

City Council Minutes
June 28, 2013

Special Meeting
City Hall Council Chambers

Friday, June 28, 2013
3:45 p.m.

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

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

Chairman O’Connell declared a quorum present. Assistant City Manager Varisco 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 special 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 special meeting of the City Council will be held on Friday, June 28, 2013 at 3:45 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	P. Ryan	CC	06/25/13	2:30 pm
Matthew Vachon	P. Antone	PSD	06/25/13	2:45 pm
Arthur Verow	P. Antone	PSD	06/25/13	2:50 pm
Jerry Goss	P. Antone	PSD	06/25/13	2:58 pm
Kevin O’Connell	P. Antone	PSD	06/25/13	3:02 pm

CITY COUNCIL SPECIAL MEETING
Friday, June 28 , 2013 3:45 P.M.
Brewer City Hall Council Chambers

I. Call to Order. (Mayor O'Connell)

II. Roll Call. (City Clerk)

III. Pledge of Allegiance to the Flag of the United States of America.
(Mayor O'Connell)

B. Awards, Petitions, Public Comments.

1. (2013-B031) RESOLVE, Urge the Penobscot County Commissioners
To Limit its 2014 Budget and Need for Increased
Taxes. (Councilor Verow and Mayor O'Connell)

2. Public Comments.

C. Consent Calendar.

1. (2013-B032) RESOLVE, Approve School Budget Appropriation for Fiscal
Year 2014. (Councilor Goss)

2. (2013-B033) RESOLVE, Approve City and School Budgets for Fiscal
Year 2014. (Councilor Ferris)

3. (2013-B034) RESOLVE, Approve Regional Vocational High School
Operating Budget. (Councilor Vachon)

4. (2013-B035) RESOLVE, Approve Regional Vocational High School Budget
on Adult Education. (Councilor Verow)

5. (2013-B036) RESOLVE, Approve Water Pollution Control Facility
Budget for Fiscal Year 2014. (Councilor Goss)

6. (2013-B037) RESOLVE, Approve Water Department Budget for Fiscal
Year 2014. (Councilor Ferris)

7. (2013-A086) ORDER, Authorize the Brewer School Department to Expend
Such Other Funds That May be Received From
Federal or State Grants or Programs.
(Councilor Vachon)

8. (2013-A087) ORDER, Set Tax Due Date and Interest Rate.
(Councilor Verow)

9. (2013-A088) ORDER, Accept Advance Payments on FY2015
Taxes. (Councilor Goss)

10. (2013-A089) ORDER, Set Fiscal Year 2014 Interest Rate for Late Payment
of Sewer Bills. (Councilor Ferris)

11. (2013-A090) ORDER, Set Interest Rate Paid on Abatements and
Overpayments of Taxes. (Councilor Vachon)

12. (2013-A091) ORDER, Authorize Set Offs Against Unpaid Taxes.
(Councilor Goss)

D. Monthly Reports. (none)

E. Nominations, Appointments, Elections.

1. (2013-A092) ORDER, Issue Warrant for July 8, 2013 City of Brewer School Budget Approval Election.
(Councilor Ferris)
2. (2013-B038) RESOLVE, Prescribe Registrar of Voters Hourly Schedule for the July 8, 2013 City of Brewer School Budget Approval Election.
(Councilor Vachon)

F. Unfinished Business. (no items)

G. New Business. (no items)

H. New Items with Leave of Council.

I. ADJOURN.

B. Awards, Petitions, Public Comments.

2013-B031

June 28, 2013

TITLE: RESOLVE, URGE THE PENOBSCOT COUNTY COMMISSIONERS TO LIMIT ITS 2014 BUDGET AND NEED FOR INCREASED TAXES.

filed June 24, 2013
by Arthur Verow and
Kevin O'Connell

WHEREAS, the budget of Penobscot County is primarily supported by taxes it levies on every community in the county and its unorganized territories; and

WHEREAS, the total amount raised in these taxes has grown over 55% in the past ten years, or an average of over 5% annually; and

WHEREAS, the amount Brewer pays to the County annually in taxes has followed this trend, increasing every year for the last ten years, for an average annual increase of 5.7%; and

WHEREAS, the County expenditure budget approved for 2013 was 3.1% higher than the year before; and

WHEREAS, municipalities have been asked by the state to trim budgets and find savings wherever possible; and

WHEREAS, with reduced available revenues, the City of Brewer requests that the Penobscot County Commissioners take into consideration the difficult budget decisions for all municipalities and work to minimize the level of payments made to the County;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council hereby urges the Commissioners of Penobscot County to utilize all cost saving measures and work to reduce their annual budget for this year and in the future to help our communities maintain manageable financial support to the County.

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

Chairman O'Connell read the resolve into the record. Chairman O'Connell asked the City Clerk to send a copy of the resolve to William Collins, Penobscot County Administrator.

The resolve was adopted by unanimous vote.

PUBLIC COMMENTS.

None.

C. Consent Calendar.

ACTION: Councilor Ferris removed order 2013-B032, Councilor Goss removed order 2013-B033 and Councilor Verow removed order 2013-A087.

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

2013-B032

June 28, 2013

TITLE: RESOLVE, APPROVE SCHOOL BUDGET APPROPRIATION FOR FISCAL YEAR 2014.

filed June 24, 2013
by Jerry Goss

BE IT RESOLVED, that the following school budget articles be adopted and approved for fiscal year 2013-2014:

1. That **\$8,155,119** be authorized to be expended for Regular Instruction.
2. That **\$2,728,528** be authorized to be expended for Special Education.
3. That **\$166,052** be authorized to be expended for Career and Technical Education.

4. That **\$920,166** be authorized to be expended for Other Instruction.
5. That **\$1,295,380** be authorized to be expended for Student and Staff Support.
6. That **\$558,066** be authorized to be expended for System Administration.
7. That **\$934,322** be authorized to be expended for School Administration.
8. That **\$484,788** be authorized to be expended for Transportation and Buses.
9. That **\$1,787,565** be authorized to be expended for Facilities Maintenance.
10. That **\$3,268,043** be authorized to be expended for Debt Service and Other Commitments.
11. That **\$6,938** be authorized to be expended for All Other Expenditures.; and

BE IT FURTHER RESOLVED, that **\$15,399,639** be appropriated for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that ~~**\$5,937,737**~~ **\$5,754,699** be raised as the municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, M.R.S.A. Section 15688; and

Explanation: The school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

BE IT FURTHER RESOLVED, that **\$413,179** be raised and appropriated for the annual payments on debt service previously approved by the municipality's legislative body for non-state-funded school construction projects, or non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the municipality's contribution to the total cost of funding public education from kindergarten to grade 12; and

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the municipality's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.

BE IT FURTHER RESOLVED, that **\$1,065,705** be raised and appropriated in additional local funds for school purposes under Maine Revised Statutes, Title 20-A §15671-A.

Explanation: The additional local funds are those locally raised funds over and above the school administrative unit's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the (municipality/district) budget for educational programs.

BE IT FURTHER RESOLVED, that the school committee be authorized to expend **\$20,304,967** for the fiscal year beginning July 1, 2013 and ending June 30, 2014 from the municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools; and

BE IT FURTHER RESOLVED, that the school committee be authorized to accept and expend any and all categories of funds as provided by the Maine State Legislature or the United States Congress (Examples of some of these funds and estimated amounts based on funds received last year are listed below)

<u>Category</u>	<u>Estimated Amounts</u>
Title IA	275,000
Title IIA	80,000
Local Entitlement	330,000
School Lunch Subsidy	190,000

BE IT FURTHER RESOLVED, that the Regional Vocational Budget as approved by the Cooperative Board for the year July 1, 2013 to June 30, 2014 be approved in the amount of **\$164,135**; and

BE IT FURTHER RESOLVED, that the City will appropriate **\$4,388** for adult education at the United Technologies Center and raise **\$4,388** as the local share; with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program.

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

Councilor Goss moved that the resolve be amended by overstriking the amount \$5,937,737 and inserting the figure \$5,754,699 in the second paragraph of the first page of the resolve. The motion was seconded and passed by unanimous vote.

The resolve, as amended, was adopted by unanimous vote.

2013-B033

June 28, 2013

TITLE: RESOLVE, APPROVE CITY AND SCHOOL BUDGETS APPROPRIATION
FOR FISCAL YEAR 2014.

filed June 24, 2013
by Joseph Ferris

RESOLVED, that the sum of \$16,142,649 which sum constitutes the estimated requirements of the City for the fiscal year 2014 (commencing July 1, 2013 and terminating June 30, 2014) based upon the budget submitted by the City Manager as provided by the City Charter, be raised by assessments upon the estates of the Inhabitants of the City of Brewer and upon the estates of the non-resident proprietors within the City for the present municipal year and the sum is hereby appropriated, in addition sums otherwise provided, the amount for each purpose being specified in the schedule hereto attached:

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

Councilor Ferris moved that the resolve be amended by replacing the FY2014 Budget Resolve attachment in its entirety of the resolve. The motion was seconded and passed by unanimous vote.

The resolve, as amended, was adopted by a 4 to 1 vote, Councilor Vachon opposed.

City Council Minutes
June 28, 2013

2013-B034

June 28, 2013

TITLE: RESOLVE, APPROVE REGIONAL VOCATIONAL HIGH SCHOOL
OPERATING BUDGET.

filed June 24, 2013
by Matthew Vachon

RESOLVED, that the Brewer City Council herewith approves the regional vocational high school budget, as approved by the cooperative board, for the year July 1, 2013 – June 30, 2014 in the amount of \$2,510,839.

NOTE: *The budget for 2012-2013 was \$2,423,955.*

2013-B035

June 28, 2013

TITLE: RESOLVE, APPROVE REGIONAL VOCATIONAL HIGH SCHOOL
BUDGET ON ADULT EDUCATION.

filed June 24, 2013
by Arthur Verow

RESOLVED, that the Brewer City Council herewith approves the regional vocational high school budget for adult education, as approved by the cooperative board, in the amount of \$201,104 for the year July 1, 2013 – June 30, 2014.

NOTE: *The budget for 2012-2013 was \$228,289.*

2013-B036

June 28, 2013

TITLE: RESOLVE, APPROVE WATER POLLUTION CONTROL FACILITY
BUDGET FOR FISCAL YEAR 2014.

filed June 24, 2013
by Jerry Goss

RESOLVED, that the City Council herewith approves the Brewer Water Pollution Control Facility budget for City Fiscal Year of July 1, 2013 through June 30, 2014, as follows:

Total Cash Operating Expenses	\$ 1,614,485
Total Debt Service	\$ 914,273
Total Depreciation	\$ 713,000
Total Other Non-Operating Expenses	<u>\$ 25,000</u>
SUBTOTAL	\$ 3,266,758

City Council Minutes
June 28, 2013

Total Capital Improvements	\$ <u>244,000</u>
GRAND TOTAL EXPENDITURES	\$ 3,510,758
Total Operational Revenues	\$ 2,529,170
Total Use of Retained Earnings	\$ 713,000
Other non operational Revenue	\$ <u>24,588</u>
SUBTOTAL	\$ 3,266,758
Total Capital Funding	\$ <u>244,000</u>
GRAND TOTAL REVENUES	\$ 3,510,758

2013-B037

June 28, 2013

TITLE: RESOLVE, APPROVE WATER DEPARTMENT BUDGET FOR FISCAL YEAR 2014.

filed June 24, 2013
by Joseph Ferris

RESOLVED, that the City Council herewith approves the Water Department budget, as presented, for the City's Water System for the Fiscal Year of July 1, 2013 through June 30, 2014 as follows:

Total Cash Operating Expenses	\$ 1,357,420
Total Debt Service	\$ 1,077,875
Total Depreciation	\$ 0
Total Other Non-Operating Expenses	\$ <u>17,428</u>
SUBTOTAL	\$ 2,452,723
Total Capital Improvements	\$ <u>907,000</u>
GRAND TOTAL EXPENDITURES	\$ 3,359,723
Total Operational Revenues	\$ 2,452,723
Total Use of Retained Earnings	\$ 0
Other non operational Revenue	\$ <u>0</u>
SUBTOTAL	\$ 2,452,723
Total Capital Funding	\$ <u>907,000</u>
GRAND TOTAL REVENUES	\$ 3,359,723

City Council Minutes
June 28, 2013

2013-A086

June 28, 2013

TITLE: ORDER, AUTHORIZE THE BREWER SCHOOL DEPARTMENT TO EXPEND SUCH OTHER FUNDS THAT MAY BE RECEIVED FROM FEDERAL OR STATE GRANTS OR PROGRAMS.

filed June 24, 2013
by Matthew Vachon

ORDERED, that the City Council authorizes the Brewer School Department to expend such other sums as may be received from federal or state grants or programs or other sources during the fiscal year for school purposes provided such grants, programs or other sources do not require the expenditure of other funds not previously appropriated.

2013-A087

June 28, 2013

TITLE: ORDER, SET TAX DUE DATE AND INTEREST RATE.

filed June 24, 2013
by Arthur Verow

ORDERED, that taxes for the municipal year commencing July 1, 2013 and which shall expire on June 30, 2014 are due and payable semi-annually on the following dates:

A. 1/2 of total taxes due
and payable on or before September 10, 2013

and if the same are not paid on or before September 10, 2013 they shall bear interest at the rate of 7.0% per annum from September 11, 2013 until paid.

B. 1/2 of the total taxes due
and payable on or before March 11, 2014

and if the same are not paid on or before March 11, 2014 they shall bear interest at the rate of 7.0% per annum from March 12, 2014 until paid.

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

Councilor Verow asked if the 7% interest rate was high. He said he was just trying to see if they could give the taxpayers a break by a lower interest rate.

City Council Minutes
June 28, 2013

Finance Director Karen Fussell said that it was not a high interest rate compared to some invoices which will have an 18% rate of interest for late payments.

The order was passed by unanimous vote.

2013-A088

June 28, 2013

TITLE: ORDER, ACCEPT ADVANCE PAYMENTS ON FY2015 TAXES.

filed June 24, 2013
by Jerry Goss

ORDERED, that the Brewer Tax Collector and Treasurer be permitted to accept payments in advance when offered at 0% interest, to be applied to FY2014 taxes which have not been committed or billed.

BACKGROUND: In accordance with Title 36 MRSA §506-A, Municipalities should vote each year on the acceptance of advance payments.

2013-A089

June 28, 2013

TITLE: ORDER, SET FY2014 INTEREST RATE FOR LATE PAYMENT OF SEWER BILLS.

filed June 24, 2013
by Joseph Ferris

ORDERED, that in accordance with City of Brewer Charter, Codes and Ordinance, Chapter 31, Section 1208, the interest rate on unpaid sewer bills is set at seven percent per annum (7.0%) for Fiscal Year 2014.

2013-A090

June 28, 2013

TITLE: ORDER, SET INTEREST RATE PAID ON ABATEMENTS AND OVERPAYMENTS OF TAXES.

Filed June 24, 2013
by Matthew Vachon

ORDERED, that pursuant to Title 36 MRSA §506-A, interest on previously paid taxes that are abated, or which have been overpaid, for Fiscal Year 2014 shall be paid at the rate of three percent (3.0%) per annum from the date of payment by the taxpayer to the date of abatement or refund by the City.

2013-A091

June 28, 2013

TITLE: ORDER, AUTHORIZE SET OFFS AGAINST UNPAID TAXES.

filed June 24, 2013
by Jerry Goss

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.

D. Monthly Reports.

None.

E. Nominations, Appointments, Elections.

2013-A092

June 28, 2013

TITLE: ORDER, ISSUE WARRANT FOR JULY 8, 2013 CITY OF BREWER SCHOOL BUDGET APPROVAL ELECTION AND SET POLLING HOURS FOR JULY 8, 2013 CITY OF BREWER SCHOOL BUDGET APPROVAL ELECTION.

Filed June 24, 2013
by Joseph Ferris

WHEREAS, the City of Brewer School Budget Approval Election will be held on the eighth day, July, 2013; and

WHEREAS, Title 21-A, M.R.S.A., Section 626(1) provides that the polls must be opened no earlier than 6:00 a.m. and no later than 9:00 a.m. on election day; and

WHEREAS, Title 21-A, M.R.S.A., Section 626(1) further provides that the municipal officers shall determine the time of opening the polls within the time limits of 6:00 a.m. to 9:00 a.m.; and

WHEREAS, a poll opening time of 7:00 a.m. will, in the judgment of the municipal officers, meet the needs of the municipality for the July 8, 2013 election;

NOW, THEREFORE, BE IT ORDERED, that the municipal officers herewith set the time of 7:00 a.m. for opening the polls for the July 8, 2013 City of Brewer School Budget Approval Election; and

FURTHER ORDERED, that the municipal officers issue a warrant for the City of Brewer School Budget Approval Election to be held on July 8, 2013 with the polls to open at 7:00 a.m. and close at 8:00 p.m.

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

The order was passed by unanimous vote.

**CITY OF BREWER
MUNICIPAL ELECTION**

Penobscot ss.

State of Maine

To: _____, a Constable in the City of Brewer.

You are hereby required in the name of the State of Maine to notify the voters of the City of Brewer of the election described in this warrant.

**TO THE VOTERS OF THE CITY OF BREWER
WARD 1, PRECINCTS 1 AND 2**

You are hereby notified that the municipal school budget approval election in the municipality will be held at the Brewer Auditorium on Monday, the eighth day of July, 2013 for the purpose of affecting the approval of:

Article 1: Do you favor approving the City of Brewer school budget for the upcoming school year that was adopted at the City Council meeting held on June 28, 2013 and that includes locally raised funds that exceed the required local contribution as described in the Essential Programs and Services Funding Act?

Article 2: Do you wish to continue the budget validation referendum process in Brewer for an additional three years?

The polls shall be opened at 7:00 A.M. and close at 8:00 P.M.

The Registrar of Voters shall hold office hours while the polls are open to correct any error in or change a name or address on the voting list, to accept the registration of any person eligible to vote and to accept new registrations.

A person who is not registered as a voter may not vote in any election.

Dated at Brewer, Maine this ____ day of _____ in the year of Our Lord, Two Thousand Thirteen.

Majority of the Municipal Officers of Brewer

2013-B038

June 28, 2013

TITLE: RESOLVE, PRESCRIBE REGISTRAR OF VOTERS HOURLY SCHEDULE FOR THE JULY 8, 2013 CITY OF BREWER SCHOOL BUDGET APPROVAL ELECTION.

filed June 24, 2013
by Matthew Vachon

WHEREAS, the City of Brewer School Budget Approval Election will be held on July 8, 2013; and

WHEREAS, Title 21-A M.R.S.A., Section 122 (6)(A)(2) provides in part, that in a municipality with a population of more than 2,500, the Registrar of Voters shall accept registrations on the last 5 business days before election day, during the hours that the city clerk's office is open (8:00 a.m. – 5:00 p.m.) and for 2 hours in the evening between 5:00 p.m. and 9:00 p.m. on at least 3 of these days; and

WHEREAS, the City of Brewer has a population greater than 2,500 according to the 2010 federal census; and

WHEREAS, Title 21-A M.R.S.A., Section 122 (8) provides that the hourly schedule may be changed by the municipal officers according to the needs of the municipality; and

WHEREAS, the Registrar of Voters suggests that the needs of the municipality are sufficiently met with the 8:00 a.m. to 5:00 p.m. daily schedule and with election day voter registration so that it is not necessary for the Registrar of Voters to hold office hours and accept registrations during evening hours between 5:00 p.m. and 9:00 p.m. on at least 3 of the days during the last 5 business day period prior to the election; and

WHEREAS, the municipal officers concur with this assessment by the Registrar of Voters;

NOW, THEREFORE, BE IT ORDERED, that the municipal officers herewith prescribe the hours of registration as 8:00 a.m. to 5:00 p.m. on the five business days next prior to the City election to be held on July 8, 2013.

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

The order was passed by unanimous vote.

F. Unfinished Business.

No items.

G. New Business.

No items.

H. New Items with Leave of Council.

No items.

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

ACTION: Councilor Ferris moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting adjourned at 4:13 p.m.

ADJOURNED, ATTEST: _____ Pamela J. Ryan
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine