

City Council Minutes
June 3, 2014

Regular Meeting
City Hall Council Chambers

Tuesday, June 3, 2014
6:00 p.m.

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

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

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

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

Chairman Goss read the notice for the regular meeting.

TO: Joseph Ferris, Jerry Goss, Kevin O'Connell, Matthew Vachon and Beverly Uhlenhake
MEMBERS OF THE BREWER CITY COUNCIL You are hereby notified a regular meeting of the City Council will be held on Tuesday, June 3, 2014 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider and act on the items on the attached agenda.

s/Jerry Goss
Mayor and Chairman of the City Council

or _____
Majority of the City Council

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

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	N. Feero	Sgt.	05/30/14	1729
Matthew Vachon	P. Ryan	CC.	05/30/14	4:15 pm
Beverly Uhlenhake	N. Feero	Sgt.	05/30/14	1720
Jerry Goss	N. Feero	Sgt.	05/30/14	1710
Kevin O'Connell	N. Feero	Sgt.	05/30/14	1724

CITY COUNCIL REGULAR MEETING
Tuesday, June 3, 2014 6:00 P.M.
Brewer City Hall Council Chambers

- I. Call to Order.** (Mayor 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 20, 2014 Regular Meeting.** (Councilor Vachon)
- B. Awards, Petitions, Public Comments.**
 - 1. (2014-B027) RESOLUTION OF RESPECT for Lawrence W. “Bud” Lyford. (Mayor Goss)
 - 2. (2014-B028) RESOLVE, Recognize the Brewer Technology Department for Service to the Citizens of Brewer.
(Mayor Goss)
 - 3. PROCLAMATION: Juneteenth Celebration Day (Mayor Goss)
 - 4. Public Comments.
- C. Consent Calendar.**
 - 1. (2014-B029) RESOLVE, Approve School Budget Appropriation for Fiscal Year 2015. (Councilor O’Connell)
 - 2. (2014-B030) RESOLVE, Approve City and School Budgets for Fiscal Year 2015. (Councilor Vachon)
 - 3. (2014-B031) RESOLVE, Approve Regional Vocational High School Operating Budget. (Councilor Uhlenhake)
 - 4. (2014-B032) RESOLVE, Approve Regional Vocational High School Budget on Adult Education. (Councilor Ferris)
 - 5. (2014-B033) RESOLVE, Approve Water Pollution Control Facility Budget for Fiscal Year 2015.
(Councilor O’Connell)
 - 6. (2014-B034) RESOLVE, Approve Water Department Budget for Fiscal Year 2015. (Councilor Vachon)
 - 7. (2014-A072) ORDER, Authorize the Brewer School Department to Expend Such Other Funds That May be Received From Federal or State Grants or Programs.
(Councilor Uhlenhake)
 - 8. (2014-A073) ORDER, Set Tax Due Date and Interest Rate.
(Councilor Ferris)
 - 9. (2014-A074) ORDER, Accept Advance Payments on FY2016 Taxes. (Councilor O’Connell)
 - 10. (2014-A075) ORDER, Set Fiscal Year 2015 Interest Rate for Late Payment of Sewer Bills. (Councilor Vachon)
 - 11. (2014-A076) ORDER, Set Interest Rate Paid on Abatements and Overpayments of Taxes. (Councilor Uhlenhake)

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12. (2014-A077) ORDER, Authorize Set Offs Against Unpaid Taxes.
(Councilor Ferris)
13. (2014-A078) ORDER, Grant Approval to Fraternal Order of Eagles #3177
to Allow Patrons to Consume Alcohol at
Special Outdoor Events on the Organization's
Property. (Councilor O'Connell)
14. (2014-A079) ORDER, Grant Approval to R M B & G d/b/a Brewster's
Fine Food & Drink to Allow Patrons to Consume
Alcohol at a Special Outdoor Event on the
Establishment's Property. (Councilor Vachon)
15. (2014-A080) ORDER, Grant Approval to Delano G. Merritt d/b/a Cap's
Tavern to Allow Patrons to Consume Alcohol at a
Special Outdoor Event on the Establishment's
Property. (Councilor Uhlenhake)
16. (2014-A081) ORDER, Authorize Purchase of Rock Salt.
(Councilor Ferris)
17. (2014-A082) ORDER, Authorize the Writeoff of Uncollectible Personal
Property Taxes. (Councilor O'Connell)
18. (2014-A083) ORDER, Approve Amendment to Zoning District to Change
A Portion of Office Residential (OR) to Adaptive
Residential Multi-unit (ARM) at 131 State Street
(Map 31, a Portion of Lot 38) Via a Contract Zone
Agreement Between the City of Brewer, Brewer
Redevelopment LLC and Village Centre Housing
Partners LP/Community Housing of Maine Inc.
(Councilor Vachon)
19. (2014-A084) ORDER, Authorize Change to the City's Health Insurance
Plan for Nonunion Employees and Amend the
Personnel Policy to Conform.
(Councilor Uhlenhake)
20. (2014-A085) ORDER, Award Contract for Sod Turf for Dougherty
Recreational Complex Little League Field.
(Councilor Ferris)
21. (2014-A086) ORDER, Authorize Funding of Abatement Expense.
(Councilor O'Connell)
22. (2014-A087) ORDER, Authorize Application of Interest Earnings to
Reserve Fund. (Councilor Vachon)
23. (2014-A088) ORDER, Reappropriate Unneeded Funds to Water General
Capital Reserve Account. (Councilor Uhlenhake)
24. (2014-A089) ORDER, Authorize Ambulance Revenue Distribution
Payments to Meridian Mobile Health.
(Councilor Ferris)
25. (2014-A090) ORDER, Authorize Contract with Meridian Mobile
Health, LLC for Ambulance Billing Services.
(Councilor O'Connell)

26. (2014-A091) ORDER, Approve a Seven (7) Year Contract Between the City of Brewer and Frost Septic and Sons, LLC for Frost Septic and Sons, LLC to Dispose of Hauled Septic Wastewater at the Brewer Water Pollution Control Facility. (Councilor Vachon)
27. (2014-A092) ORDER, Authorize One-Time Contribution to Bangor Area Recovery Network (BARN).(Councilor Uhlenhake)

D. Monthly Reports. (None)

E. Nominations, Appointments, Elections.

F. Unfinished Business.

1. (2014-C003) Amend Chapter 16 (Building Code), Section 114.1 Building Permit Fee Schedules (A, B, C and D) of the City of Brewer Charter, Codes and Ordinances. (Councilor Uhlenhake) (posted 5/21/14)
2. (2014-C004) Amend Chapter 17 (Electrical Code), Article 3, Permits, Section 303, Schedule of Permit Fees, of the City of Brewer Charter, Codes and Ordinances. (Councilor O'Connell) (posted 5/21/14)
3. (2014-C005) Amend Chapter 18 (Plumbing Code), Article 3, Permits, Section 303, Permit Fee, Subsection 303.1 of the City of Brewer Charter, Codes and Ordinances. (Councilor Ferris)(posted 5/21/14)
4. (2014-C006) Amend Chapter 28 (Brewer Sign Ordinance), Article 4, Permit Procedure, by Adding Section 4.4, Fee, and by Removing the Code Enforcement Department Fee Schedule at the End of the Chapter 28 of the City of Brewer Charter, Codes and Ordinances. (Councilor Vachon)(posted 5/21/14)
5. (2014-C007) Amend Chapter 29 (Code Enforcement Department) of the City of Brewer Charter, Codes and Ordinances by Complete Substitution of the Chapter. (Councilor Uhlenhake) (posted 5/21/14)
6. (2014-C008) Amend Chapter 31 (Sewer and Pretreatment Ordinance), Article 4, Building Sewers, Connections and Extensions, Section 402, Application Fee Required and Article 7, Hauled Wastewater, Sections 702 (Discharge Fees), 703 (Discharge Requirements) and 704 (Discharge Procedure) of the City of Brewer Charter, Codes and Ordinances. (Councilor O'Connell)(posted 5/21/14)
7. (2014-C009) Amend Chapter 41 (Engineering Department), Article 2, City Engineer, Section 203, Other Duties, by adding Subsection 203.11 of the City of Brewer, Charter, Codes and Ordinances. (Councilor Ferris)(posted 5/21/14)

G. New Business.

1. (2014-C010) Amend Chapter 1 (The City Council), Article 3, Rules of Order, Section 330, Meetings, Subsection 330.8 by Adding Consent Calendar to Items F and G of the City of Brewer Charter, Codes and Ordinances. (Councilor Ferris)

2. (2014-C011) Amend Chapter 2 (The City Manager), Section 102, Powers and Duties of the City of Brewer Charter, Codes and Ordinances. (Councilor O'Connell)
3. (2014-C012) Amend Chapter 3 (The City Clerk), Section 101, Establishment of the City of Brewer Charter, Codes and Ordinances. (Councilor Vachon)
4. (2014-C013) Amend Chapter 5 (Assessor), Article 1, The Assessor, Section 101, Establishment of the City of Brewer Charter, Codes and Ordinances. (Councilor Uhlenhake)
5. (2014-A093) ORDER, Amend the Schedule of Fees by Complete Substitution. (Councilor Ferris)

H. New Items with Leave of Council.

I. ADJOURN.

A. Minutes of May 20, 2014 Regular Meeting.

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

B. Awards, Petitions and Public Comments.

2014-B027

June 3, 2014

TITLE: RESOLUTION OF RESPECT FOR LAWRENCE W. "BUD" LYFORD.

filed May 28, 2014
by Jerry Goss

WHEREAS, on the 5th day of April, 2014, death brought to a close the full and active life of Lawrence W. "Bud" Lyford of Brewer; and

WHEREAS, Lawrence "Bud" Lyford was a graduate of Brewer High School where he played football, basketball and baseball and was the first player to be named to the All-State Football Team; and

WHEREAS, Bud was a devoted husband, father, grandfather, and great-grandfather, and he was a member of the Brewer Historical Society, First Methodist Church of Brewer, Brewer Boosters Club and the Masons; and

WHEREAS, Bud served his country from 1943-1946 in the Timberwolf Division of the U.S. Army. He was wounded in Germany and was awarded the purple heart and the bronze star during World War II; and

WHEREAS, Bud was owner-operator of Thompson & Lyford Hardware in Brewer for 40 years. He was past president of the New England Hardware Association, former chairman of the board for Bangor Savings & Loan, Brewer Housing Authority and Brewer Parks and Recreation. Lawrence and Jean Lyford were named Brewer Citizens of the Year in 2009 ;

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

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

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

Councilor Ferris read the resolve into the record while presenting a plaque with the resolve on it to Jean Lyford along with copies of the resolve for the family.

Councilor O’Connell said that you couldn’t condense into one resolve what this man meant. He said he was sure gonna miss him.

Mayor Goss recalled that when he was 8 years old he played little league for 5 years and Thompson-Lyford was his team’s sponsor.

Jean Lyford thanked the Council members for the recognition of her husband and for the flowers and cards.

The resolve was adopted by unanimous vote.

B014-B028

June 3, 2014

TITLE: RESOLVE, RECOGNIZE THE BREWER TECHNOLOGY DEPARTMENT FOR SERVICE TO THE CITIZENS OF THE CITY OF BREWER.

filed May 28, 2014
by Jerry Goss

WHEREAS, the Brewer Technology Department was established on July 1, 1998; and

WHEREAS, the Brewer Technology Department is dedicated to providing reliable and secure access to information systems and computer technology to support the operations of all the City Departments. The Technology Department strives to provide quality customer service to all city users and promotes the efficient use of technology through coordinated planning and acquisition of services, while staying current with technology applications and solutions; and

WHEREAS, the Brewer Technology Department supports the computer and network needs of 100 plus users/workstations with multiple servers within the City departments; and

WHEREAS, the primary goal of the Brewer Technology Department is to ensure that the City computer network operates efficiently and effectively on a daily basis. The City promotes its employees to be independent and responsible users of technology; and

WHEREAS, the Brewer Technology Department assists City Departments with the City's E-government which includes items such as E-List, Rapid Renewal (online auto registration through the state), the City web page (www.brewermaine.gov), and social networking. The web page provides citizens and businesses with items such as the city ordinances, a city calendar, and the city tax maps. The City's E-List is used to communicate City information such as spring clean-up, Brewer Days, universal waste days, and city-sponsored-activities to our citizens and local businesses; and

WHEREAS, the Brewer Technology Director, Mary Stuart has faithfully and dutifully performed her duties with the utmost professionalism;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of Brewer, herewith recognizes and commends the Brewer Technology Department for outstanding and dedicated service to the Citizens of the City of Brewer.

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

Councilor Uhlenhake read the resolve into the record while presenting it to Technology Director Mary Stuart.

Councilor Uhlenhake said it is pretty amazing that with the complexity of the city network that she keeps everyone on line.

Mayor Goss thanked Mary for keeping us connected every day.

The resolve was adopted by unanimous vote.

PROCLAMATION Juneteenth Celebration Day

WHEREAS, On June 19, 1865, the Union soldiers finally arrived in Galveston, Texas with the news that the war had ended and that slaves were now free, a declaration that took nearly two and a half years after the Emancipation Proclamation to reach Texas; and

WHEREAS, The Emancipation Proclamation declared “that all persons held as slaves” within the rebellious states “are, and henceforward shall be free”; and

WHEREAS, Juneteenth is a celebration of the spirit of self-empowerment, and a commemoration of the long, and arduous fight for freedom by African- Americans in the United States; and

WHEREAS, During Juneteenth, people of all cultures from Brewer, Penobscot County and the United States take time to truthfully acknowledge a period in our history that still shapes our country today; honor the diversity of our great country; and learn more about African-American heritage, contributions and customs.

NOW, THEREFORE, I, JERRY GOSS, Mayor of the City of Brewer, do hereby proclaim the nineteenth day of June, two thousand fourteen as

JUNETEENTH CELEBRATION DAY

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brewer to be imprinted this third day of June, two thousand fourteen.

Signed this third day of June, 2014

Jerry Goss, Mayor

Mayor Goss read the proclamation into the record.

Councilor Ferris said he has attended the celebration at Chamberlain Park and it is very nice.

Also mentioned was that the ROTC program members at Brewer High School help take care of the park.

PUBLIC COMMENTS.

Mayor Goss introduced Katie Connor as Brewer's new Library Director. He gave her the City's coin and challenged her to bring readers in through the doors of the library and encourage them to come back.

Mayor Goss asked that an email from the City Manager dated June 2, 2014 concerning changes at the landfill be read into the record. He asked the City Clerk to poll the Council.

The vote to read the email into the record was unanimous.

From: Steve Bost <sbost@BrewerMaine.gov>

Date: Monday, June 2, 2014 at 3:19 PM

To: Jerry Goss <jgbrw@aol.com>, Matt Vachon <thevachon@hotmail.com>, Joe Ferris <joe@josephferris.com>, Kevin OConnell <oconnell1960@myfairpoint.net>, Bev Uhlenhake <councilor.uhlenhake@gmail.com>

Subject: compost

Mayor Goss and Councilors,

Based upon feedback we have received in this office about changes at the landfill, I offer the following observations:

Most people are very understanding of the changes to the recycling drop-off area. They understand that the cost was significant, that the savings have been applied to the City's effort to keep the mil rate flat, that the move extends the life of the landfill thereby pushing out the cost of eventual closure, and that curbside recycling will be unchanged. The few businesses that I have spoken with that do not already have their own recycling are surprised to learn how inexpensive it can be for a dumpster or container.

We have not received any significant concerns about the dump being open every 1st and 3rd Saturday for demolition debris, household goods and debris etc. This has been helped by the fact that we have continued with Spring cleanup and the open dump week.

The most common complaints have been over the period required to wait between the dumping of grass trimmings, leaves etc. at the compost pile. For safety and security reasons, as well as preventing illegal dumping, we need to have a staff person on duty and cannot let this area of the landfill go unsupervised. The feedback we are getting is that 2 weeks is too long for many people. To address this Dave, Jim and I met today to arrive at what we believe to be a solution. In addition to the dump and compost pile being open every 1st and 3rd Saturday, we will have the compost area open and staffed every Tuesday morning from 7am to 11:30am. The dump area will not be open or accessible during this time. People are accustomed to Tuesdays because the dump has always been closed on Mondays. This will allow for compost access for those that cannot go on a Saturday, or who perhaps mow on the weekend and won't be able to mow and drop off trimmings the same day. It will give residents weekly access to the pile and limit the amount of time the trimmings accumulate at home. Having the open Morning on a Tuesday will

avoid most holidays. Finally, there will be no cost to this as we will pull a staff person off crew for this period.

I hope you agree that this will accommodate those that have had concerns about the wait between trips to the compost pile, and maintains our overall goal of keeping costs down and extending the life of the landfill. It also demonstrates that we have been listening to residents and have offered a constructive solution. A new sign is being made to reflect this change (at the landfill), and we will get the word out by other means as well. Feel free that share this if asked, and obviously tomorrow night's Council meeting would be a good opportunity as well.

Thanks

Steve

C. Consent Calendar.

ACTION: Councilor Ferris removed orders 2014-A081 and A091. Councilor Uhlenhake removed order 2014-A083. Mayor Goss removed order 2014-A092.

Councilor Vachon 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.

2014-B029

June 3, 2014

TITLE: RESOLVE, APPROVE SCHOOL BUDGET APPROPRIATION FOR FISCAL YEAR 2015.

filed May 28, 2014
by Kevin O'Connell

BE IT RESOLVED, that the following school budget articles be adopted and approved for fiscal year 2014-2015:

1. That **\$8,230,311** be authorized to be expended for Regular Instruction.
2. That **\$2,784,807** be authorized to be expended for Special Education.
3. That **\$172,000** be authorized to be expended for Career and Technical Education.
4. That **\$917,501** be authorized to be expended for Other Instruction.
5. That **\$1,348,639** be authorized to be expended for Student and Staff Support.
6. That **\$574,282** be authorized to be expended for System Administration.

7. That **\$933,020** be authorized to be expended for School Administration.
8. That **\$495,712** be authorized to be expended for Transportation and Buses.
9. That **\$1,830,313** be authorized to be expended for Facilities Maintenance.
10. That **\$3,235,384** be authorized to be expended for Debt Service and Other Commitments.
11. That **\$7,126** be authorized to be expended for All Other Expenditures.; and

BE IT FURTHER RESOLVED, that **\$15,719,660** 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 **\$5,865,008** 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 **\$408,179** 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 **\$866,369** 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 **\$20,529,095** for the fiscal year beginning July 1, 2014 and ending June 30, 2015 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	273,000
Title IIA	79,000
Local Entitlement	394,000
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, 2014 to June 30, 2015 be approved in the amount of **\$171,520**; and

BE IT FURTHER RESOLVED, that the City will appropriate **\$4,785** for adult education at the United Technologies Center and raise **\$4,785** 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.

2014-B030

June 3, 2014

TITLE: RESOLVE, APPROVE CITY AND SCHOOL BUDGETS APPROPRIATION FOR FISCAL YEAR 2015.

filed May 28, 2014
by Matthew Vachon

RESOLVED, that the sum of \$16,142,652 which sum constitutes the estimated requirements of the City for the fiscal year 2015 (commencing July 1, 2014 and terminating June 30, 2015) 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:

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2014-B031

June 3, 2014

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

filed May 28, 2014
by Beverly Uhlenhake

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, 2014 – June 30, 2015 in the amount of \$2,586,839.

NOTE: *The budget for 2013-2014 was \$2,510,839.*

2014-B032

June 3, 2014

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

filed May 28, 2014
by Joseph Ferris

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 \$204,306 for the year July 1, 2014 – June 30, 2015.

NOTE: *The budget for 2013-2014 was \$201,104.*

2014-B033

June 3, 2014

TITLE: RESOLVE, APPROVE WATER POLLUTION CONTROL FACILITY
BUDGET FOR FISCAL YEAR 2015.

filed May 28, 2014
by Kevin O'Connell

RESOLVED, that the City Council herewith approves the Brewer Water Pollution Control Facility budget for City Fiscal Year of July 1, 2014 through June 30, 2015, as follows:

Total Cash Operating Expenses	\$ 1,637,690
Total Debt Service	\$ 915,328
Total Depreciation	\$ 733,000
Total Other Non-Operating Expenses	<u>\$ 25,000</u>
SUBTOTAL	\$ 3,311,018

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Total Capital Improvements	\$ <u>38,000</u>
GRAND TOTAL EXPENDITURES	\$ 3,349,018
Total Operational Revenues	\$ 2,553,430
Total Use of Retained Earnings	\$ 733,000
Other non operational Revenue	\$ <u>24,588</u>
SUBTOTAL	\$ 3,311,018
Total Capital Funding	\$ <u>38,000</u>
GRAND TOTAL REVENUES	\$ 3,349,018

2014-B034

June 3, 2014

TITLE: RESOLVE, APPROVE WATER DEPARTMENT BUDGET FOR FISCAL
YEAR 2015.

filed May 28, 2014
by Matthew Vachon

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, 2014 through June 30, 2015 as follows:

Total Cash Operating Expenses	\$ 1,349,798
Total Debt Service	\$ 1,058,225
Total Depreciation	\$ 0
Total Other Non-Operating Expenses	\$ <u>13,978</u>
SUBTOTAL	\$ 2,422,001
Total Capital Improvements	\$ <u>29,575</u>
GRAND TOTAL EXPENDITURES	\$ 2,451,576
Total Operational Revenues	\$ 2,422,001
Total Use of Retained Earnings	\$ 0
Other non operational Revenue	\$ <u>0</u>
SUBTOTAL	\$ 2,422,001
Total Capital Funding	\$ <u>29,575</u>
GRAND TOTAL REVENUES	\$ 2,451,575

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2014-A072

June 3, 2014

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

filed May 28, 2014
by Beverly Uhlenhake

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 2015 fiscal year for school purposes provided such grants, programs or other sources do not require the expenditure of other funds not previously appropriated.

2014-A073

June 3, 2014

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

filed May 28, 2014
by Joseph Ferris

ORDERED, that taxes for the municipal year commencing July 1, 2014 and which shall expire on June 30, 2015 are due and payable semi-annually on the following dates:

A. 1/2 of total taxes due
and payable on or before September 9, 2014

and if the same are not paid on or before September 9, 2014 they shall bear interest at the rate of 7.0% per annum from September 10, 2014 until paid.

B. 1/2 of the total taxes due
and payable on or before March 10, 2015

and if the same are not paid on or before March 10, 2015 they shall bear interest at the rate of 7.0% per annum from March 11, 2015 until paid.

2014-A074

June 3, 2014

TITLE: ORDER, ACCEPT ADVANCE PAYMENTS ON FY2016 TAXES.

filed May 28, 2014
by Kevin O'Connell

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ORDERED, that the Brewer Tax Collector and Treasurer be permitted to accept payments in advance when offered at 0% interest, to be applied to FY2016 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.

2014-A075

June 3, 2014

TITLE: ORDER, SET FY2015 INTEREST RATE FOR LATE PAYMENT OF SEWER BILLS.

filed June 3, 2014
by Matthew Vachon

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 (7.0%) per annum for Fiscal Year 2015.

2014-A076

June 3, 2014

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

filed May 28, 2014
by Beverly Uhlenhake

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 2015 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.

2014-A077

June 3, 2014

TITLE: ORDER, AUTHORIZE SET OFFS AGAINST UNPAID TAXES.

filed May 28, 2014
by Joseph Ferris

WHEREAS, Title 36, M.R.S.A., Section 905, 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.

2014-A078

June 3, 2014

TITLE: ORDER, GRANT APPROVAL TO FRATERNAL ORDER OF EAGLES #3177 TO ALLOW PATRONS TO CONSUME ALCOHOL AT SPECIAL OUTDOOR EVENTS ON THE ORGANIZATION'S PROPERTY.

filed May 28, 2014
by Kevin O'Connell

WHEREAS, The Fraternal Order of Eagles #3177, is licensed by the State of Maine, Bureau of Alcoholic Beverages, to sell liquor within the confines of its establishment at 22 Atlantic Avenue; and

WHEREAS, The Fraternal Order of Eagles #3177 has submitted a request to the City Council for approval to allow consumption of alcohol in an outdoor area on its premises at 22 Atlantic Avenue on Saturday, July 26, 2014 for a Street Dance from 8:00 p.m. to 11:59 p.m. with a live band and on Saturday, August 16, 2014 for the Club Picnic from 12:00 noon to 11:59 p.m.; with a live band; and

WHEREAS, it is the understanding of the City Council that the Bureau of Alcoholic Beverages may permit patrons of The Fraternal Order of Eagles #3177 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 The Fraternal Order of Eagles #3177 to consume alcohol in an outdoor area at 22 Atlantic Avenue 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 The Fraternal Order of Eagles #3177 request for permission to sell and allow patrons to consume alcohol in an enclosed and designated area at 22 Atlantic Avenue on Saturday, July 26 2014 for a Street Dance with a live band from 8:00 p.m. to 11:59 p.m. and on Saturday, August 16, 2014 for the Club Picnic with a live band from to 12 noon to 11:59 p.m.; and

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

2014-A079

June 3, 2014

TITLE: ORDER, GRANT APPROVAL TO R M B & G INC. D/B/A
BREWSTER'S FINE FOOD & DRINK TO ALLOW PATRONS
TO CONSUME ALCOHOL AT A SPECIAL OUTDOOR
EVENT ON THE ESTABLISHMENT'S PROPERTY.

filed May 28, 2014
by Matthew Vachon

WHEREAS, R M B & G Inc. d/b/a Brewster's Fine Food and Drink, is licensed by the State of Maine, Bureau of Alcoholic Beverages, to sell liquor within the confines of its establishment at 359 Wilson Street; and

WHEREAS, Brewster's Fine Food and Drink has submitted a request to the City Council for approval to allow consumption of alcohol in an outdoor area on its premises at 359 Wilson Street on Saturday, July 19, 2014 for Brewster's 17th Anniversary Party from 10:00 a.m. to 11:59 p.m.; and

WHEREAS, it is the understanding of the City Council that the Bureau of Alcoholic Beverages may permit patrons of Brewster's Fine Food and Drink 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 Brewster's Fine Food and Drink to consume alcohol in an outdoor area at 359 Wilson 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 R M B & G Inc. d/b/a Brewster's Fine Food and Drink request for permission to sell and allow patrons to consume alcohol in an enclosed and designated area at 359 Wilson Street from 10:00 a.m. to 11:59 p.m. Saturday, July 19, 2014 for Brewster's 17th Anniversary Party; and

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

2014-A080

June 3, 2014

TITLE: ORDER, GRANT APPROVAL TO DELANO G. MERRITT D/B/ A CAP'S TAVERN TO ALLOW PATRONS TO CONSUME ALCOHOL AT A SPECIAL OUTDOOR EVENT ON THE ESTABLISHMENT'S PROPERTY.

filed May 28, 2014
by Beverly Uhlenhake

WHEREAS, Delano G. Merritt d/b/a Cap's Tavern, is licensed by the State of Maine, Bureau of Alcoholic Beverages, to sell liquor within the confines of its establishment at 494 South Main Street; and

WHEREAS, Cap's Tavern has submitted a request to the City Council for approval to allow consumption of alcohol in an outdoor area on its premises at 494 South Main Street on Sunday, July 13, 2014 for Relay for Life Fundraiser from 12:00 noon to 11:00 p.m. with a live band; and

WHEREAS, it is the understanding of the City Council that the Bureau of Alcoholic Beverages may permit patrons of Cap's Tavern 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 Cap's Tavern to consume alcohol in an outdoor area at 494 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 Delano G. Merritt d/b/a Cap's Tavern's request for permission to sell and allow patrons to consume alcohol in an enclosed and designated area at 494 South Main Street from 12:00 noon to 11:00 p.m. Sunday, July 13, 2014 for Relay for Life Fundraiser with a live band; and

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

2014-A081

June 3, 2014

TITLE: ORDER, AUTHORIZE PURCHASE OF ROCK SALT.

filed May 28, 2014
by Joseph Ferris

WHEREAS, International Salt Company LLC of Clarks Summit was selected through a formal bid process in FY 2014 to supply the Cities of Brewer and Bangor with rock salt during the 2013/2014 winter season; and

WHEREAS, International Salt Company LLC is willing to extend the contract with the two Cities for an additional year with a request of a modest 3% price increase over last year's price of \$52.41 per ton; and

WHEREAS, both Public Works Directors of their respective Cities believes it is in the best interest of both Cities to accept the offer from International Salt Company LLC to extend the contract for an additional year with the requested increase;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to International Salt Company LLC in the amount of \$107,960.00 for supplying and delivering 2000 tons of rock salt at \$53.98 per ton; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to the Public Works account 0116671-502530, titled, Rock Salt; and

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

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

Councilor Ferris asked Public Works Director Dave Cote if it was cheaper going in with Bangor and Hampden as well.

Dave Cote said due to strategic bidding it was.

The order was passed by unanimous vote.

2014-A082

June 3, 2014

TITLE: ORDER, AUTHORIZE THE WRITEOFF OF UNCOLLECTIBLE
PERSONAL PROPERTY TAXES.

filed May 28, 2014
by Kevin O'Connell

WHEREAS, the Tax Collector has made extensive effort to collect past due personal property taxes, including in house efforts to locate individuals and secure payment and the use of a collection agency for unresponsive and non-locatable accounts; and

City Council Minutes
June 3, 2014

WHEREAS, the accounts listed below reflect those which have been deemed uncollectible;

NOW THEREFORE BE IT ORDERED, that the City Council hereby authorizes the balances in the accounts listed below be written off as uncollectible.

<u>Name</u>	<u>Acct</u>	<u>Amount</u>	
RUEI-SHUEH CHOU	90343	525.94	business closed
SMITH THOMAS & BRENDA	90687	543.55	foreclosure property
	TOTAL	1,069.49	

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of \$1,069.49 from Overlay (0119901-509810) to the Adjustments/Writeoffs account (0116900-509890) to fund this expense.

2014-A083

June 3, 2014

TITLE: ORDER, APPROVE AMENDMENT TO ZONING DISTRICT TO CHANGE A PORTION OF OFFICE RESIDENTIAL (OR) TO ADAPTIVE RESIDENTIAL MULTI-UNIT (ARM) AT 131 STATE STREET (MAP 31, A PORTION OF LOT 38) VIA A CONTRACT ZONE AGREEMENT BETWEEN THE CITY OF BREWER, BREWER REDEVELOPMENT LLC AND VILLAGE CENTRE HOUSING PARTNERS LP/ COMMUNITY HOUSING OF MAINE, INC.

filed May 28, 2014
by Matthew Vachon

ORDERED, that an amendment to zoning district to change a portion of Office Residential (OR) to Adaptive Residential Multi-unit (ARM) via contract zone agreement between the City of Brewer, Brewer Redevelopment LLC and Village Centre Housing Partners LP/Community Housing of Maine, Inc. at 131 State Street (City Tax Map 31, a portion of Lot 38) is herewith approved; and

ORDERED, that a copy of the contract zone agreement for the zone district change for 131 State Street is herewith attached and made a part of this order;

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

Draft 5-27-2014
CONTRACT ZONE AGREEMENT

Relating to a portion of the lands of Brewer Redevelopment LLC being Parcel B as recorded in book 12983, page 274.

This agreement made on _____, 2014, between VILLAGE CENTRE HOUSING PARTNERS LP c/o Community Housing Of Maine, Inc., a Maine non-profit corporation with a mailing address of 309 Cumberland Avenue, Suite 203, Portland, Maine 04101 (hereinafter referred to as VCHPLP/CHOM), BREWER REDEVELOPMENT LLC, a Maine limited liability company with a mailing address of 80 North Main Street, Brewer, Maine 04412 (herein referred to as BR LLC), and the CITY OF BREWER, MAINE, a body corporate and politic formed under the laws of Maine with a mailing address of 80 North Main Street, Brewer, Maine 04412 (hereinafter referred to as the CITY).

WHEREAS:

1. BR LLC currently holds fee ownership in the property located on the southwesterly side of State Street and the southeasterly side of Center Street (currently addressed as 131 STATE STREET), Brewer, Maine. Said property further described as a portion of the lands of Brewer Redevelopment LLC described as Parcel B recorded in the Penobscot County Registry of Deeds in Book 12983, Page 274 (currently shown as a portion of Assessor's Map 31 Lot 38). Said property is described in Exhibit A attached hereto and made a part hereof are hereinafter referred to as the PROPERTY;
2. The PROPERTY contains 1.58 acres and was previously used as the Brewer State Street School (with the building now demolished);
3. VCHPLP/CHOM has entered into an Option and Development Agreement between BR LLC, the CITY and VCHPLP/CHOM, dated September 23, 2013 to purchase the PROPERTY and develop a 48-unit family affordable housing project.
4. The PROPERTY is currently located wholly within the Office Residential (OR) district. The applicants request to enter into a contract zone agreement to change the zoning from OR to Adaptive Multi-use Residential (ARM) in order to develop the 48-unit residential project. Family affordable apartments are an allowed use in the ARM district with the ability of the Planning Board to increase the residential density as allowed by the ARM development standards;
5. A requirement in the ARM zoning district is that the project shall include, at the applicant's expense, the design and construction of a capital improvement, approved by the Brewer Planning Board, to be used as a public benefit. VCHPLP/CHOM proposes to construct a public bus shelter and pull-off lane on State Street.
6. The proposed Village Centre family affordable apartment development *received/was denied* site plan approval with conditions by the Brewer Planning Board on June 2, 2014;

NOW, THEREFORE, the parties agree as follows:

1. VCHPLP/CHOM, their heirs and assigns, shall construct and operate the site according to the documents, plans and conditions contained within the City of Brewer site plan approval and any approved amendments thereto;
2. The applicant, their heirs and assigns, may only use this PROPERTY for the purpose of family affordable apartments and ancillary uses pertaining to the primary use.
3. VCHPLP/CHOM shall design and construct, at their expense, the public bus shelter and pull-off lane as approved by the Brewer Planning Board.
4. VCHPLP/CHOM agrees to promptly pay any costs incurred by the CITY to correct any deficiencies in compliance with the site plan and/or conditions of approval, including but not limited to corrective action, court costs, sheriff's fees and reasonable attorney's fees;
5. The conditions, terms, and duties and obligations of this Contract shall run with the land. All future real estate conveyances by deed shall contain a reference to this Contract.
6. This contract shall inure to the benefit of the owners, its successors and assigns.
7. This Contract may only be amended in writing by the CITY and owner of the property as determined by the ownership as of the date of the amendment;
8. This Contract shall be recorded in Penobscot County Registry of Deeds by the property owners, at their expense, within 30 days after the Brewer City Council approves the contract. A copy of the recorded document, with official recording information stamped thereon, shall be submitted to the City Planner.
9. The OWNER has the right to assign this contract.

Brewer Redevelopment LLC

Witness

By _____
Its Manager, duly authorized
Dated:

City of Brewer

Witness

By _____
Its City Manager, duly authorized
Dated:

Witness

By _____
Erin Cooperrider, Village Centre Housing Partners
LP c/o Community Housing of Maine Inc.,
Development Director duly authorized
Dated:

State of Maine

Penobscot, ss

Date _____

Personally appeared the above-named _____, Manager, and acknowledged the foregoing instrument to be his free act and deed in his capacity and the free act and deed of said Brewer Redevelopment LLC.

Before me,

Notary Public
Printed name:

State of Maine

Penobscot, ss

Date _____

Personally appeared the above-named Stephen M. Bost, City Manager, and acknowledged the foregoing instrument to be his free act and deed in his capacity and the free act and deed of said City of Brewer.

Before me,

Notary Public
Printed name:

State of Maine

Penobscot, ss

Date _____

Personally appeared the above-named Erin Cooperrider, Development Director, and acknowledged the foregoing instrument to be his free act and deed in his capacity and the free act and deed of said Village Centre Housing Partners LP c/o Community Housing of Maine Inc.

Before me,

Notary Public

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

Councilor Uhlenhake commented that this was the last step of approval for this project. She said she had attended many meetings on this project and there was not a better organized project. She congratulated CHOM and welcomed them to Brewer.

Mayor Goss said that CHOM was at the event where people's questions were answered. He said CHOM gives people a hand up.

The order was passed by unanimous vote.

2014-A084

June 3, 2014

TITLE: ORDER, AUTHORIZE CHANGE TO CITY'S HEALTH INSURANCE PLAN FOR NONUNION EMPLOYEES AND AMEND THE PERSONNEL POLICY TO CONFORM.

filed May 28, 2014
by Beverly Uhlenhake

WHEREAS, as part of the FY2015 Budget, the City proposes to change its base health insurance plan for nonunion employees from the Point of Service (POS) C plan to the Preferred Provider Option (PPO) 500 plan; and

WHEREAS, the City proposes to provide an IRS sanctioned, tax advantaged Health Reimbursement Arrangement (HRA) account to PPO 500 enrollees and to nonunion employees electing the health stipend in lieu of insurance coverage through the City; and

WHEREAS, the City proposes that the HRAs shall be administered by the City's current cafeteria plan provider myCafeteriaPlan of Miamisburg, Ohio at a cost estimated to be less than \$10,000 per year; and

WHEREAS, the City and many, if not most, employees will benefit from this health insurance change;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the City Manager, or his designee, to execute such documents and contracts as necessary to effect the change in base health insurance plans and to set up HRAs for eligible employees.

BE IT FURTHER ORDERED, to accommodate these changes, that Article V, Section 5 Health Insurance and Retirement of the City's Personnel Manual be amended as follows:

SECTION 5. HEALTH INSURANCE AND RETIREMENT

a. **HEALTH INSURANCE.** A group insurance program is available to fulltime regular employees and parttime regular employees who work at least 20 hours per week on a regular basis. The City shall identify the base health insurance plan off of which its benefits are based. The City may offer other plans. If an employee elects a plan that has a higher premium than the base plan, the employee shall contribute toward that premium the difference between the total premium cost and what the City would have paid for that level of coverage under the base plan. If an employee elects a plan that has a lower premium than the base plan, the base plan employee contribution rates shall apply.

The group health plan will become effective the first day of the month following the date of employment provided the employee's application has been received by City's group carrier before the effective date. If the City's group carrier does not receive an application within 60 days of the eligibility date, the application will be considered a late enrollee. The employee who enrolls late may be required to provide evidence of good health and be subject to acceptance by the City's group carrier. Complete details of plan benefits are provided to employees in booklet form at the time of their employment and the costs, program and benefits available may change from time to time.

a. **REGULAR EMPLOYEE COSTS UNDER THE BASE PLAN.** Employees working 35 hours or more per week who are not covered by a collective bargaining agreement and who choose to receive health insurance coverage with the City shall receive group health insurance coverage. The coverage will be provided by a carrier and at a benefit and employee contribution level chosen by the City, which may from time to time be modified.

Employees scheduled to work at least 35 hours and who wish to receive health insurance coverage will contribute to their health insurance premium. The employee contribution will be: 20 percent of the cost for single coverage; for single adult and child, 20 percent of the premium for such coverage; for employee and spouse and employee and family, 20 percent of the premium for family coverage. Employees scheduled to work at least 30 but less than 35 hours and who wish to receive health insurance coverage will contribute to their health insurance premium. The employee contribution will be: 30 percent of the cost for single coverage; for single adult and child, 30 percent of the premium for such coverage; for employee and spouse and employee and family, 30 percent of the premium for family coverage.

Employees scheduled to work at least 20 hours but less than 30 hours per week and who wish to receive health insurance coverage will contribute to their health insurance premium. The employee contribution will be: 50 percent of the cost for single coverage; for single adult and child, 50 percent of the premium for such coverage; for employee and spouse and employee and family, 50 percent of the premium for family coverage.

Employees scheduled to work less than 20 hours per week and those hired as temporary workers, regardless of the hours worked each week, will not be eligible to participate in the City-sponsored health insurance program.

The employee, through bi-weekly payroll deductions, will pay any employee costs associated with participation in the health insurance program.

The employee contribution to the health insurance premium will be adjusted annually at the time of premium changes indicated by the City's health insurance carrier. (#3)

a. EMPLOYEES ELECTING OUT OF COVERAGE. Full-time regular employees may elect to receive a stipend instead of health insurance coverage. The stipend will be 45% of the City's portion of cost of single POS (Point of Service) premium level health insurance coverage under the base plan provided by the City of Brewer's group carrier. Regular employees working less than full-time may elect to receive a stipend instead of health insurance coverage. The stipend will be 45% of pro rata employer contribution to the cost of single ~~POS (Point of Service) premium level insurance coverage under the base plan~~ as outlined in Section 5, paragraph b above. The stipend will be paid in twenty-six equal payments through the employee's payroll check. This stipend is a taxable benefit and is subject to Medicare, federal and state taxes. The employee must give proof of insurance coverage annually to the Finance Department in order to qualify for the stipend.

FURTHER ORDERED, that the HRA Section of Article V, Section 6 Other Benefits be amended as follows:

HRA

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

Effective July 1, 2014, the City shall provide all regular nonunion employees eligible for the health insurance benefit per Section 5(a) above a Health Reimbursement Arrangement (HRA) account. The Finance Director shall be responsible for providing each employee a Summary Plan Description that lays out the funding levels, eligible uses, and program guidelines, which may change from time to time. (#2)

2014-A085

June 3, 2014

TITLE: ORDER, AWARD CONTRACT FOR SOD TURF FOR DOUGHERTY RECREATIONAL COMPLEX LITTLE LEAGUE FIELD.

filed May 28, 2014
by Joseph Ferris

WHEREAS, quotes were solicited, received and evaluated for delivery of 34,000 square feet of sod turf for a Little League field located at the Dougherty Recreational Complex; and

WHEREAS, Green Thumb Farms of Fryeburg submitted the lowest quote; and

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WHEREAS, 50% of the cost of the turf will be paid for with federal Land and Water Conservation Fund grant monies;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to Green Thumb farms in the amount of \$11,560.00 for sod turf; and

BE IT FURTHER ORDERED, that this purchase be charged to the Capital Improvement Account (0510104 - 551446) Washington Street Renovation Project funded as part of the approved FY14 CIP.

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 supplies for this project.

2014-A086

June 3, 2014

TITLE: ORDER, AUTHORIZE FUNDING OF ABATEMENT EXPENSE.

filed May 28, 2014
by Kevin O'Connell

WHEREAS, state law requires the governing body to specifically authorize the use of overlay funds, even in the case of tax abatements; and

WHEREAS, there are \$40,256 in tax abatements for FY14 as listed below for which funding needs to be identified;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the appropriation and expenditure of \$40,256 from the tax abatement account (0100100-300004) to be funded by the remaining \$12,465 in budgeted FY14 overlay funds and the use of \$27,791 in Undesignated Fund Balance.

NOTE: This is an annual order.

MAP & LOT	NAME	TAX	COMMENTS
030-114	BITTROLFF, PAMELA	1,259.04	BUILDING ADJUSTMENT
032-147	BAKER, RANDY	209.20	HOMESTEAD REMOVED IN ERROR
040-106	BAKER, MICHELLE	209.20	HOMESTEAD REMOVED IN ERROR
017-055-99	LONESKY, GERALD & LORETTA P	209.20	HOMESTEAD NOT ADDED
027-051	GRUBER, JESSICA & HARRY	313.80	BUILDING CALCULATION ERROR
016-010	LORD, JOHN	445.60	BUILDING ADJUSTMENT
017-126	MARSH, BLAIR	54.39	BUILDING ADJUSTMENT
040-A-041	NICKERSON, SHARON A	543.92	BUILDING ADJUSTMENT

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029-094	HEKIMYAN, JEAN ET ALS	6,441.27	VALUE ADJUSTMENT
92033	A BODY IN KNEAD LLC	131.80	BUSINESS CLOSED BEFORE 4/1/2013
014-042	SPRINGER, LAWRENCE	13,085.46	BUILDING ADJUSTMENT
013-038	DELTA HOCKEY LLC	12,978.77	BUILDING ADJUSTMENT
021-051	LITTLEFIELD, RANDY	3,242.60	ASSESSED TO WRONG OWNER
021-051-001	THORTON MATTHEW	592.04	LOT CREATED IN ERROR
034-105	AVERY, DONNA	125.52	VET EXEMPT REMOVED IN ERROR
048-016	YOUNG, SHAUNA & DAVID	414.22	VALUE ADJUSTMENT
		<u>40,256.02</u>	

2014-A087

June 3, 2014

TITLE: ORDER, AUTHORIZE APPLICATION OF INTEREST EARNINGS
TO RESERVE FUND.

filed May 28, 2014
by Matthew Vachon

WHEREAS, in keeping with PUC regulations, the City maintains a dedicated reserve account for the Water fund—the Standpipe Maintenance and Repair Reserve account; and

WHEREAS, this reserve fund earns interest but this interest has not been taken into account when determining the level of reserve account funding each year;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the appropriation and expenditure of these interest earnings to supplement the regular annual funding of this reserve account.

NOTE: This is an annual order.

2014-A088

June 3, 2014

TITLE: ORDER, REAPPROPRIATE UNNEEDED FUNDS TO WATER
GENERAL CAPITAL RESERVE ACCOUNT.

filed May 28, 2014
by Beverly Uhlenhake

WHEREAS, the FY2014 Water Department budget included \$74,000 in anticipated debt service associated with bond financing required for the UV upgrade to the treatment plant; and

WHEREAS, the City was successful at obtaining a subsidized rate for this loan as well as a partial grant offset and, furthermore, will not owe full payments on this loan until FY15; and

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WHEREAS, the FY14 Water budget also included \$27,400 in debt service sinking fund reserve funding that USDA Rural Development (RD) has confirmed is no longer required due to the refinancing of the Water Department RD debt; and

WHEREAS, the Water Department would like to use these excess debt service funds to support future capital improvement projects;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the reallocation of \$55,000 in unneeded principal expense from account 0718700-509000 (Water Debt Principal), \$19,000 in interest expense from account 0718700-509010 and \$27,400 in unneeded debt sinking fund expense from account 0718700-509030 to account 0700000-110805 (Water General Capital Reserve) to fund future Water capital projects

2014-A089

June 3, 2014

TITLE: ORDER, AUTHORIZE AMBULANCE REVENUE DISTRIBUTION
PAYMENTS TO MERIDIAN MOBILE HEALTH.

filed May 28, 2014
by Joseph Ferris

WHEREAS, as part of its contractual arrangement with Meridian Mobile Health, LLC (dba Capital Ambulance) for services and benefits associated with the second, "backup" ambulance, the City, through its billing services provider, collects 100% of gross revenues from the second ambulance and then distributes 50% of these revenues (net of billing fees) to Meridian; and

WHEREAS, due to increased call volume and some holdover issues from FY14 associated with our Medicare relicensing, the City has already collected 50% more revenue so far this fiscal year than budgeted; and

WHEREAS, increased revenue collection requires increased expense associated with our revenue distribution payment to Meridian as well as our ambulance billing fees;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the appropriation and expenditure of an additional \$70,000 in account 0115911-501078 (Ambulance Revenue Distribution) and an additional \$15,000 in account 0115911-501077 (Ambulance Billing Fee) to be funded with unexpected revenues in account 0105903-300311 (Second Ambulance Revenue).

2014-A090

June 3, 2014

TITLE: ORDER, AUTHORIZE CONTRACT WITH MERIDIAN MOBILE HEALTH, LLC FOR AMBULANCE BILLING SERVICES.

Filed May 28, 2014
by Kevin O'Connell

WHEREAS, in April 2014, the City's second ambulance billing services provider, Medcomm, LLC (a division of Affiliated Healthcare Systems) announced that it was being dissolved and that Meridian Mobile Health, LLC (dba Capital Ambulance and also a division of Affiliated Healthcare Systems) would be assuming billing functions; and

WHEREAS, the City has met with Meridian and is confident that the company will be able to fulfill the City's billing needs efficiently and effectively; and

WHEREAS, the City wishes to establish a new contract with Meridian to formalize the switch;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the City Manager, or his designee, to negotiate acceptable terms for ambulance billing services with Meridian Mobile Health, LLC as is in the best interest of the City of Brewer and to execute any documents necessary to effect this change.

2014-A091

June 3, 2014

TITLE: ORDER, APPROVE A SEVEN (7) YEAR CONTRACT BETWEEN THE CITY OF BREWER AND FROST SEPTIC AND SONS, LLC FOR FROST SEPTIC AND SONS, LLC TO DISPOSE OF HAULED SEPTIC WASTEWATER AT THE BREWER WATER CONTROL FACILITY.

filed May 28, 2014
by Matthew Vachon

WHEREAS, Frost Septic needs a place to dispose of septic wastewater, portable toilet waste and grease; and

WHEREAS, the City and Frost Septic want to enter into a long term contract to allow Frost Septic to dispose of septic wastewater, portable toilet waste and grease at the City's Septage Receiving Station located at the Brewer Water Pollution Control Facility; and

WHEREAS, the City and Frost Septic have agreed upon all the terms and conditions of the contract to allow Frost Septic to dispose of septic wastewater, portable toilet waste and grease at the Brewer Water Pollution Control Facility; and

WHEREAS, to receive the disposal fees listed below, Frost Septic has agreed contractually to dispose of no less than 2,000,000 gallons of septic and portable toilet wastewater per year at the Brewer Septage Receiving Station and all disposal fees collected are deposited into the Hauled Wastewater Revenue account (0800004-380400) and are used to offset the sewer user rate; and

NOW, THEREFORE BE IT ORDERED, that the City Council hereby authorizes the City Manager, or his designee, to execute a seven year contract with Frost Septic and Sons, LLC for the City to provide treatment for septic wastewater, portable toilet waste and grease at the annual rates below:

Wastewater Disposal Fees (NOTE: Septic and Portable Toilet fees below. Grease disposal fee is \$100/1000 gallons)

(a) During the first contract year – July 1, 2014 to June 30, 2015: 4.75¢ per gallon or \$47.50 per 1000 gallons.

(b) During the second contract year – July 1, 2015 to June 30, 2016: 4.00¢ per gallon or \$40.00 per 1000 gallons.

(c) During the third contract year – July 1, 2016, to June 30, 2017: 4.10¢ per gallon or \$41.00 per 1000 gallons.

(d) During the fourth contract year – July 1, 2017 to June 30, 2018: 5.00¢ per gallon or \$50.00 per 1000 gallons.

(e) During the fifth contract year – July 1, 2018, to June 30, 2019: 5.25¢ per gallon or \$52.50 per 1000 gallons.

(f) During the sixth contract year – July 1, 2019 to June 30, 2020: 5.50¢ per gallon or \$55.00 per 1000 gallons, plus the Consumer Price Index for the Urban Wage Earners and Clerical Workers, hereinafter referred to as the “CPI-W” or the rate established by the City council for the processing of Wastewater that is accepted at the City’s Wastewater Treatment Facility or from other haulers whichever is less.

(g) During the seventh contract year – July 1, 2020 to June 30, 2021: prior years per gallon amount, plus CPI-W or the rate established by the City Council for the processing of Wastewater accepted at the City’s Wastewater Treatment Facility from a other haulers, whichever is less; and

BE IT FURTHER ORDERED, Provided that Frost Septic is not in default of any of the terms and conditions of this Contract, Frost Septic will have the right to extend this Contract for three (3) one-year periods, provided it gives the City thirty (30) days written notice of its intent to renew before the end of the initial term or any renewal term and the terms and agreement have been mutually agreed upon by the City and Frost Septic.

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

Councilor Ferris asked Director of Environmental Services Ken Locke to give a brief explanation of how the contract works.

The order was passed by unanimous vote.

2014-A092

June 3, 2014

TITLE: ORDER, AUTHORIZE ONE-TIME CONTRIBUTION TO
BANGOR AREA RECOVERY NETWORK (BARN).

filed May 28, 2014
by Beverly Uhlenhake

WHEREAS, the Bangor Area Recovery Network opened the doors of its facility located at 142 Center Street in Brewer in December 2012; and

WHEREAS, in this short time BARN has established itself as a sustainable and reliable community recovery center that supports the needs of people affected by addiction, a condition which the White House has identified as a public health issue; and

WHEREAS, the City of Brewer would like to recognize and support BARN's mission and the positive role it plays in the community; and

~~WHEREAS, Title 30-A, Section 5725, M.R.S.A. allows a municipality to appropriate money in support of community public health and welfare programs;~~

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the one-time appropriation and expenditure of \$1,800 from 0116510-505290 (Nonprofit Contributions – Misc) to support BARN's operations in Brewer; and

BE IT FURTHER ORDERED, that funds for this expenditure come from the Miscellaneous Revenue account (0106904-300490) and be funded by unanticipated revenue received in FY2014.

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

Councilor Uhlenhake asked that the order be amended by striking out entire fourth paragraph of the order. These funds are being authorized to the BARN due to an oversight in assessing the BARN property that overlooked the fact that they are non-profit and they were overtaxed. The motion to amend was seconded and passed by a 4 to 0 vote (Mayor Goss abstained).

The order, as amended, was passed by a 4 to 0 vote (Mayor Goss abstained).

D. Monthly Reports.

There are no monthly reports.

E. Nominations, Appointments, Elections.

There are not items.

F. Unfinished Business.

1. (2014-C003) Amend Chapter 16 (Building Code), Section 114.1 Building Permit Fee Schedules (A, B, C and D) of the City of Brewer Charter, Codes and Ordinances. (Councilor Uhlenhake)

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

2. (2014-C004) Amend Chapter 17 (Electrical Code), Article 3, Permits, Section 303, Schedule of Permit Fees, of the City of Brewer Charter, Codes and Ordinances. (Councilor O'Connell)

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

3. (2014-C005) Amend Chapter 18 (Plumbing Code), Article 3, Permits, Section 303, Permit Fee, Subsection 303.1 of the City of Brewer Charter, Codes and Ordinances. (Councilor Ferris)

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

4. (2014-C006) Amend Chapter 28 (Brewer Sign Ordinance), Article 4, Permit Procedure, by Adding Section 4.4, Fee, and by Removing the Code Enforcement Department Fee Schedule at the End of the Chapter 28 of the City of Brewer Charter, Codes and Ordinances. (Councilor Vachon)

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

5. (2014-C007) Amend Chapter 29 (Code Enforcement Department) of the City of Brewer Charter, Codes and Ordinances by Complete Substitution of the Chapter. (Councilor Uhlenhake)

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

6. (2014-C008) Amend Chapter 31 (Sewer and Pretreatment Ordinance), Article 4, Building Sewers, Connections and Extensions, Section 402, Application Fee Required and Article 7, Hauled Wastewater, Sections 702 (Discharge Fees), 703 (Discharge Requirements) and 704 (Discharge Procedure) of the City of Brewer Charter, Codes and Ordinances. (Councilor O'Connell)

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

7. (2014-C009) Amend Chapter 41 (Engineering Department), Article 2, City Engineer, Section 203, Other Duties, by adding Subsection 203.11 of the City of Brewer, Charter, Codes and Ordinances. (Councilor Ferris)

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

G. New Business.

2014-C010

June 3, 2014

TITLE: AMEND CHAPTER 1 (THE CITY COUNCIL), ARTICLE 3, RULES OF ORDER, SECTION 330, MEETINGS, SUBSECTION 330.8 BY ADDING CONSENT CALENDAR TO ITEMS F AND G OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES.

filed May 28, 2014
by Ferris

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 1 (The City Council) of the Charter, Codes and Ordinances of the City of Brewer, Article 3, Rules of Order, Section 330, Meetings, Subsection 330.8 be amended by adding Consent Calendar to Items F (Unfinished Business) and G (New Business):

ARTICLE 3. RULES OF ORDER

SECTION 330. MEETINGS.

SECTION 330.8. The Council shall consider the items on the agenda in the following sequence:

- A. Minutes (of the last Regular Meeting, Special Meetings and/or Public Hearing since the last Regular Meeting related only to Regularly Scheduled Council Meetings).
- B. Awards, Petitions and Public Comments.
- C. Consent Calendar
- D. Monthly Reports.
- E. Nominations, Appointments, Elections.
 - 1. Consent Calendar
 - 2. Other nominations, appointments, and elections.
- F. Unfinished Business.
 - 1. Consent Calendar.
- G. New Business.
 - 1. Consent Calendar.
- H. New Items with Leave of Council.
- I. ADJOURN.

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

2014-C011

June 3, 2014

TITLE: AMEND CHAPTER 2 (THE CITY MANAGER), SECTION 102, POWERS AND DUTIES, OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES.

filed May 28, 2014
by Kevin O'Connell

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 2 (The City Manager) of the Charter, Codes and Ordinances of the City of Brewer, Section 102, Powers and Duties, be amended by adding the following:

CHAPTER 2 - THE CITY MANAGER

SECTION 102. POWERS AND DUTIES. The City Manager shall be the administrative head of the City and shall be responsible to the City Council for the administration of all departments except those departments under the jurisdiction of appointees of the City Council, except as hereinafter provided. The City Manager shall have the authority to oversee the day to day operations of the City Clerk and City Assessor, as Agent for the City Council. He or she shall have such powers and duties as are specified in the City Charter, Codes and Ordinances of the City of Brewer.

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

2014-C012

June 3, 2014

TITLE: AMEND CHAPTER 3 (THE CITY CLERK), SECTION 101, ESTABLISHMENT, OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES.

filed May 28, 2014
by Matthew Vachon

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 3 (The City Clerk) of the Charter, Codes and Ordinances of the City of Brewer, Section 101, Establishment, be amended by adding the following:

CHAPTER 3 - THE CITY CLERK

SECTION 101. ESTABLISHMENT. There shall be an officer of the City who shall have the Title of City Clerk, appointed by the City Council to serve until his or her successor has been appointed and qualified. The City Clerk shall be under the day to day supervision of the City Manager, as agent for the City Council.

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

2014-C013

June 3, 2014

TITLE: AMEND CHAPTER 5 (ASSESSOR), ARTICLE 1, THE ASSESSOR, SECTION 101, ESTABLISHMENT, OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES.

filed May 28, 2014
by Beverly Uhlenhake

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 2 (Assessor) of the Charter, Codes and Ordinances of the City of Brewer, Article 1, The Assessor, Section 101, Establishment, be amended by adding the following:

CHAPTER 2 – ASSESSOR

ARTICLE 1, THE ASSESSOR

SECTION 101. ESTABLISHMENT. In accordance with Article V, Section 10 of the Brewer City Charter, there shall be a single Assessor. The Assessor's compensation shall be fixed by the City Council. The Assessing Department shall consist of a single Assessor, as provided in 30-A M.R.S.A. Section 2552(1)(C) and such assistants and clerical personnel as the City Council may authorize. The Assessor may be appointed by the City Council for a term not to exceed five (5) years. The Assessor shall be under the day to day supervision of the City's Manager, as agent for the City Council."

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

2014-A093

June 3, 2014

TITLE: ORDER, AMEND THE SCHEDULE OF FEES BY COMPLETE
SUBSTITUTION.

filed May 28, 2014
by Joseph Ferris

ORDERED, that the Schedule of Fees established by the City Council on March 12, 1979, and last amended on September 11, 2012 be further amended;

NOW, THEREFORE, BE IT ORDERED, that the Schedule of Fees be further amended by complete substitution:

ACTION: Councilor Ferris moved that the order have passage. The motion was seconded. Councilor Ferris noted that the agenda page said this order was A092 and asked that that be amended to reflect the correct order number which is A093. The motion to amend the order number on the agenda page was passed by unanimous vote.

Councilor Ferris said that the motion for passage of this order was for Order 2014-A093. He wanted to make sure everyone knew the correct order number.

The order was passed by unanimous vote.

H. New Items with Leave of Council.

The following order was introduced under suspension of the rules. The City Clerk polled the council and unanimous consent was obtained to take up this item.

2014-A094

June 3, 2014

TITLE: ORDER, AUTHORIZE IMPROVEMENTS TO FORMER LIBRARY SPACE TO ACCOMMODATE THE CODE ENFORCEMENT OFFICE.

filed June 3, 2014
(after the deadline)
by Matthew Vachon and
Kevin O'Connell

WHEREAS, the FY2015 budget anticipates the relocation of the Code Enforcement Department back to City Hall from its current rented space at 120 North Main Street; and

WHEREAS, this move will generate annual savings in rent expense, enable handicap access to the office, enhance the utilization of the former library space, and result in efficiencies from co-location at City Hall with other City departments; and

WHEREAS, the former library space will need some improvements to accommodate the Code Office, and the FY2015 budget includes funds for this purpose; and

WHEREAS, the City has received a quote for the necessary improvements from Mark Brooks of Bucksport, an experienced builder that has completed several other high quality, low cost carpentry projects for the City;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council hereby authorizes the authorization and expenditure of up to \$33,000 for improvements to the former library space from the City Hall Infrastructure CIP account (0510120-551001), which was funded as part of the approved FY2015 CIP; 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.

City Council Minutes
June 3, 2014

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

Councilor Ferris asked what was going to be done.

City Manager Bost said that Mr. Brooks was going to be rehabbing half of the old Library space to bring back the Code Enforcement Office to City Hall. There will be new office space, electrical and plumbing and handicap access.

The order was passed by unanimous vote.

Councilor Ferris told the City Council members and others present in the audience that he would be closing his private practice over the next few months and going to work for Gross Minsky & Mogul PA in Bangor. He said he was looking forward to this new adventure in his life.

Mayor Goss said he would accept a motion for adjournment.

ACTION: Councilor Ferris moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting adjourned at 6:52 p.m.

ADJOURNED, ATTEST: _____ Pamela J. Ryan

City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine