

City Council Minutes
July 9, 2013

Regular Meeting
City Hall Council Chambers

Tuesday, July 9, 2013
6:00 p.m.

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

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

Chairman O'Connell declared a quorum present. City Manager Bost and City Solicitor Dearborn were also present.

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

Chairman O'Connell read the notice for the regular meeting.

TO: Joseph Ferris, Arthur Verow, Jerry Goss, Kevin O'Connell and Matthew Vachon
MEMBERS OF THE BREWER CITY COUNCIL You are hereby notified a regular meeting of the City Council will be held on Tuesday, July 9, 2013 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider and act on the items on the attached agenda.

s/Kevin O'Connell
Mayor and Chairman of the City Council

or _____
Majority of the City Council

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

OFFICER'S RETURN

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

| Given/Delivered to: | by (person delivering) | Title | Date | Time |
|---------------------|------------------------|-------|----------|------|
| Joseph Ferris | L. Sewall | Cpl. | 07/05/13 | 1738 |
| Matthew Vachon | L. Sewall | Cpl. | 07/05/13 | 1725 |
| Arthur Verow | S. Boyd | Cpl. | 07/05/13 | 1740 |
| Jerry Goss | S. Boyd | Cpl. | 07/05/13 | 1745 |
| Kevin O'Connell | L. Sewall | Cpl. | 07/05/13 | 1732 |

CITY COUNCIL REGULAR MEETING
Tuesday, July 9, 2013 6:00 P.M.
Brewer City Hall Council Chambers

- I. Call to Order.** (Mayor Kevin O'Connell)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America. Regular Meeting**
(Mayor O'Connell)
- A. Minutes of June 4, 2013 Regular Meeting.** (Councilor Verow)
- B. Awards, Petitions and Public Comments.**
 - 1. (2013-B039) RESOLVE, Recognize Sharon Watters, Brewer Finance Department, for 25 years of Dedicated Service to the City of Brewer. (Councilor Verow)
 - 2. (2013-B040) RESOLVE, Recognize Companies and Volunteers for Their Contributions to the 2013 Stream Cleanup Program.
(Councilor Vachon)
 - 3. (2013-B041) RESOLVE, Recognize the Achievements of Brewer High School Track and Field Standout, Teal Jackson.
(Councilor Goss)
 - 4. (2013-B042) RESOLVE, Recognize Michael Maybury for Water Pollution Control Facility Eagle Scout Project.
(Councilor Ferris)
 - 5. (2013-B043) RESOLVE, Recognize Paul Soucy, of Brewer, for his 41 Year Career as a Teacher, Coach and School Administrator at Brewer High School, Bangor High School and Hermon High School.
(Councilor Verow and Goss)
 - 6. Public Comments.
- IV. Recess for Public Hearing.**

Application for Donghang LLC d/b/a China Rose Buffet, 274 State Street for State of Maine Restaurant Class I, II, III, IV (malt and vinous) Liquor License.
- V. Adjourn Public Hearing and Continue with Regular Meeting.**
- C. Consent Calendar.**
 - 1. (2013-A093) ORDER, Commit Water Assessment to Treasurer for Collection. (Councilor Vachon)
 - 2. (2013-A094) ORDER, Commit Sewer Assessment to Treasurer for Collection. (Councilor Goss)
 - 3. (2013-A095) ORDER, Accept Donations to the Brewer Parks and Recreation Department for the Annual Brewer Days Celebration. (Councilor Ferris)

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4. (2013-A096) ORDER, Accept Donations to the Brewer Parks and Recreation Department for the Summer Program/League Revenue. (Councilor Verow)
5. (2013-A097) ORDER, Declare the Property Situated at 87 Parker Street to be Surplus Property and to Authorize the City Manager, or His Designee, to Dispose of Said Property. (Councilor Vachon)
6. (2013-A098) ORDER, Authorize Contract with Underwater Solutions, Inc. to Inspect Water Tanks Intake and Wet Well. (Councilor Goss)
7. (2013-A099) ORDER, To Officially Name the Former Washington Street School Property, the Dougherty Recreational Complex. (Councilor Ferris)
8. (2013-A100) ORDER, Issue Release Deed to John T. Gallagher for Property Located at 112 Green Point Road (Tax Map 7, Lot 18). (Councilor Verow)
9. (2013-A101) ORDER, Accept Firearm in a Forfeiture Resulting From a Court Case that the Brewer Police Made a Substantial Contribution to the Investigation of the Criminal Acts Committed by the Defendant and to the Seizure of Defendants in REM. (Councilor Vachon)
10. (2013-A102) 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 Goss)
11. (2013-A103) ORDER, Authorize Agreement with Jeff Brawn and Lance Pinkham for Payment of Tax Liens, Sewer Liens, Current Taxes, Current Sewer User Fees, Interest and Costs on 34 Jefferson Street. (Councilor Vachon)
12. (2013-A104) ORDER, Authorize a Lease on a Portion of the Sidewalk at 222 North Main Street, Brewer. (Councilor Ferris)
13. (2013-A105) ORDER, Authorize Agreement with William A. Meucci, Trustee of the William T. Meucci Living Trust Dated January 10, 2013, and any Amendments Thereto for the Payment of Tax Liens, Outstanding Personal Property Taxes, Water and Sewer User Fees, Current Taxes, Current and Future Water and Sewer User Fees, Reasonable Attorney Fees, Interest and Other Fees Relative to the Property Situated at 149, 153 and 155 State Street in Brewer as Generally Shown on the City of Brewer's Tax Assessor's Map 31, Lot 34 and Map 31, Lot 36. (Councilor Verow)

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14. (2013-A106) ORDER, Accept Donations of Books and Materials and Authorize Sale of Surplus Books and Materials. (Councilor Vachon)
15. (2013-A107) ORDER, Authorize Appropriation of Funds for the Sewer Enterprise Account Wellness Program. (Councilor Goss)
16. (2013-A108) ORDER, Authorize Appropriation of Funds for the Water Enterprise Account Wellness Program. (Councilor Ferris)
17. (2013-A109) ORDER, Authorize the Acceptance of a Temporary Easement From Mackless, LLC for the Stabilization and Trail Work on its Property. (Councilor Verow)
18. (2013-A110) ORDER, Authorize the Conveyance of Property to Brewer Redevelopment, LLC, Under Certain Terms and Conditions. (Councilor Vachon)
17. (2013-B044) RESOLVE, Amend the City's Personnel Policy. (Councilor Goss)
18. (2013-B045) RESOLVE, Approve Liquor License Application of Donghang LLC d/b/a China Rose Buffet, 274 State Street. (Councilor Ferris)

- D. Monthly Reports.** (Councilor Verow)
- E. Nominations, Appointments, Elections.**
- F. Unfinished Business.** (no items)
- G. New Business.** (no items.)
- H. New Items with Leave of Council.**
- I. ADJOURN.**

A. Minutes of June 4, 2013 Regular Meeting.

ACTION: Councilor Goss moved that the minutes be accepted and placed on file. The motion was seconded and passed by a 3 to 0 vote.

B. Awards, Petitions and Public Comments.

2013-B039

July 9, 2013

TITLE: RESOLVE, RECOGNIZE SHARON WATTERS, BREWER FINANCE DEPARTMENT, FOR 25 YEARS OF DEDICATED SERVICE TO THE CITY OF BREWER.

filed July 3, 2013
by Arthur Verow

WHEREAS, on July 11, 2013, Sharon Watters, Deputy Tax Collector, will complete twenty-five (25) years of dedicated service as an employee for the City of Brewer; and

WHEREAS, Mrs. Watters on July 11, 1988, began working for the Brewer Finance Department as the Utility Billing Clerk; and served in this position for 7 months; and

WHEREAS, Mrs. Watters on February 27, 1989, was installed as Deputy Tax Collector, and has served in that capacity with efficiency and effectiveness for 24 years and 5 months; and

WHEREAS, her distinguished career as a public servant is recognized by her peers, her fellow employees and the general public that she serves so well; and

WHEREAS, the citizens of Brewer admire her for her honesty and knowledge on matters of tax collection, vehicle registrations and other services provided by the Tax Office; and

WHEREAS, Sharon has provided outstanding service to the City of Brewer residents, her dedication is greatly appreciated; and

WHEREAS, on the occasion of her completing twenty-five (25) years of service, the Brewer City Council wishes to publicly recognize her distinguished service as an employee of the City of Brewer;

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

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

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

The resolve was adopted by a 3 to 0 vote.

2013-B040

July 9, 2013

TITLE: RESOLVE, RECOGNIZE COMPANIES AND VOLUNTEERS FOR THEIR CONTRIBUTIONS TO THE 2013 STREAM CLEANUP PROGRAM.

filed July 3, 2013
by Matthew Vachon

WHEREAS, the City of Brewer held its 9th Annual Stream Cleanup Event on May 18, 2013; and

WHEREAS, the City's Stream Cleanup Committee, with the help of 190 volunteers from all over the State, conducted a very successful stream cleanup program resulting in over 3 tons of trash being collected and disposed of at PERC and recycled at the Brewer Landfill; and

WHEREAS, the stream cleanup program was completed at no cost to the Brewer taxpayer as a result of donations of valuable time, supplies and funds from local businesses and volunteers;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council herewith recognizes and commends the Stream Cleanup Committee, the volunteers and all the local businesses that contributed to the phenomenal success of the 2013 stream cleanup program.

Donations:

| | |
|------------------|--------------------|
| Dunkin Donuts | Somic America |
| Jeff's Catering | ZEE Medical |
| Olver Associates | NES/NIS |
| United Rental | Brewer FCU |
| EBS | Machias Savings |
| Cianbro | Bangor FCU |
| Nickerson O'Day | Lou Silver |
| Cyr Bus | South Worth Milton |

Volunteers:

| | |
|--------------------------|-----------------------|
| Scout Pack 11 | Rainbow Girls |
| Cub Scout Pack 44 | Geocaching of Maine |
| Girl Scout Troop 1167 | Brewer Fire |
| Scout Troop I | Penobscot Job Corps |
| Girl Scout Troop 911 | Larry Doughty |
| Kevin O'Connell | Janet Bertolino & son |
| Ellen Fisher | Bob Bolgar |
| CES | Brewer Public Works |
| Stream Cleanup Committee | |

2013 Stream Cleanup Donation List

Dunkin Donut- \$1,000.00, 2 Red Sox Tickets and - Coffee, Hot Chocolate and Donuts
Jeff's Catering- Meal for 190 volunteers a \$1,900 value
Olver Associates- \$500.00
United Rental- Message Boards a \$400.00 value
EBS- Trash Bags a \$250.00 value
Somic America- \$250.00
ZEE Medical- 4 Dozen Gloves a \$250.00 value
NES/NIS- \$250.00
Brewer Federal Credit Union- \$250.00
Machias Savings Bank- \$250.00
Cianbro- Gloves, bottled water and trash bags a \$250.00 value
Bangor Federal Credit Union- \$100.00
Nickerson O'Day- \$100.00
Lou Silver, Inc.- \$100.00
Cyr Bus Line- \$50.00
SouthWorth Milton- \$25.00

2013 Volunteer Groups and Individuals- 190

Brewer Boy Scout Pack 11
Orrington Webelos Cub Scout Pack 44
Orrington Daisy Girl Scout Troop 1167
Brewer Boy Scout Troop 1
Brewer Daisy Scout Troop 911
Rainbow Girls
Dunkin Donuts
Geocaching of Maine
CES
Penobscot Job Corps
Larry Doughty- Pictures
Mayor Kevin O'Connell
Janet Bertolino and son
Ellen Fisher
Bob Bolgar
Brewer Fire Department
Stream Cleanup Committee
Brewer Public Works

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

Councilor Vachon read the resolve into the record while presenting it to Director of Environmental Services Ken Locke.

The resolve was adopted by a 3 to 0 vote.

2013-B041

July 9, 2013

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

filed July 3, 2013
by Jerry Goss

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

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

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

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

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

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

The motion to withdraw the resolve was adopted by 3 to 0 vote.

2013-B042

July 9, 2013

TITLE: RESOLVE, RECOGNIZE MICHAEL MAYBURY FOR WATER POLLUTION CONTROL FACILITY EAGLE SCOUT PROJECT.

filed July 3, 2013
by Joseph Ferris

WHEREAS, Michael Maybury of Brewer, designed and built two 12 foot long picnic tables and two 5 foot long benches for the Water Pollution Control Facility for his Eagle Scout project; and

WHEREAS, Michael has performed several community service projects for the Brewer Environmental Department in the past as a member of the Brewer Boy Scout Troop 15; and

WHEREAS, when he visited the Brewer Water Pollution Control Facility while performing catch basin stenciling, Michael noticed that there was no outside seating at the facility to conduct public education during tours; and

WHEREAS, during the fall of 2012, Michael with numerous other Boy Scouts assisting him, built and delivered the picnic tables and benches to the facility; and

WHEREAS, his completed project will allow the Environmental Department to perform stormwater pollution prevention and wastewater treatment public education outside while enjoying the beauty of the majestic Penobscot River; and

WHEREAS, the picnic tables and benches will provide for years of use for all students, teachers, chaperones and residents that visit the facility for tours;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council herewith recognizes and commends Michael Maybury for his recently completed Eagle Scout project at Brewer Water Pollution Control Facility.

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

Councilor Goss read the resolve into the record while presenting it to Michael Maybury.

Director of Environmental Services Ken Locke showed pictures to the council members and members of the audience of the picnic tables and park benches that Michael built for the Water Pollution Control Facility.

The resolve was adopted by 3 to 0 vote.

2013-B043

July 9, 2013

TITLE: RESOLVE, RECOGNIZE PAUL SOUCY, OF BREWER, FOR HIS 41 YEAR CAREER AS A TEACHER, COACH AND SCHOOL ADMINISTRATOR AT BREWER HIGH SCHOOL, BANGOR HIGH SCHOOL AND HERMON HIGH SCHOOL.

filed July 3, 2013
by Arthur Verow and
Jerry Goss

WHEREAS, Paul Soucy, of Brewer, is retiring after a 41 year career as a teacher, coach and school administrator; and

WHEREAS, Mr. Soucy is retiring as athletic director and vocational coordinator at Hermon High School; and

WHEREAS, Mr. Soucy was an assistant football coach, varsity girls basketball and softball coach for 10 years at Brewer High School before leaving coaching to pursue a master's degree; and

WHEREAS, Mr. Soucy later became an assistant principal at Hermon High School, Bangor High School and also Brewer High School; and

WHEREAS, Mr. Soucy returned to coaching in 2002; and

WHEREAS, his distinguished career as a public servant is recognized by his peers, his fellow co-workers, friends and family;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the citizens of the City of Brewer, herewith congratulates Paul Soucy on his retirement and expresses its deep appreciation to him for his many years of dedication and commitment to education, to sports and to the youth of Maine.

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

Councilor Goss read the resolve into the record while presenting it to Mr. Soucy. Councilor Goss mentioned that Mr. Soucy worked with him as an assistant principal when Councilor Goss was principal at Brewer High School

The resolve was adopted by 3 to 0 vote.

PUBLIC COMMENTS.

1. Mayor O'Connell introduced Jay McIntire, the new Superintendent of Brewer Schools, and welcomed him to the City of Brewer.
2. Jean Baker of the Bangor Area Recovery Network spoke about the Recovery Rally being held September 14th and invited everyone to participate. She left information regarding this event.

Recess for Public Hearing.

Application for Donghang LLC d/b/a China Rose Buffet, 274 State Street for State of Maine Restaurant Class I, II, III, IV (malt and vinous) Liquor License.

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

The city clerk called the roll:

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

Chairman O'Connell declared a quorum present.

Chairman O'Connell read the public notice:

CITY OF BREWER PUBLIC NOTICE

Notice is hereby given that the Brewer City Council will hold a public hearing on Tuesday, the 9th day of July, 2013 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider the application for a State of Maine Class I, II, III and IV (malt and vinous) liquor license for the following applicant:

1. Donghang LLC d/b/a China Rose Buffet, 274 State Street.

This application is available for public inspection at the office of the **Brewer City Clerk (989-7050)** and this notice is posted on the bulletin board at Brewer City Hall.

Any person may attend this public hearing and speak on this application. Written comments may also be submitted. The deadline for submission of written comments is 4:00 p.m. on the date of the hearing. Written comments should be addressed to Brewer City Council, c/o City Clerk, 80 No. Main Street, Brewer, Maine 04412.

Pamela J. Ryan
City Clerk

published July 1, 2, and 3, 2013
in the Bangor Daily News

There were no comments from the public present. There were no reports from the city inspectors in opposition of approving this license.

Adjourn Public Hearing and Continue with Regular Meeting.

Public Hearing adjourned at 6:25 p.m.

The city clerk called the roll and a quorum of the council was present.

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

C. Consent Calendar.

ACTION: Councilor Goss removed order 2013-A099. Councilor

Councilor Goss moved that the remaining orders on the consent calendar have passage and the resolves be adopted. The motion was seconded and passed by 3 to 0 vote.

2013-A093

July 9, 2013

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

filed July 3, 2013
by Matthew Vachon

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

NOW, THEREFORE WE, the Brewer City Council, does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$580,655.41** at the established rate, as provided by Maine Law and as such sections may be amended from time to time; and

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

| EVENT | COMMITMENT | COMMENTS |
|------------|---------------------|----------|
| June 2013 | \$578,354.69 | |
| March 2013 | \$ 1,220.48 | |
| April 2013 | \$ 1,455.46 | |
| May 2013 | \$ -375.22 | |
| Total | \$580,655.41 | |

FURTHER, IT IS ORDERED, that a detailed commitment of the **\$580,655.41** is on file in the City Clerk's office and incorporated into this order; and

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

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

2013-A094

July 9, 2013

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

filed July 3, 2013
by Jerry Goss

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

NOW, THEREFORE WE, the Brewer City Council, does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$498,290.17** at the established rate, as provided by Title 30A M.R.S.A. § 3406 and Title 38 M.R.S.A. § 1208 and as such sections may be amended from time to time; and

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

| EVENT | COMMITMENT | COMMENTS |
|--------------|---------------------|----------|
| June 2013 | \$494,778.60 | |
| March 2013 | \$168.51 | |
| April 2013 | \$417.56 | |
| May 2013 | \$2,925.50 | |
| Total | \$498,290.17 | |

FURTHER, IT IS ORDERED, that a detailed commitment of the **\$498,290.17** is on file in the City Clerk's office and incorporated into this order; and

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

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

2013-A095

July 9, 2013

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

filed July 3, 2013
by Joseph Ferris

WHEREAS, the City of Brewer has received donations of \$2000.00 from Brewer Federal Credit Union and Machias Savings Bank for support of this year's Brewer Days Celebration;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this generous donation, and directs that the donated funds be receipted to account 0200000 320000 71002 (Brewer Days Contributions); and

FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0200000 520000 71002 (Brewer Days Expense).

NOTE: The Brewer Parks and Recreation Director sends a letter of acknowledgement and appreciation on behalf of the City Council to these businesses for their generous donations.

2013-A096

July 9, 2013

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

filed July 3, 2013
by Arthur Verow

WHEREAS, the Brewer Parks and Recreation Department has received donations totaling \$570.00 from Brewer Federal Credit Union, Brewer Eagles Club #3177, Swish Kenco, Ltd., Cowan's Service Station and Awards Signage and Trophies for Brewer Parks and Recreation Department's Summer Program/League Revenue;

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/League Revenue 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).

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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.

2013-A097

July 9, 2013

TITLE: ORDER, DECLARE THE PROPERTY SITUATED AT 87 PARKER STREET TO BE SURPLUS PROPERTY AND TO AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO DISPOSE OF SAID PROPERTY.

filed July 3, 2013
by Matthew Vachon

WHEREAS, the City acquired title to the property situated at 87 Parker Street in Brewer by virtue of expired tax liens; and

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

WHEREAS, the City staff has concluded that the property located at 87 Parker Street is not required for public purposes.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby declares the property situated at 87 Parker Street to be surplus property and authorizes the City Manager, or his designee, to list said property for sale with a licensed Maine real estate broker; and

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

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

2013-A098

July 9, 2013

TITLE: ORDER, AUTHORIZE CONTRACT WITH UNDERWATER SOLUTIONS, INC. TO INSPECT WATER TANKS INTAKE AND WET WELL.

filed July 3, 2013
by Jerry Goss

WHEREAS, it is a Maine State Drinking Water Program requirement to inspect and maintain potable water storage tanks; and

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WHEREAS, regular inspections and routine cleaning are the best method to evaluate status of such infrastructure; and

WHEREAS, the last inspection was completed July 2003; and

WHEREAS, the Water Department has a reserve fund set aside to support maintenance of its standpipes;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to enter into a contract not to exceed \$14,755, with Underwater Solutions Inc. to inspect and clean up to 4 inches of sedimentation from the base of all 3 storage tanks, pond wet well and inspect plus clean intake; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditures of up to \$14,755 from 0718502-504550 (Transmission Line Maintenance) for this work to be funded by funds from the Water Department Reserve for Standpipe Maintenance 0700000-110802; 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.

2013-A099

July 9, 2013

TITLE: ORDER, TO OFFICIALLY NAME THE FORMER WASHINGTON STREET SCHOOL PROPERTY, THE DOUGHERTY RECREATIONAL COMPLEX.

filed July 3, 2013
by Joseph Ferris

WHEREAS, in 1949 the City of Brewer entered into an agreement with the Dougherty Family to purchase for \$1 the property that is now called Washington Street School; and

WHEREAS, this generous transaction by the Dougherty Family was done with the purpose of providing educational and/or recreational space for indefinite use; and

WHEREAS, the City of Brewer has used this space for athletic fields and for the Washington Street Elementary School; and

WHEREAS, with the removal of the school, the property has been redeveloped into a recreational park for all residents to enjoy, continuing the wish of the Dougherty Family; and

WHEREAS, this vision will be continued due to the actions of many partners, such as Brewer Parks and Rec, Eastern Maine Healthcare System and the Brewer Redevelopment, LLC;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, wish to recognize the Dougherty family's generosity, by formally acknowledging that the former Washington Street School be known now and forever as the Dougherty Recreational Complex.

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

Chairman O'Connell read the resolve into the record while presenting it to Louie Dougherty.

Chairman O'Connell said that he was very pleased to see so many family members in the audience.

The resolve was adopted by 3 to 0 vote.

2013-A100

July 9, 2013

TITLE: ORDER, ISSUE RELEASE DEED TO JOHN T. GALLAGHER FOR PROPERTY LOCATED AT 112 GREEN POINT ROAD (TAX MAP 7, LOT 18).

filed July 3, 2013
by Arthur Verow

ORDERED, that a municipal release deed be issued to John T. Gallagher, property located at 112 Green Point Road, releasing to him all rights, title and interest the City of Brewer may have acquired in the property located on 112 Green Point Road (City Tax Map 7, Lot 18) 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 |
|--------|------|
| 12507 | 18 |
| 12847 | 270 |
| 13227 | 329 |

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

NOTE: A total of \$12,349.54 in principal was collected, along with \$424.50 in interest and \$108.33 in costs.

2013-A101

July 9, 2013

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

filed July 3, 2013
by Matthew Vachon

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

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

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

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

Superior Court Docket No. CR-2004-988

9MM Smith & Wesson handgun, serial number PBM3535

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

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

2013-A102

July 9, 2013

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 July 3, 2013
by Jerry Goss

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 |
|-----------------------|-------------|
| 10-DEA-531277 | \$5,979.98 |
| 12-DEA-565017 | \$1,160.00 |
| 12-DEA-569574 | \$14,143.44 |
| 12-DEA-570060 | \$915.44 |
| 12-DEA-570067 | \$4,154.24 |

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 0200103-320000 and that expenditures are authorized be expended from the Asset Forfeiture Reserve Fund 0200103.

2013-A103

July 9, 2013

TITLE: ORDER, AUTHORIZE AGREEMENT WITH JEFF BRAWN AND LANCE PINKHAM FOR PAYMENT OF TAX LIENS, SEWER LIENS, CURRENT TAXES, CURRENT SEWER USER FEES, INTEREST AND COSTS ON 34 JEFFERSON STREET.

filed July 3, 2013
by Matthew Vachon

EMERGENCY PREAMBLE

WHEREAS, orders passed by the Brewer City Council do not become effective until five (5) days after approval unless such orders contain emergency preambles; and

WHEREAS, It is imperative that this order become immediately upon its passage to allow terms of the agreement to commence without delay; and

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

NOW THEREFORE BE IT ORDERED, that the City Council herewith authorizes an Agreement between the City of Brewer and Jeff Brawn and Lance Pinkham wherein Brawn and Pinkham are permitted to reacquire the property located at 34 Jefferson Street, which has been acquired by the City by virtue of foreclosing City of Brewer tax collector liens and sewer liens, provided Brawn and Pinkham pays to the City of Brewer all outstanding tax liens, sewer liens, current taxes, current sewer user fees, interests and costs

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

AGREEMENT

THIS AGREEMENT made this 10th day of July, 2013, by and between the **City of Brewer**, a body politic, located in the County of Penobscot, State of Maine, hereinafter referred to as the City and **Jeff Brawn** and **Lance Pinkham**, of Brewer, County of Penobscot, State of Maine, hereinafter referred to as Brawn and Pinkham.

WITNESSETH

WHEREAS, Brawn and Pinkham are Tenants in Possession of property situated as 34 Jefferson Street, Brewer, Maine (Tax Assessor's Map 35, Lot 93) hereinafter referred to as the Property; and

WHEREAS, the tax collector's lien certificates and sewer liens certificates have foreclosed; and

WHEREAS, the City did acquire title to the Property; and

WHEREAS, Brawn and Pinkham want to reacquire the Property; and

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

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

NOW THEREFORE

Based upon the foregoing and other valuable considerations it is agreed the City and Brawn and Pinkham as follows:

- Brawn and Pinkham shall pay to the City one Hundred dollars (\$100.00) on the oldest real estate taxes on said Property on Wednesday, July 10, 2013.
- By close of business Friday of the following week of each subsequent week, Brawn and Pinkham will pay to the City one Hundred Dollars (\$100.00) on outstanding real estate taxes and sewer until paid in full. These payments will be allocated to the oldest property tax and sewer debt due as of the date of this Agreement, with interest and fees being paid first.
- These weekly \$100.00 payment shall not be comingled with other payments to the City and shall be clearly marked "Per July 2013 Payment Agreement". At this rate of payment, all past due real estate tax and sewer balances and associated fees and interest should be repaid in full on or around February 2017.
- Brawn and Pinkham shall pay all future invoiced and/or billed by the City including real estate taxes and sewer bills, by their due dates.
-

- The failure of Brawn and Pinkham to make the payments to the City as hereinbefore provided will automatically make this Agreement null and void and Brawn and Pinkham shall have no further rights to reacquire the Property under the terms and conditions of this agreement.
- If all payments are made on time, the City will convey its right, title and interest in the Property to Brawn and Pinkham, as joint tenants. Brawn and Pinkham shall be responsible for all expenses relating to the conveyance of the Property to them by the City.
- Time is of the Essence
- Each Party represents to the other they or it has full and complete authority to enter into this Agreement.
- The Agreement contains the complete understanding of the parties and may only be modified by written mutual agreement of the parties.

IN WITNESS WHEREAS, the City has caused this instrument to be signed by Steven M. Bost, its City Manager, duly authorized and Jeff Brawn and Lance Pinkham have signed in their individual capacity, all on the day, month and year first above written.

CITY OF BREWER

WITNESS

By: _____
STEVEN M. BOST
It's: City Manager
Duly Authorized

TENANTS IN POSSESSION

WITNESS

JEFF BRAWN

WITNESS

LANCE PINKHAM

2013-A104

July 9, 2013

TITLE: ORDER, AUTHORIZE A LEASE ON A PORTION OF THE
SIDEWALK AT 222 NORTH MAIN STREET.

filed July 3, 2013
by Joseph Ferris

WHEREAS, OHI, a Maine Non-Profit Corporation (hereinafter referred to as "OHI"), with a place of business in the City of Brewer, County of Penobscot, State of Maine, has a Purchase and Sale Agreement to purchase the property situated at 222 North Main Street, Brewer, Maine (property formerly occupied by Boomer Fitness, hereinafter referred to as the "Property"); and

WHEREAS, if OHI purchases the Property, it will need to construct a landing and handicap ramp that meets all the requirements of the Americans With Disabilities Act (ADA) and all other Federal, State and local rules and regulations as more fully set forth on Exhibit A, attached hereto and made a part hereof; and

WHEREAS, the only logical place to locate the landing and handicap ramp shown on Exhibit A is on the sidewalk in front of the building on the Property; and

WHEREAS, in the event OHI purchases the Property, the City Council is willing to authorize a Lease for the said landing and handicap ramp to meet the ADA and other applicable Federal, State and local rules and regulations;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, acting through its City Council, authorizes a Lease to OHI if it purchases the Property situated at 222 North Main Street, for the construction of a landing and handicap ramp as shown on Exhibit A, attached hereto and made a part hereof, by OHI, provided it purchases the Property; and

FURTHER BE IT ORDERED, that the City Manager, or his designee, shall have the authority to enter into a Lease with OHI for the landing and handicap ramp shown on Exhibit A for a term of twenty (20) years and rental payments of One Dollar (\$1.00) annually; and

FURTHER BE IT ORDERED, the City Manager, or his designee, shall have the right to determine the other terms and conditions of the Lease that are in the best interests of the citizens of the City of Brewer; and

FURTHER BE IT ORDERED, that the Lease shall be approved by the City Solicitor, or some other attorney on behalf of the City, as to form.

2013-A105

July 9, 2013

TITLE: ORDER, AUTHORIZE AGREEMENT WITH WILLIAM A. MEUCCI, TRUSTEE OF THE WILLIAM T. MEUCCI LIVING TRUST DATED JANUARY 10, 2013, AND ANY AMENDMENTS THERETO FOR THE PAYMENT TAX LIENS, OUTSTANDING PERSONAL PROPERTY TAXES, WATER AND SEWER USER FEES, CURRENT TAXES, CURRENT AND FUTURE WATER AND SEWER USER FEES, REASONABLE ATTORNEY FEES, INTEREST AND OTHER FEES RELATIVE TO THE PROPERTY SITUATED AT 149, 153 AND 155 STATE STREET IN BREWER AS GENERALLY SHOWN ON THE CITY OF BREWER'S TAX ASSESSOR'S MAP 31, LOT 34 AND MAP 31, LOT 36.

filed July 3, 2013
by Arthur Verow

WHEREAS, William A. Meucci, Trustee of the William T. Meucci Living Trust dated January 10, 2013, and any amendments thereto, (hereinafter referred to as the "Trust") is a tenant in possession and is the former owner of the property situated at 149, 153 and 155 State Street in Brewer, (generally shown on the City of Brewer's Tax Assessor's Map 31 as Lots 34 and 36), and is hereinafter referred to as the "Property"; and

WHEREAS, the City acquired the Property for unpaid tax liens, which have automatically foreclosed by operation of law; and

WHEREAS, the Trust wishes to redeem the Property; and

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

WHEREAS, the Trustee of the Trust has agreed to all of the terms and conditions established by the City Council;

NOW, THEREFORE, BE IT ORDERED, that the City Council authorizes the attached Agreement between the City of Brewer and William A. Meucci as Trustee of the William T. Meucci Living Trust dated January 10, 2013, and any amendments thereto wherein the Trust shall be permitted to reacquire the Property situated at 149, 153 and 155 State Street which has been acquired by virtue of the automatic foreclosure of tax liens, provided the Trust pays to the City of Brewer all outstanding tax liens, current real estate and personal property taxes, current and future sewer user fees, current and future water user fees, reasonable attorney fees, interest and other fees.

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

AGREEMENT

THIS AGREEMENT made this ____ day of July 2013, by and between the **City of Brewer**, a body politic, located in the County of Penobscot, State of Maine, hereinafter referred to as the City and **WILLIAM A. MEUCCI, TRUSTEE OF THE WILLIAM T. MEUCCI LIVING TRUST DATED JANUARY 10, 2013, AND ANY AMENDMENTS**, hereinafter referred to as the Trust.

WITNESSETH

WHEREAS, the Trust is Tenant in Possession of property situated at 149, 153 and 155 State Street, Brewer, Maine (Tax Assessor's Map 31, Lot 36 and Map 31, Lot 34), hereinafter referred to as the Property; and

WHEREAS, the Tax Collector's lien certificates have foreclosed; and

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

WHEREAS, the Trust wants to reacquire the Property; and

WHEREAS, the City is willing to allow the Trust to reacquire title to the Property under certain terms and conditions; and

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

NOW THEREFORE

Based upon the foregoing and other valuable considerations it is agreed between the City and the Trust as follows:

- **INITIAL PAYMENT**: Upon execution of this Agreement, the Trust shall pay to the City Ten Thousand Dollars (\$10,000.00) on the oldest real estate taxes on said Property.
- **MONTHLY PAYMENTS**. On or before the close of business August 15 and the 15th of each subsequent month through November 15th (or the following business day if the 15th falls on a weekend or legal holiday), the Trust will pay to the City Eighty-three Hundred Dollars (\$8,300.00) on outstanding real estate and personal property taxes, sewer and water, including all interest and fees, which among other things include reasonable legal expenses. These payments shall be clearly marked "Per July 2013 Payment Agreement". These payments will be allocated to the oldest property tax, water or sewer debt due as of the date of this agreement, with interest and fees being paid first.

- Interest and fees will continue to accrue until the balance owed to the City on this Property is paid in full. These costs can be minimized by early repayment.
- **FINAL PAYMENT.** On or before close of business December 16th, the Trust will pay to the City the balance owed on the Property. This sum shall be approximately Eighty-three Hundred Dollars (\$8,300.00) plus any additional amounts due, accrued or billed, including interest and fees, on the Property. The estimated amounts for 2014 taxes shall be adjusted to reflect the actual 2014 tax amounts billed. The Trust must pay 2014 taxes in full, plus accrued interest, if any, to reacquire title to the Property. The Trust shall, no earlier than 14 days and no later than 7 days before final payoff, request via email to kfussell@brewermaine.gov and mmarquis@brewermaine.gov the final payoff amount due, which the City shall provide.
- The failure of the Trust to make the payments to the City as hereinbefore provided will automatically make this Agreement null and void and the Trust shall have no further rights to reacquire the Property under the terms and conditions of this Agreement.
- Each Party represents to the other he or she has full and complete authority to enter into this Agreement.
- The Agreement contains the complete understanding of the parties and may only be modified by written mutual agreement of the parties.

IN WITNESS WHEREAS, the City has caused this instrument to be signed by Stephen M. Bost, its City Manager, duly authorized and WILLIAM A. MEUCCI, TRUSTEE OF THE WILLIAM T. MEUCCI LIVING TRUST DATED JANUARY 10, 2013, AND ANY AMENDMENTS has signed in his individual capacity, all on the day, month and year first above written.

CITY OF BREWER

BY: _____

STEPHEN M. BOST

Its: City Manager

Duly Authorized

OWNER

William A. Meucci, Trustee

WITNESS

WITNESS

2013-A106

July 9, 2013

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

filed July 3, 2013
by Matthew Vachon

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

FURTHER ORDERED, that the Council hereby directs that these proceeds be deposited in revenue account 0107204-300410 (Library Sale of Assets) and that these proceeds be appropriated for expenditure from expense account 0117201-502750 (Books) for the purpose of replenishing Library inventory with the more current and requested items.

2013-A107

July 9, 2013

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

filed July 3, 2013
by Jerry Goss

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

WHEREAS, the Sewer Department will dedicate all proceeds from the sale of scrap metal to fund and support a sewer 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 0680001-300410 (Sewer Wellness Sale of Assets) and authorizes the appropriation and expenditure of funds received from recycling scrap metal in FY13, from account 0680001-500844 (Sewer Wellness Expense) to support the sewer wellness program which shall be funded by the proceeds from the sale of such surplus city property.

2013-A108

July 9, 2013

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

filed July 3, 2013
by Joseph Ferris

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.

2013-A109

July 9, 2013

TITLE: ORDER, AUTHORIZE THE ACCEPTANCE OF A TEMPORARY EASEMENT FROM MACKLESS, LLC FOR THE STABLIZATION AND TRAIL WORK ON ITS PROPERTY.

filed July 3, 2013
by Arthur Verow

WHEREAS, the City of Brewer acting through its agent, is doing stabilization and trail work on the property of Mackless, LLC; and

WHEREAS, The City of Brewer already has an Easement for the stabilization and trail work on Mackless, LLC's property; and

City Council Minutes
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WHEREAS, said work requires the City to acquire a Temporary Easement from Mackless, LLC, as part of the work which will be outside of the limits of the existing Easement;

NOW THEREFORE BE IT ORDERED, that the City of Brewer, acting through its City Council, hereby accepts the necessary Temporary Easement from Mackless, LLC so that the City can complete its stabilization and trail work on Mackless, LLC's property, which is substantially in the form attached hereto and made a part hereof.

2013-A110

July 9, 2013

TITLE: ORDER, AUTHORIZE THE CONVEYANCE OF PROPERTY TO BREWER, LLC, UNDER CERTAIN TERMS AND CONDITIONS.

filed July 3, 2013
by Matthew Vachon

WHEREAS, the City of Brewer, acting through its City Council, conveyed the former Middle School property, located at 5 Somerset Street, in Brewer, to Brewer Redevelopment, LLC, which is a wholly owned entity of the City of Brewer; and

WHEREAS, the location of the former Middle School building on the property creates a parking issue that inhibits the redevelopment of the property; and

WHEREAS, City staff has recommended to the City Manager and City Council that a portion of Somerset Street and Center Street be discontinued as a public street and conveyed to Brewer Redevelopment, LLC to provide the necessary parking for the redevelopment of the former Middle School property; and

WHEREAS, the City Council has determined that the discontinuance of a portion of Somerset Street and Center Street as a public street will not adversely impact the traveling public; and

WHEREAS, the property in question once discontinued as a traveled way will no longer be necessary for public purposes and will therefore be surplus;

NOW, THEREFORE, BE IT ORDERED, that City staff shall prepare and offer to the City Council a proposed amendment to Chapter 24, Land Use Code of the City of Brewer, Article 9, Roads and Streets, Section 906.3.5 Street Design Standards, (Residential Standards) of the City of Brewer Charter, Codes and Ordinances to allow discontinuance of a portion of Somerset Street and Center Street as a public street and as described and shown on Exhibits A and B, attached hereto and made a part hereof; and

BE IT FURTHER ORDERED, that if the City council amends Chapter 24, Article 9, Section 906.3.5 as recommended by staff, the City Council shall discontinue the portion of Somerset Street and Center Street shown on said Exhibits A and B as a public street; and

BE IT FURTHER ORDERED, that once the portions of Somerset Street and Center Street described on said Exhibits A and B are discontinued as a public street, the City Council shall declare the said property so discontinued as surplus property; and

BE IT FURTHER ORDERED, that the property declared surplus as shown on said Exhibits A and B shall be conveyed by Municipal Quitclaim Deed, in consideration of One Dollar (\$1.00), to Brewer Redevelopment, LLC; and

City Council Minutes
July 9, 2013

BE IT FURTHER ORDERED, that the City Manager, or his designee, shall be authorized to take any and all actions and sign any and all documents necessary to effectuate the transfer of title to said property from the City of Brewer to Brewer Redevelopment, LLC.

2013-B044

July 9, 2013

TITLE: RESOLVE, AMEND THE CITY'S PERSONNEL POLICY.

filed July 3, 2013
by Jerry Goss

RESOLVED, that the City of Brewer Personnel Policy adopted May 9, 2000 and amended February 26 and May 10, 2006 be further amended by making substantive changes to Article V – Wage and Salary Administration, Section 6, Other Benefits.

NOTE: The complete text of Article V, Section 6, with the proposed additions underlined, is attached.

ARTICLE V
WAGE AND SALARY ADMINISTRATION

SECTION 6. OTHER BENEFITS. (#5)

PERSONAL LOAN PROGRAM

It is the policy of the City of Brewer to offer 0% interest loans to all full-time and part-time regular employees working a minimum of 20 hours per week for purchases described in this Section 6 of the personnel manual. Such loans are taxable benefits in accordance with IRS regulations. No assignments or re-negotiation of loans will be allowed once the loan agreement is in place. No employee will be allowed to have more than three open loans or be allowed to borrow more than \$5,000 in personal loans from the City of Brewer at any one time. Upon the termination or retirement of employee, all outstanding Personal Loan balances are immediately due and payable in full.

a. PERSONAL COMPUTER LOANS. It is the policy of the City to encourage and support all employees to become more comfortable and proficient at using personal computers and related software. A personal computer package costing up to a maximum of \$2,500 may be purchased and deducted through regular payroll deductions not exceeding 104 weeks, interest free. A copy of the invoice (with sales tax) of the purchase and a notarized Loan Agreement with the City of Brewer must be in the payroll department office prior to issuing a refund check to the employee and beginning deductions. A previous loan must be paid off in full to be eligible for a purchase/loan agreement on any future PC upgrades. Upon the termination or retirement of employee with an outstanding Personal Computer Loan balance, payment is due in full.

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b. It is the policy of the City of Brewer to encourage and support city employees in addressing energy efficiency projects at their primary residence. In order to be eligible for this program the employee must provide proper documentation to prove that the property receiving these funds is in their name and is their primary residence. Qualified Energy Efficiency upgrades shall not exceed \$5,000 and shall be deducted through regular payroll deductions not exceeding 104 weeks interest free. A copy of the invoice (with sales tax of the purchase and a notarized Loan Agreement with the City of Brewer must be in the payroll department office prior to issuing a refund check to the employee and beginning deductions. The City of Brewer will provide vouchers to qualified contractor/vendors when requested in order to allow the project to begin prior to payment.

Qualified energy efficiency upgrades include, but are not necessarily limited to:

- Furnace replacement
- Solar Panels (passive and active)
- Window upgrades
- Weatherization, including insulation improvements
- Other projects that are deemed qualified as energy projects by the City Manager.

c. At the discretion of the City Manager, and within the terms of the loan program described above, a loan may be provided to an employee to address an extraordinary emergency situation if the City Manager determines it is in the interest of the City to do so. Such loans shall be limited to extreme cases, shall not exceed \$5,000 and shall be deducted through regular payroll deductions not exceeding 104 weeks interest free. The employee shall make the request in writing and provide any documentation requested by the City Manager. A notarized Loan Agreement with the City of Brewer must be in the payroll department office prior to issuing a check and beginning deductions.

LIFE INSURANCE

The City will provide one (1) times salary level of life insurance for all qualified employees.

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July 9, 2013

HRA

The City will provide to eligible employees, at the employee's option a "Section 125 Cafeteria Plan," which permits health and dental insurance pretax premium conversion, medical reimbursement, and dependent care reimbursement. (#2)

2013-B045

July 9, 2013

TITLE: RESOLVE, APPROVE LIQUOR LICENSE APPLICATION OF DONGHANG LLC D/B/A CHINA ROSE BUFFET, 274 STATE STREET.

filed July 3, 2013
by Joseph Ferris

WHEREAS, Donghang d/b/a China Rose Buffet, 274 State Street has applied to the State of Maine, Bureau of Liquor Enforcement, for a Restaurant Class I, II, II, and IV (malt and vinous) liquor license; and

WHEREAS, the Brewer City officials have reviewed this application and done background checks on the applicant and have submitted recommendations to the City Council on this application; and

WHEREAS, after considering their recommendations the City Council finds as follows:

1. The applicant has not been convicted of any Class A, Class B, or Class C crime;
2. The licensed premises and its use are in compliance with all local zoning ordinances and other land use ordinances not directly related to liquor control;
3. There is no record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by person patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises which unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
4. There is no record of repeated incidents of record of breaches of peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; and
5. There is no record of the applicant having a violation of any provisions of Title 28-A, M.R.S.A. (Liquor Laws).

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council approves the application of Donghang LLC d/b/a China Rose Buffet, 274 State Street, for a State of Maine, Bureau of Liquor Enforcement, for a Restaurant Class I, II, III and IV (malt and vinous) liquor license.

D. Monthly Reports.

ACTION: Councilor Goss moved that the monthly reports from the city departments be accepted and placed on file. The motion was seconded and passed by A 3 to 0 vote.

E. Nominations, Appointments, Elections.

There were no items.

F. Unfinished Business.

There were no items.

G. New Business.

There were no items.

H. New Items with Leave of Council.

There were no items.

Chairman O'Connell said he would accept a motion for adjournment.

ACTION: Councilor Goss moved that the meeting be adjourned. The motion was seconded and passed by a 3 to 0 vote. The meeting adjourned at 6:39 p.m.

ADJOURNED, ATTEST: _____ Pamela J. Ryan
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine