a replacement can be appointed to fill this vacancy;

NOW, THEREFORE, BE IT RESOLVED, that the City Council herewith accepts Mary Lynne Hunter's resignation as Assessor of the City of Brewer effective July 20, 2012 and declares that, on that date, the position of Assessor of the City of Brewer vacant and the Council shall proceed to fill that vacancy for the unexpired term, which term shall expire July 31, 2014.

**ACTION: COUNCILOR VEROW MADE A MOTION THAT THE RESOLVE BE ADOPTED, MOTION SECONDED, MOTION APPROVED BY UNANIMOUS VOTE.**

## **CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED**

2012-A157

July 24, 2012

TITLE: ORDER, APPOINT BEN BIRCH AS INTERIM CITY ASSESSOR  
THE CITY OF BREWER FOR AN INDEFINITE PERIOD  
OF TIME.

filed July 18, 2012  
by Jerry Goss,  
Kevin O'Connell,  
Joseph Ferris, Arthur  
Verow and Larry T.  
Doughty

### **EMERGENCY PREAMBLE**

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

WHEREAS, the effective date of the resignation of the retiring assessor has already taken place and it is essential to appoint an interim assessor immediately without having to wait these five days;

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

ORDERED, that Ben Birch is herewith appointed to the position of City Assessor for the City of Brewer to fill a vacancy, term commences immediately for an indefinite period of time.

**ACTION: COUNCILOR VEROW MADE A MOTION THAT THE RESOLVE BE ADOPTED, MOTION SECONDED, MOTION APPROVED BY UNANIMOUS VOTE.**

## **CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED**

2012-B038

July 24, 2012

TITLE: RESOLVE, DECLARE RESULTS OF THE JUNE 12, 2012 CITY OF BREWER SCHOOL BUDGET APPROVAL ELECTION, CITY OF BREWER CHARTER AMENDMENT ELECTION AND THE STATE OF MAINE PRIMARY ELECTION.

filed July 18, 2012  
by Kevin O'Connell

WHEREAS, the City of Brewer School Budget Approval Election, City of Brewer Charter Amendment Election and the State of Maine Primary Election was held on June 12, 2012; and

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

NOW, THEREFORE, BE IT RESOLVED, that the City Council declares the results for the City of Brewer School Budget Approval Election, City of Brewer Charter Amendment Election and the State of Maine Primary Election as follows:

(see attached)

**ACTION: COUNCILOR O'CONNELL MADE A MOTION THAT THE RESOLVE BE ADOPTED, MOTION SECONDED, MOTION APPROVED BY UNANIMOUS VOTE.**

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2012-B039

July 24, 2012

TITLE: RESOLVE, CONFIRM THE CITY MANAGER'S APPOINTMENT OF SUESAN PACKER AS THE PART-TIME OVERSEER-GENERAL ASSISTANCE ADMINISTRATOR AND CONFIRM ANDREW VARISCO AND KEN HANSCOM AS THE BACK-UP OVERSEER-GENERAL ASSISTANCE ADMINISTRATORS FOR THE CITY OF BREWER.

filed July 18, 2012  
by Arthur Verow

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 former administrator has retired and the position must be filled 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 resolve become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer;

WHEREAS, Article 5, Section 1, Boards and Officers, Item B of the Charter of the City of Brewer provides that the City Manager, or his designee, shall appoint the Overseer; and

WHEREAS, Article 5, Section 1, Boards and Officers, Item B of the Charter of the City of Brewer further provides that the appointment of such shall be ratified by a majority of the City Council; and

WHEREAS, the City Manager, or his designee, has appointed Suesan Packer as the

Part-Time Overseer-General Assistance Administrator and has appointed Andrew Varisco and Ken Hanscom as the Backup Overseer-General Assistance Administrators for the City of Brewer;

NOW, THEREFORE, BE IT RESOLVED, that the City Council herewith confirms the City Manager's, or his designee, appointments of these individuals as the Part-Time Overseer-General Assistance Administrator and the Backup Overseer-General Assistance Administrators

**ACTION: COUNCILOR VEROW MADE A MOTION THAT THE RESOLVE BE ADOPTED, MOTION SECONDED, MOTION APPROVED BY UNANIMOUS VOTE.**

**F. Unfinished Business.**

1. (2012-C008) Amend the General Assistance Ordinance to Incorporate Changes In Maximum Benefits. (Councilor Doughty) (posted 5/29/12)

**ACTION: COUNCILOR DOUGHTY MADE A MOTION THAT THE ORDINANCE AMENDMENT BE ENACTED, MOTION SECONDED, COUNCILOR DOUGHTY MADE A MOTION THAT THE ORDINANCE AMENDMENT BE AMENDED BY COMPLETE SUBSTITUTION, MOTION SECONDED, AMENDMENT APPROVED, MOTION TO APPROVE AS AMENDED, MOTION SECONDED, MOTION APPROVED BY UNANIMOUS VOTE.**

2. (2012-C009) Amend Article VI, Section 6.8 (B) of the General Assistance Ordinance Adopted by the Municipal Officers in the City of Brewer to Incorporate the FY 2013 "Temporary" Housing Assistance Limit. (Councilor Verow)(posted 5/29/12)

**ACTION: COUNCILOR VEROW MADE A MOTION THAT THE ORDINANCE AMENDMENT BE ENACTED, MOTION SECONDED, MOTION APPROVED BY UNANIMOUS VOTE.**

3. (2012-C010) Amend Land Use Code, Chapter 24, Article 3 Zoning Districts, Section 307.1, Schedule of Dimensional Requirements, Item 4 Minimum Depth Frontage (feet) and Article 4 Performance Standards, Section 436 Yards and Setbacks, Sections 436.1 Through 436.6. (Councilor Verow)(posted 6/6/12)

**ACTION: COUNCILOR VEROW MADE A MOTION THAT THE ORDINANCE AMENDMENT BE ENACTED, MOTION SECONDED, MOTION TO AMEND BY COMPLETE SUBSTITUTION, MOTION SECONDED, AMENDMENT BE APPROVED MOTION TO APPROVED AS AMENDED, MOTION SECONDED, MOTION APPROVED BY UNANIMOUS VOTE.**

4. (2012-C011) Amend Chapter 28 “The Brewer Sign Ordinance” of the Charter, Codes and Ordinances of the City of Brewer by Complete Substitution of the Chapter. (Councilor Verow)(posted 6/6/12)

**ACTION: COUNCILOR DOUGHTY MADE A MOTION THAT THE ORDINANCE AMENDMENT BE ENACTED, MOTION SECONDED, MOTION APPROVED BY UNANIMOUS VOTE.**

**G. New Business.**

## **CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED**

2012-C012

July 24, 2012

TITLE: AMEND CHAPTER 31, ENTITLED SEWER AND PRE-TREATMENT ORDINANCE, ARTICLE 12 “SCHEDULE OF SEWER RATES”, SECTION 1200 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER.

filed July 18, 2011  
by Joseph Ferris

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 31 of the Charter, Codes and Ordinances of the City of Brewer entitled “City of Brewer Sewer and Pre-Treatment Ordinance” be amended by changing Article 12, Section 1200 to read as follows:

### **ARTICLE 12 - SCHEDULE OF SEWER RATES**

#### **SECTION 1200. METER RATES**

Rates based on water meter readings for the use of and for the services furnished, or to be furnished by the municipal sewer facility on property having water metered service, not including meters used exclusively for water not draining into sewers:

QUARTERLY

Effective beginning with and retroactive, the period covered by the September, ~~2011~~ 2012 billing, the following rates shall apply:

For the first 1,000 cu. ft. per quarter: ~~\$78.30~~ \$80.30 minimum charge for Residential customers classified in the billing system as User Type 9.

For the first 1200 cu. ft. per quarter: ~~\$93.96~~ 96.36 minimum charge for all other users not otherwise classified as a Residential customer.

Effective beginning with the period covered by the September, ~~2011~~ 2012 billing, the following rates shall apply:

For all in excess of 1,000 cu. ft. per quarter: ~~\$7.83~~ \$8.03 per 100 cu. ft.

**ACTION: COUNCILOR FERRIS MADE A MOTION THAT ONE COPY OF THE ORDINANCE AMENDMENT BE PLACED ON FILE WITH THE CITY CLERK FOR POSTING, MOTION SECONDED, MOTION APPROVED BY UNANIMOUS CONSENT.**

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2012-A158

July 24, 2012

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

filed July 18, 2012  
by Kevin O'Connell

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

**ACTION: COUNCILOR O'CONNELL MADE A MOTION THAT THE MEETING ENTER INTO EXECUTIVE SESSION @ 8:00 P.M., COUNCIL MEMBERS AND CITY SOLICITOR ENTER, MOTION SECONDED, MOTION APPROVED BY UNANIMOUS CONSENT. EXECUTIVE SESSION ENDED AT 8:30 P.M. AND REGULAR SESSION OPENED, CLERK CALLED THE ROLL, ALL PRESENT.**

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2012-A159

July 24, 2012

TITLE: ORDER, TO CONVENE IN EXECUTIVE SESSION PURSUANT  
TO TITLE 1 M.R.S.A, § 405(6)(A) ON A PERSONNEL  
MATTER. (City Manager's Annual Evaluation)

filed July 18, 2011  
by Joseph Ferris

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

**ACTION: COUNCILOR FERRIS MADE A MOTION THAT THE MEETING GO INTO EXECUTIVE SESSION @ 8:30 P.M., COUNCIL MEMBERS AND CITY MANAGER ENTER, MOTION SECONDED, MOTION APPROVED BY UNANIMOUS CONSENT. EXECUTIVE SESSION ENDED AT 9:00 P.M. AND REGULAR SESSION OPENED, CLERK CALLED THE ROLL, ALL PRESENT.**

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2012-A160

July 24, 2012

TITLE: ORDER, TO CONVENE IN EXECUTIVE SESSION PURSUANT TO TITLE 1 M.R.S.A, § 405(6)(A) ON A PERSONNEL MATTER. (City Clerk's Annual Evaluation)

filed July 18, 2012  
by Arthur Verow

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

**ACTION: COUNCILOR VEROW MADE A MOTION THAT THE MEETING GO INTO EXECUTIVE SESSION @ 9:00 P.M., COUNCIL MEMBERS AND CITY SOLICITOR ENTER, MOTION SECONDED, MOTION APPROVED BY UNANIMOUS CONSENT. EXECUTIVE SESSION ENDED AT 9:30 P.M. AND REGULAR SESSION OPENED, CLERK CALLED THE ROLL, ALL PRESENT.**

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

## **CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED**

2012-A161

July 24, 2012

TITLE: ORDER, AMEND THE CITY CLERK'S EMPLOYMENT CONTRACT.

filed July 16, 2012  
by Larry T. Doughty,  
Arthur Verow

WHEREAS, the City Council has done a performance evaluation of the City Clerk, Howard F. Kroll; and

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

NOW, THEREFORE, BE IT ORDERED, that Section 5 of the Employment Contract of the City Clerk, Howard F. Kroll, is amended by striking "including health insurance which the City will pay 100%" and adding the following:

(d) If Mr. Kroll elects to participate in the City's health insurance, the City will pay 100%. If he does not wish to be covered by the City's employee health insurance plan and represents that he and his family are covered under another policy then in lieu of the City's contribution toward this benefit, the City shall reimburse to the Employee an additional gross amount of One Thousand

Dollars and 00/100 (\$1000.00) per month toward the cost of his current family coverage retroactive to July 1, 2012.”

**ACTION: Mayor Goss asked the City Clerk to poll the Council to hear the order under suspension of the rules, all members were in favor, Councilor Doughty made a motion that the order have passage, motion seconded, motion passes by unanimous vote.**

**I. ADJOURN.**

**ACTION: Councilor Doughty made a motion that the meeting adjourn at 9:32 p.m. , motion seconded, motion passes by unanimous vote.**