

CITY COUNCIL REGULAR MEETING
Tuesday, June 4, 2013 6:00 P.M.
Brewer City Hall Council Chambers

- I. Call to Order.** (Mayor Kevin O’Connell)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America. Regular Meeting** (Mayor O’Connell)
- A. Minutes of May 20, 2013 Regular Meeting.** (Councilor Verow)
- B. Awards, Petitions and Public Comments.**
 - 1. (2013-B022) RESOLVE, Recognize Dr. Daniel Lee for His Many Years of Service as Superintendent of Schools for the City of Brewer. (Councilor Goss)
 - 2. (2013-B023) RESOLVE, Recognize Carol Rohn for Her Many Years of Service to the City of Brewer in the Brewer School Department. (Councilor Ferris)
 - 3. (2013-B024) RESOLVE, Recognize the Town of Orrington’s 225th Anniversary. (Councilor Verow)
 - 4. (2013-B025) RESOLVE, Recognize Watie J. Akins of Brewer for Being Awarded the Good Idea Grant from the Maine Arts Commission. (Councilor Verow)
 - 5. (2013-B026) RESOLVE, Congratulate Maine Native Steve Clifford and His Parents, Gerald and Teresa Clifford of 70 Hillside Boulevard, Brewer, Maine for Being Named Head Coach of the NBA Team The Charlotte Bobcats. (Councilor Ferris)
 - 6. (2013-B027) RESOLVE, Congratulate Eric White for His Accomplishments in 2013 with the University of Maine Black Bear Baseball Team. (Councilor Ferris)
 - 7. (2013-B028) RESOLVE, Recognize Lou Colburn for His Thirty-Five Years of Service to the City of Brewer. (Councilor Vachon)
 - 8. Public Comments.
- C. Consent Calendar.**
 - 1. (2013-A072) 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 Goss)
 - 2. (2013-A073) 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 Ferris)

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3. (2013-A074) 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 Verow)
4. (2013-A075) ORDER, Approve Amendment to Schooner's Seafood & Steakhouse's State of Maine Liquor License to Permit Patrons to Consume Alcohol Outside the Building on the Portion of the Lawn Leading Down to the Shoreline of the Penobscot River. (Councilor Vachon)
5. (2013-A076) ORDER, Issue Release Deed to Norris J. Martin, 20 Blake Street Tax Map 29, Lot 5. (Councilor Goss)
6. (2013-A077) ORDER, Issue Release Deed to Tinh V. Thai and Dani R. Thai, Successor of A.L. Achorn & Co., Property Located at 8 High Street (Tax Map 28, Lot 136). (Councilor Ferris)
7. (2013-A078) ORDER, Authorize Closeout of the Bicentennial Accounts. (Councilor Verow)
8. (2013-A079) ORDER, Authorize Transfers Between Line Item Categories in the School FY2013 Budget. (Councilor Vachon)
9. (2013-A080) ORDER, Authorize Funding of Abatement Expense. (Councilor Goss)
10. (2013-A081) ORDER, Authorize Application of Interest Earnings to Reserve Fund. (Councilor Ferris)
11. (2013-A082) ORDER, Support Brewer Redevelopment, LLC's Remediation and Demolition of the Former State Street School Building. (Councilor Verow)
12. (2013-A083) ORDER, Authorize Purchase of Stainless Steel Perforated Rollers to Repair Belt Filter Press #1 at the Brewer Water Pollution Control Facility. (Councilor Vachon)
13. (2013-A084) ORDER, Declare the Property Situated at 87 Parker Street, Brewer, Maine, to be Surplus Property and to Authorize the City Manager, or His Designee, to Dispose of Said Property. (Councilor Goss)
14. (2013-A085) ORDER, Support Brewer Redevelopment, LLC's Remediation of the Former Middle School. (Councilor Ferris)
15. (2013-B029) RESOLVE, Authorize Continuing Appropriations for FY2014. (Councilor Vachon)

D. Monthly Reports. (Councilor Verow)

E. Nominations, Appointments, Elections.

F. Unfinished Business.

1. (2013-C005) Amend Chapter 24 (Land Use Code) Article 3, Zoning Districts, Section 306 to add description of “Downtown Development District”, Section 306.5, Schedule of Uses, to add Downtown Development to the use matrix, and Section 307, Schedule of Dimensional Requirements to add Downtown Development to the matrix, Article 4, Performance Standards, Section 424 to address parking in the Downtown Development District. Change a portion of the Convenience Business (CB) District to the Downtown Development (DD) District in the area of Center Street, Betton Street, Penobscot Street and North Main Street so that parcels shown on Tax Map 30, Lots 88-91. Lots 93-104, Lots 108-109 and Lot 111 would be entirely within the DD district. Said zoning district line shall follow the center of the public roads.
(Councilor Verow) (posted 05/21/13)
2. (2013-C006) Amend Chapter 24 (Land Use Code) Article 3, Zoning Districts, Section 306 to add description, uses and standards of the “Adaptive Reuse District”. (Councilor Goss) (posted 05/21/13)
3. (2013-C007) Amend Chapter 28 (Brewer Sign Ordinance), Article 7 (Zone and Location Standards), by adding Section 7.4 Signs in the Downtown Development District and renumbering the subsequent sections of Article 7. (Councilor Ferris) (posted 05/21/13)

G. New Business.

H. New Items with Leave of Council.

I. ADJOURN.

A. Minutes of May 20, 2013 Regular Meeting.

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

B. Awards, Petitions and Public Comments.

2013-B022

June 4, 2013

TITLE: RESOLVE, RECOGNIZE DR. DANIEL M. LEE FOR HIS MANY YEARS OF SERVICE AS SUPERINTENDENT OF SCHOOLS FOR THE CITY OF BREWER.

filed May 29, 2013
by Jerry Goss

WHEREAS, Dr. Daniel M. Lee has been Superintendent of Schools for the City of Brewer since September of 2005; and

WHEREAS, Dr. Lee after almost nine years as Superintendent of the Brewer School Department will be retiring in June of this year; and

WHEREAS, Dr. Lee has served the State of Maine as a teacher, principal and superintendent from Fort Kent, to Machias, to Bangor and finally here in Brewer; and

WHEREAS, the Brewer School Department, its administrators, faculty and students have been fortunate to have a caring and conscientious leader such as Dr. Lee, he will be missed immensely by all; and

WHEREAS, Dr. Lee will be moving to Montana to spend more time with his wife, Chris and be closer to his family, especially his twin granddaughters;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith formally recognizes and commends Dr. Daniel M. Lee for his many years of dedicated and outstanding service to the community as Superintendent of Schools.

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

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

The resolve was adopted by unanimous vote.

2013-B023

June 4, 2013

TITLE: RESOLVE, RECOGNIZE CAROL ROHN FOR HER MANY YEARS OF SERVICE TO THE CITY OF BREWER IN THE BREWER SCHOOL DEPARTMENT.

filed May 29, 2013
by Joseph Ferris

WHEREAS, Carol Rohn has worked for the Brewer School Department in three different positions (Administrative Assistant, Payroll Secretary, School Secretary) beginning in August of 1998; and

WHEREAS, Mrs. Rohn has worked as the Administrative Assistant of the Brewer School Department since April of 2004; and

WHEREAS, Mrs. Rohn will be retiring in June of this year; and

WHEREAS, the Brewer School Department, its administrators, faculty and students have been fortunate to have a caring and conscientious person who conducted her work in a compassionate or heartfelt professional way;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith formally recognizes and commends Carol Rohn for her many years of dedicated and outstanding service to the community in the Brewer School Department.

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 it to Mrs. Rohn.

The resolve was adopted by unanimous vote.

2013-B024

June 4, 2013

TITLE: RESOLVE, RECOGNIZE THE TOWN OF ORRINGTON'S
225TH ANNIVERSARY.

filed May 29, 2013
by Arthur Verow

WHEREAS, Orrington, the oldest town on the Penobscot River in Penobscot County was incorporated March 21, 1788 – Brewer and Holden were a part of it at that time; and

WHEREAS, the Town of Orrington held its first town meeting on April 7, 1788 and elected their town officials; and

WHEREAS, the Town of Orrington turned 225 years old on March 21, 2013; and

WHEREAS, to celebrate this special occasion, Orrington will resurrect Old Home Week in July to present their history, beautiful natural resources and the friendly people; and

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith congratulate and recognize the Town of Orrington on its 225th anniversary.

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

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Councilor Verow read the resolve into the record while presenting it to Orrington Town Manager Paul White and Representative Richard Campbell.

Town Manager Paul White invited the City Council members to be a part of the parade, July 13th, during Orrington's Old Home Week.

The resolve was adopted by unanimous vote.

2013-B025

June 4, 2013

TITLE: RESOLVE, RECOGNIZE WATIE J. AKINS OF BREWER FOR BEING AWARDED THE GOOD IDEA GRANT FROM THE MAINE ARTS COMMISSION.

filed May 29, 2013
by Arthur Verow

WHEREAS, Watie J. Akins who resides in Brewer, Maine; and

WHEREAS, Watie J. Akins is a Penobscot Elder who has been awarded a Good Idea Grant in the amount of \$1,500.00 from the Maine Arts Commission; and

WHEREAS, this grant has made a significant difference in Mr. Akins' ability to create traditional Abenaki music using either the hand drum or shaker; and

WHEREAS, Mr. Akins was recognized with a Legislative Sentiment in the Maine Legislature on May 28, 2013;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith wishes to recognize and congratulate Watie J. Akins for being awarded the Good Idea Grant from the Maine Arts Commission.

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

Councilor Verow read the resolve into the record while presenting it to Mr. Akins. Also A State of Maine Legislative Sentiment was presented to Mr. Akins by Representatives Arthur Verow and Richard Campbell.

The resolve was adopted by unanimous vote.

2013-B026

June 4, 2013

TITLE: RESOLVE, CONGRATULATE MAINE NATIVE STEVE CLIFFORD AND HIS PARENTS, GERALD AND TERESA CLIFFORD OF 70 HILLSIDE BOULEVARD, BREWER, MAINE FOR BEING NAMED HEAD COACH OF THE NBA TEAM THE CHARLOTTE BOBCATS.

filed May 29, 2013
by Joseph Ferris

WHEREAS, Steve Clifford, a native of Mattawamkeag, Maine has been hired by the Charlotte Bobcats of the NBA as their new coach; and

WHEREAS, Steve is the son of Gerald and Teresa Clifford of 70 Hillside Boulevard, Brewer, Maine; and

WHEREAS, Gerald Clifford started his coaching career at Mattawamkeag High before moving on to North Country Union High in Derby Line, Vermont; and

WHEREAS, Steve Clifford played for his father before returning to the State of Maine to star at the University of Maine at Farmington;

WHEREAS, Steve Clifford has had a long and distinguished career as a college assistant coach, head coach at Adelphia University and as an NBA assistant coach for the Orlando Magic, Los Angeles Lakers, New York Knicks and Houston Rockets;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith expresses its congratulations to Steve Clifford and his parents, Gerald and Teresa Clifford, for Steve becoming the new head coach of the Charlotte Bobcats of the NBA.

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 it to Steve Clifford's parents, Gerald and Teresa Clifford of Brewer, Maine.

The resolve was adopted by unanimous vote.

2013-B027

June 4, 2013

TITLE: RESOLVE, CONGRATULATE ERIC WHITE FOR HIS ACCOMPLISHMENTS IN 2013 WITH THE UNIVERSITY OF MAINE BLACK BEAR BASEBALL TEAM.

filed May 29, 2013
by Joseph Ferris

WHEREAS, Eric White, son of Roger and Leanne White of 585 Eastern Avenue, Brewer, Maine and graduate of Brewer High School joins a long list of Brewer High School graduates who had success with the University of Maine baseball team. They include Joe Ferris, Dana Corey, Rob Roy, Chad White, Ron Hewes, Joel Barrett, Kevin McAvoy and undoubtedly others; and

WHEREAS, Eric White became a fixture at third base for the University of Maine and helped lead them to a successful season winning the regular season crown and losing in the America East playoff in the final game of the tournament; and

WHEREAS, For the season Eric batted .347 with six home runs leading the league and played a spectacular third base. During the regular season after the southern trip, Eric batted .409 for those 37 games and hit .500 at the America East Tournament; and

WHEREAS, Eric led the team in hitting in both the America East regular season and the America East tournament and was named to the America East first team at third base and America East All tournament first team at third base. He was also named All New England and will play at Fenway Park in the University College game in June; and

WHEREAS, Eric continues to be an outstanding student and a dedicated and hardworking individual;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith expresses its congratulations to Eric White for his accomplishments with the University of Maine 2013 baseball Team.

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 it to Erik White.

Baseball Coach Steve Trimper said Erik had worked hard and had an excellent season.

The resolve was adopted by unanimous vote.

2013-B028

June 4, 2013

TITLE: RESOLVE, RECOGNIZE LOU COLBURN, CHIEF OPERATOR
AT THE BREWER WATER POLLUTION CONTROL
FACILITY, FOR 35 YEARS OF DEDICATED SERVICE.

filed May 29, 2013
by Matthew Vachon

WHEREAS, on May 30th, 2013, Lou Colburn, Chief Operator of the Brewer Water Pollution Control Facility, completed thirty-five (35) years of dedicated service as an employee of the City of Brewer; and

WHEREAS, Mr. Colburn has been an indispensable member of the Brewer WPCF team that has earned national recognition for its combined sewer overflow control program, earned multiple safety awards, and has operated the facility in full compliance with all applicable federal and state clean water regulations; and

WHEREAS, Mr. Colburn has provided outstanding leadership throughout his tenure with the Brewer WPCF and has been a shining example of a model employee. He has always maintained the perfect balance of professionalism, work ethic and accessible supervisor. His lead by example attitude and can-do philosophy are significant reasons for the successful work at the Brewer WPCF; and

WHEREAS, on the occasion of his completing thirty-five (35) years of service to the City of Brewer, the Brewer City Council wishes to publicly recognize Lou Colburn for his outstanding dedication and his commitment to excellence in providing this vital service to our City;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith congratulate Lou Colburn for his long standing service and gratefully thank him for his exacting professionalism and passionate dedication that has made our community a great place to live.

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

Councilor Vachon read the resolve into the record while presenting it to Lou.

All the Council members expressed their appreciation for Lou's hard work and dedication to the City of Brewer for the last thirty-five years.

The resolve was adopted by unanimous vote.

Mayor O'Connell asked the City Clerk to poll the Council to take New Items with Leave of Council at this time.

The City Clerk polled the Council and it was unanimous vote to take up New Items with Leave of Council at this time.

H. New Items with Leave of Council.

The following proclamation and resolve 2013-B030 were introduced under suspension of the rules. The City Clerk polled the council and unanimous consent was obtained to take up these two items.

Mayor O'Connell read the following proclamation:

**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 nation; and learn more about African-American heritage, contributions and customs;

NOW, THEREFORE, I, Kevin O'Connell, Mayor of the City of Brewer, do hereby proclaim the nineteenth day of June, two thousand thirteen 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 on this nineteenth day of June, two thousand thirteen.

Signed this Nineteenth day of June, 2013

Kevin O'Connell
Mayor

2013-B030

June 4, 2013

TITLE: RESOLVE, CELEBRATE THE 80TH ANNIVERSARY OF THE BREWER GARDEN AND BIRD CLUB.

filed May 29, 2013
by Arthur Verow

WHEREAS, in 1933 the Brewer Garden Club was founded and in 1934 became federated as the Brewer Garden and Bird Club, which started as an organization to help residents of Brewer beautify their City; and

WHEREAS, the Brewer Garden and Bird Club is an active member of the Penobscot District, the Garden Club Federation of Maine, New England Region and National Garden Clubs, Inc.; and

WHEREAS, the Brewer Garden and Bird Club, through its fundraising activities and committee programs, has spearheaded numerous beautification projects, lead the Junior Gardeners Program with the Parks and Recreation Department, participated in Brewer Days, and organized many educational programs that have enhanced the City of Brewer; and

WHEREAS, through 80 years of devotion to our City, the Brewer Garden and Bird Club has made numerous contributions, ranging from planting flowers and shrubs, to enhancing walking trails, to honoring members of our armed services; and

WHEREAS, many of the City Departments have greatly appreciated the annual delivery of holiday poinsettias and Easter Lilies;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith extends its best wishes as the Brewer Garden and Bird Club celebrates their 80th anniversary.

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

Councilor Vachon read the resolve into the record.

The resolve was adopted by unanimous vote.

Mayor O'Connell said Council would now return to the next item on the agenda.

PUBLIC COMMENTS.

Mayor O'Connell:

Commended Parks and Recreation Director, Ken Hanscom on the condition of the Brewer cemeteries. He said they looked great for Memorial Day.

Thanked Deputy Fire Chief Ralph Cammack and his crew for placing the American flags on the street light poles.

Thanked and commended Bill Leithiser for the track meet being held here in Brewer

Congratulated Principal Wall, Skip and the softball team on becoming KVAC Champs.

Read the following note received from Ann Dyer:

May 25, 2013

Dear Mayor O'Connell and Members of the Council:

Thank you so very much for the presentation of the gavel at the May 20th Council meeting. It was ever so thoughtful and lovely.

Being mayor was a long time ago for me and I still have fond memories of most meetings and all of my fellow councilors. I live in Dedham and have for years but I have many friends, my church, my childhood home and a big part of my heart still in Brewer.

The gavel is lovely and the honor will always be so memorable.

Sincerely,

Ann Dyer

Erin Sweeney from the Food and Medicine program wanted to inform residents that the local farmers market starting July 6th will be accepting EBT cards which produces a 50% discount to the holder of the card for market merchandise. The remaining 50% of the cost is picked up by a federal grant so the farmer gets their 100% and the markets are thriving.

Janet McIntosh remarks:

Janet McIntosh, Chairperson of the Superintending School Committee spoke as school board chairman. She informed the Council that the final budget was approved by the board. It was the budget they felt was the best they could do without asking for more from the citizens. It was noted the origin of the funding problems was not within the city, but revenue shortages from the state of the economy. The residents of Brewer are being turned to for help.

Dr. Lee started with the committee and the administrators with a \$1.7 million dollar increase in the beginning of the year. It was determined that was not possible, so \$570,000 worth of cuts were made. The final budget number being presented to the City Council was \$1.2 million dollars which equals a 1.6% budget increase from last year. If the City has to pay a portion of the teacher's retirement and this was removed from the budget, it would be a .2% increase over last year.

The Committee does not like being in a wait and see approach, which is not allowing a finalization of plans and whether teachers will be employed next year. She said all around towns are going to budget and vote. She was here to ask consideration of two things: to consider a vote on the budget which will set the election in motion and to allow it to go to the citizens. They are hopeful the governor and the legislature will come forward and help the cities they have leaned on for the last ten years.

Ms. McIntosh distributed a financial sheet detailing how much has been returned to the city over a period of several years. It was also detailed that the average increase to the school budget since 2004 was .6%. ESP (Essential Programs and Services) were at a bare minimum. This number is what the state determines should be spent on each student. The tuition rate is also based on this ESP number. An analysis was also distributed to the Council of a property tax levy for ten years (2004-2013). It showed, since 2004, that the schools portion has gone down in the overall number.

The longer the wait to go to referendum is allowing for a gaping hole. It was asked with a heavy heart for the increase, but also stated they have done everything they can and the money is needed for the schools to be what they should be.

Kevin Forest- 60 Gettysburg Avenue remarks:

Mr. Forest spoke on the emotional side of the budget process for the school and advocate for the children of the school. He asked for the Council to have a plan in place for the school. He also asked for recognition of the fine track athletes that performed that past weekend. Councilor Goss stated that would be addressed in the very near future.

John Canders- Brian Drive remarks:

Mr. Canders addressed the Council to ask for approval of the school budget as soon as possible. He wanted to speak personally about a teacher, Mr. McGrath, who changed the path of his daughter's life. He felt that the teachers spend all day making our children better citizens. He felt it would be an incredible travesty not to do everything in our power to keep the teachers in place working for the school, citizens, and the children of Brewer. He urged Council to act as promptly as possible so the teachers have some certainty in their lives.

Mayor O'Connell remarks:

Tonight the City Council will be voting on a continuing resolution to keep the City financially operational until such time as the state budget is passed. That is the way City and School budgets have been adopted for well over 100 years in the City of Brewer. The School Department, which is a department of the City, receives its allocation of Brewer taxpayer dollars based upon a vote of the Council.

Once the Governor and Legislature pass their budget, usually in early June, the City and School know how much they will have to spend respectively. The tax rate is established and the new fiscal year begins July 1st. This year the Governor built major cuts to cities and towns into his budget that, if allowed to stand, will dramatically impact Brewer taxpayers and residents. As of tonight, June 4th, there is still no path forward in sight, no resolution – we do not know what Augusta will finally do. So rather than pass a budget on speculation, we believe it is important to make final decisions on the budget and the tax rate after we have all the information, not before.

I know that is frustrating to some, but it's the hand we've been dealt. The City and School are not islands. They are two parts of one whole. We are a community. This is not the time to become upset with one another or make ultimatums. It is precisely at this time that we need to work together – be a community, a team. Perhaps, at the end of this process the Council will support a budget which keeps the School's request intact, perhaps changes will be made – I cannot speak for other Councilors, only myself, but I do know that the five members of this Council will make their decisions based upon what is right for the entire community.

I was part of the Brewer School System. My children are graduates of the Brewer School System. I served on the Brewer School Committee. I now serve on the Brewer Council. I care about our teachers, our principals, our students. I also care about our police officers, plow drivers, library and rec staff. But above all, I care about – and am responsible to – the taxpayers and residents of Brewer.

This Council has an obligation to the entire community to do what is right and what is fair – to do the best job possible balancing the many needs and priorities of the Brewer community using the limited resources we have.

To make commitments without knowing what our financial resources are would be to advance without all the information. And to make uninformed decisions could have the worst possible consequences. I therefore plead my case to the state and urge the Governor and the Legislature to quickly come to a consensus on the budget. Only then can Brewer, with clear mind and full information, move forward to finalize and approve the budget.

I thank each of you for your time and your dedication to our great city and look forward to when we are better suited to resolving this matter.

C. Consent Calendar.

ACTION: Councilor Ferris removed order 2013-A075 and Councilor Verow removed order A082.

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

2013-A072

June 4, 2013

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 29, 2013
by Jerry Goss

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, June 22, 2013 for an Antique Car Show/Club Picnic from 2:00 p.m. to 11:59 p.m. with a live band and on Saturday, August 3, 2013 for a street dance with a live band from 5:00 p.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 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, June 22, 2013 for an Antique Car Show/Club Picnic with a live band from 2:00 p.m. to 11:59 p.m. and on Saturday, August 3, 2013 from 5:00 p.m. to 11:59 p.m. for a street dance; and

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

2013-A073

June 4, 2013

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 EVENT ON THE
ESTABLISHMENT'S PROPERTY.

filed May 29, 2012
by Joseph Ferris

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 20, 2013 for Brewster's 16th Anniversary Party from 4:00 p.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 4:00 p.m. to 11:59 p.m. Saturday, July 20, 2013 for Brewster's 16th Anniversary Party; and

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

2013-A074

June 4, 2013

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

filed May 29, 2013
by Arthur Verow

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 14, 2013 for Relay of Life Cancer Fundraiser from 12:00 noon to 10:00 p.m.; and

WHEREAS, it is the understanding of the City Council that the Bureau of Alcoholic Beverages may permit patrons of 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 10:00 p.m. Sunday, July 14, 2013; and

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

2013-A075

June 4, 2013

TITLE: ORDER, APPROVE AMENDMENT TO SCHOONERS SEAFOOD & STEAKHOUSE'S STATE OF MAINE LIQUOR LICENSE TO PERMIT PATRONS TO CONSUME ALCOHOL OUTSIDE THE BUILDING ON A PORTION OF THE LAWN LEADING DOWN TO THE SHORELINE OF THE PENOBSCOT RIVER.

filed May 29, 2013
by Matthew Vachon

WHEREAS, MacKess LLC d/b/a Schooners, currently holds a license from the State of Maine, Department of Public Safety, Liquor Licensing and Inspection Division, to serve alcohol at its establishment at 5 South Main Street; and

WHEREAS, that license stipulates where on the premises alcohol may be served; and

WHEREAS, a sketch of a roped off area of lawn between the building and the Shoreline of the Penobscot River has been submitted for Council review at 5 South Main Street; and

WHEREAS, the licensee has requested that its State of Maine Liquor license be amended to include this roped off lawn area as an area where alcohol can be served; and

WHEREAS, approval of the City Council is required before the State can amend the license as requested; and

WHEREAS, City officials have reviewed this request and do not object to the license amendment as requested;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith approves the request of Schooners Seafood & Steakhouse for an amendment to its current State liquor license to allow alcohol to be served on the roped off area of the lawn between the main building and the shoreline of the Penobscot River at 5 South Main Street.

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

Councilor Ferris said that he would not be voting on this order – that he would abstain.

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The order was passed by a 4 to 0 vote.

2013-A076

June 4, 2013

TITLE: ORDER, ISSUE RELEASE DEED TO NORRIS J. MARTIN,
20 BLAKE STREET.

filed May 29, 2013
by Jerry Goss

ORDERED, that a municipal release deed be issued to Norris J. Martin, 20 Blake Street, releasing to him all rights, title and interest the City of Brewer may have acquired in the property on 20 Blake Street (City Tax Map 29, Lot 5) by virtue of City of Brewer tax or sewer lines recorded in the Penobscot County Registry of Deeds in the following volumes and pages:

Volume	Page
12506	318
12847	344

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

NOTE: A total of \$5,088.68 in principal was collected, along with \$348.07 in interest and \$53.25 in costs.

2013-A077

June 4, 2013

TITLE: ORDER, ISSUE RELEASE DEED TO TINH V. THAI AND
DANI R. THAI, SUCCESSOR OF A.L. ACHORN & CO.
PROPERTY LOCATED AT 8 HIGH STREET.

filed May 29, 2013
by Joseph Ferris

ORDERED, that a municipal release deed be issued to Tinh V. Thai and Dani R. Thai, Successor of A.L. Achorn & Co., property located at 8 High Street, releasing to them all rights, title and interest the City of Brewer may have acquired in the property located on 8 High Street (City Tax Map 28, Lot 136) by virtue of City of Brewer tax or sewer lines recorded in the Penobscot County Registry of Deeds in the following volumes and pages:

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Volume	Page
8389	210

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

NOTE: This is an old lien from October 4, 2002 that should have been discharged in 2004 When the property was sold.

2013-A078

June 4, 2013

TITLE: ORDER, AUTHORIZE CLOSEOUTS OF BICENTENNIAL ACCOUNTS.

filed May 29, 2013
by Arthur Verow

WHEREAS, in 2012 the City celebrated its bicentennial year, which was recognized by various events throughout the year; and

WHEREAS, after all revenues and expenses related to the events have been accounted for there remains \$1,084.34 in the accounts; and

WHEREAS, it is Council's wish to appropriate these funds to support other community events, including Brewer Days and the 2nd Annual Chamberlain Golf Classic, and to close out the accounts associated with the bicentennial celebration;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the appropriation and expenditure of \$300.00 from the bicentennial account to fund the Golf Classic's Putting Challenge winner's purse; \$300.00 from the bicentennial account to sponsor a City of Brewer team to participate in the Golf Classic; and the transfer of the remaining \$484.34, plus any accrued interest, to the Brewer Days account to support this annual community event; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the Finance Department to close out the MUNIS and bank accounts associated with the bicentennial event once these transactions have been completed.

2013-A079

June 4, 2013

TITLE: ORDER, AUTHORIZE TRANSFERS BETWEEN LINE ITEM
CATEGORIES IN THE SCHOOL FY2013 BUDGET.

filed May 29, 2013
by Matthew Vachon

WHEREAS, the Charter requires that the City Council approve all transfers the School may want to make from one of the ten approved line item categories to another; and

WHEREAS, the School wishes to complete two transactions that require such transfers; and

WHEREAS, the first transaction is administrative in nature and will ensure that athletic field maintenance and repair expenses are included in Brewer's tuition calculation; and

WHEREAS, the second transaction would move a total of \$26,750.00 in minor surpluses from five lines to Line 9 - Capital Outlay to fund the purchase of needed student data management software;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the School to make the transfers between line item categories in its FY2013 budget as outlined below.

<u>Transaction 1</u>	<u>\$ In/(Out)</u>
02 Supplies and Services –	\$19,000
09 Capital Outlay -	<u>(19,000)</u>
Net Total	\$ 0

<u>Transaction 2</u>	<u>\$ In/(Out)</u>	
02 Supplies and Services –	(\$2,250)	less JMG instructor cost
03 Buildings and Grounds –	(5,000)	less increase in insurance cost
04 Transportation –	(10,500)	savings from timing of diesel fuel purchase
07 Vocational Education –	(2,500)	lower UTC cost than budgeted
10 Trustees –	(6,500)	lower debt cost than budgeted
09 Capital Outlay -	<u>26,750</u>	
Net Total	\$ 0	

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NOTE: The first transaction transfers \$19,000.00 from Line 9 – Capital Outlay (BHS Site Improvements), to Line 2 – Supplies and Services (various athletic accounts). The site improvement line has been used to record all high school athletic field repair & maintenance expenses. However, due to the numbering structure of the account, the Department of Education will no longer accept this account as part of our secondary operating costs. Unless Brewer reclasses these expenses, they will no longer be included in our tuition calculation.

The second transaction takes surpluses and moves the funding to the Capital Outlay account to purchase the Infinite Campus software system. Brewer currently uses the MMS student data management system and is one of only a couple remaining schools in the State that do so. MMS is quite out of date and can no longer meet Brewer's needs.

2013-A080

June 4, 2013

TITLE: ORDER, AUTHORIZE FUNDING OF ABATEMENT EXPENSE.

filed May 29, 2013
by Jerry Goss

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 \$68,112.00 in tax abatements for which funding needs to be identified; and

WHEREAS, most of this total (\$52,777.00) is related to abatements of FY13 taxes granted in August 2012 to Aktem Business Park, Eastern Maine Healthcare Systems and 12 Stevens LLC and the rest is related to several smaller abatements and corrections that occurred during the year;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the appropriation and expenditure of \$68,112.00 from the tax abatement account (0100100-300004) to be funded by the remaining \$26,000.00 in FY13 overlay funds and the use of \$42,112.00 in Undesignated Fund Balance.

NOTE: This is an annual order.

2013-A081

June 4, 2013

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

filed May 29, 2013
by Joseph Ferris

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 earn 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.

2013-A082

June 4, 2013

TITLE: ORDER, SUPPORT BREWER REDEVELOPMENT, LLC'S
REMEDICATION AND DEMOLITION OF THE
FORMER STATE STREET SCHOOL BUILDING.

filed May 29, 2013
by Arthur Verow

WHEREAS, the Brewer Redevelopment, LLC is a wholly owned entity of the City of Brewer; and

WHEREAS, Brewer Redevelopment, LLC has acquired the former State Street School properties; and

WHEREAS, the anticipated cost for the removal and disposal of the building on the former State Street School building is \$250,000.00; and

WHEREAS, Brewer Redevelopment, LLC has been awarded \$200,000.00 from the U.S. Environmental Protection Agency to Brewer Redevelopment, LLC specifically for the removal and disposal of the buildings on the former State Street School property; and

WHEREAS, Brewer Redevelopment, LLC has secured additional funds from the EPA Brownfields program for this project in the amount of \$60,000.00;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council approves the Brewer Redevelopment, LLC's acceptance of the \$200,000.00 EPA grant and its remediation, removal and disposal of the building on the former State Street property.

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

Councilor Ferris said that he would not be voting on this order – that he would abstain.

Dick Campbell of Dick Campbell LLC spoke to the City Council about the redevelopment of the State Street property into a residential rental property. He spoke at length of the “Green” concept which is the reuse of existing buildings.

Development Director D’arcy Main-Boyington reminded Council that the City had been awarded a \$200,000 grant to remediate and demolish this building and the funds cannot be used for any other project.

The order was passed by a 4 to 0 vote.

2013-A083

June 4, 2013

TITLE: ORDER, AUTHORIZE PURCHASE OF STAINLESS STEEL PERFORATED ROLLERS TO REPAIR BELT FILTER PRESS #1 AT THE BREWER WATER POLLUTION CONTROL FACILITY.

filed May 29, 2013
by Matthew Vachon

WHEREAS, the City has approximately \$34,300.00 of Rural Development grant money still available to spend in the Sewer Improvements and Wastewater Treatment Plant Infrastructure Improvements projects loan; and

WHEREAS, Rural Development has asked Brewer to spend the grant money prior to September 2013 on projects approved by RD; and

WHEREAS, Rural Development has approved a project that will allow the City to purchase and install two perforated rollers for the Belt Filter Press #1; and

WHEREAS, we have solicited quotes for the stainless steel rollers to replace rollers that developed cracks in them and are past the point of repair; and

WHEREAS, the low bid of \$21,988.00 was submitted by Andritz Separation Technology; and

WHEREAS, the money remaining after the purchase of the rollers will be used to hire a contractor to install the rollers;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to issue a purchase order to obtain perforated rollers from Andritz Separation Technology for \$21,988 and charge the expenses to account 0680212-560000; and

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

2013-A084

June 4, 2013

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

filed May 29, 2013
by Jerry Goss

WHEREAS, the City acquired the property situated at 87 Parker Street, Brewer, Maine, (hereinafter referred to as the "Property") by virtue of expired sewer user fee liens and expired tax collector lien certificates; and

WHEREAS, the City perfected its title to the Property by a Bill-In-Equity action and an Order Granting Plaintiff's Motion for Summary Judgment dated January 19, 2013, which was recorded in the Penobscot County Registry of Deeds in Volume 13102, Page 63; and

WHEREAS, the former owner entered into an agreement to redeem the Property, but has violated the terms and conditions of the agreement and has been evicted from said Property; and

WHEREAS, the former owner no longer has an interest in the Property; and

WHEREAS, the City staff has concluded the Property is not required by the City for public purposes and recommended to the City Council that it be declared surplus property and sold;

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

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

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

2013-A085

June 4, 2013

TITLE: ORDER, SUPPORT BREWER REDEVELOPMENT, LLC'S
REMEDICATION OF THE FORMER MIDDLE
SCHOOL.

filed May 29, 2013
by Joseph Ferris

WHEREAS, the Brewer Redevelopment, LLC is a wholly owned entity of the City of Brewer; and

WHEREAS, Brewer Redevelopment, LLC has acquired the former Middle School property; and

WHEREAS, Brewer Redevelopment, LLC is currently working with the Brewer Housing Authority and Somerset Place Associates to redevelop the former school; and

WHEREAS, the anticipated cost for the environmental cleanup of the building on the former Middle School building has yet to be determined; and

WHEREAS, Brewer Redevelopment, LLC has been awarded \$200,000.00 from the U.S. Environmental Protection Agency for the cleanup of the building on the former Middle School property; and

NOW THEREFORE BE IT ORDERED, that the Brewer City Council approves Brewer Redevelopment, LLC's acceptance of the \$200,000.00 U.S. EPA grant to help remediate the building on the former Middle School property.

2013-B029

June 4, 2013

TITLE: RESOLVE, AUTHORIZE CONTINUING APPROPRIATIONS FOR FY2014.

filed May 29, 2013
by Matthew Vachon

WHEREAS, the uncertainty presented by the lack of an approved budget by the State of Maine warrants a delay in the adoption of a budget for the City of Brewer; and

WHEREAS, State statute provides for the continuing operation of the School Department after June 30 at current FY2013 expenditure levels for up to 30 days past the date the State finalizes its budget, but requires that the Council specifically authorize expenditures after June 30 for the municipal portion of the budget;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council hereby authorizes the appropriation and expenditure of such amounts as may be necessary to continue programs, services, and activities at levels and rates as provided in the FY2013 City, Wastewater and Water Budgets approved by Council on June 5, 2012; and

FURTHER RESOLVED, that appropriations and funds made available and authority granted pursuant to this resolve shall be available effective July 1, 2013 and until whichever of the following first occurs: 1) the City Council's approval of a budget for FY2014 or 2) September 30, 2013.

FURTHER RESOLVED, that the appropriations and expenditures authorized by this resolution shall not exceed the amounts below:

<u>25% of Budget Approved June 5, 2012</u>	
City	\$3,063,564
Wastewater	\$842,114
Water	\$616,525

D. Monthly Reports.

None.

E. Nominations, Appointments, Elections.

There were no items.

F. Unfinished Business.

(2013-C005) Amend Chapter 24 (Land Use Code) Article 3, Zoning Districts, Section 306 to add description of “Downtown Development District”, Section 306.5, Schedule of Uses, to add Downtown Development to the use matrix, and Section 307, Schedule of Dimensional Requirements to add Downtown Development to the matrix, Article 4, Performance Standards, Section 424 to address parking in the Downtown Development District. Change a portion of the Convenience Business (CB) District to the Downtown Development (DD) District in the area of Center Street, Betton Street, Penobscot Street and North Main Street so that parcels shown on Tax Map 30, Lots 88-91. Lots 93-104, Lots 108-109 and Lot 111 would be entirely within the DD district. Said zoning district line shall follow the center of the public roads.

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

The proposed ordinance amendment was enacted by unanimous vote.

(2013-C006) Amend Chapter 24 (Land Use Code) Article 3, Zoning Districts, Section 306 to add description, uses and standards of the “Adaptive Reuse District”.

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

The proposed ordinance amendment was enacted by unanimous vote.

(2013-C007) Amend Chapter 28 (Brewer Sign Ordinance), Article 7 (Zone and Location Standards), by adding Section 7.4 Signs in the Downtown Development District and renumbering the subsequent sections of Article 7.

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

The proposed ordinance amendment was enacted by unanimous vote.

G. New Business.

No items.

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

ACTION: Councilor Goss moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting adjourned at 8:05 p.m.

ADJOURNED, ATTEST: _____ Pamela J. Ryan

City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine