

City Council Minutes  
March 13, 2012

Regular Meeting  
City Hall Council Chambers

Tuesday, March 13, 2012  
6:00 p.m.

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

Councilor Ferris	-	present	Councilor Doughty	-	present
Councilor Verow	-	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, Larry Doughty, Arthur Verow, Jerry Goss and Kevin O'Connell  
MEMBERS OF THE BREWER CITY COUNCIL You are hereby notified a regular meeting of the City Council will be held on Tuesday, March 13, 2012 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/Howard F. Kroll  
City Clerk

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OFFICER'S RETURN

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

Given/Delivered to:	by (person delivering)	Title	Date	Time
Joseph Ferris	L. Kelley	Ptl.	03/09/12	1650
Larry T. Doughty	L. Kelley	Ptl.	03/09/12	1645
Arthur Verow	L. Kelley	Ptl.	03/09/12	1640
Jerry Goss	L. Kelley	Ptl.	03/09/12	1710
Kevin O'Connell	L. Kelley	Ptl.	03/09/12	

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**CITY COUNCIL REGULAR MEETING**  
**Tuesday, March 13, 2012 6:00 P.M.**  
**Brewer City Hall Council Chambers**

- I. Call to Order.** (Mayor Jerry Goss)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America.** (Mayor Goss)
- A. Minutes of February 14, 2012 Regular Meeting.** (Councilor Verow)
- B. Awards, Petitions and Public Comments.**
  - 1. (2012-B008) RESOLVE, To Withdraw Support from the I-395 and Route 9 Connector Project and to Support the No Build Option. (Mayor Goss, Councilors Ferris, Doughty, Verow and O’Connell)
  - 2. (2012-B009) RESOLVE, Authorize City Manager, or His Designee, to Prepare Application to Apply for the State of Maine’s Certified Business Friendly Community Certification. (Mayor Goss, Councilors Ferris, Doughty, Verow and O’Connell)
  - 3. Presentation – John Rohman on the Folk Festival
  - 4. Public Comments.
- IV. Recess for Public Hearing.**
  - 1. Proposed Charter Amendment Requiring Future Superintendents of Schools Reside in the City.
- V. Adjourn Public Hearing and Continue with Regular Meeting**
- C. Consent Calendar.**
  - 1. (2012-A035) ORDER, Accept Contributions to the Brewer Public Library in Memory of John Goodness and Authorize Use of These Funds for the Brewer History Room Project. (Councilor Verow)
  - 2. (2012-A036) ORDER, Commit Water Assessment to Treasurer for Collection. (Councilor Ferris)
  - 3. (2012-A037) ORDER, Commit Sewer Assessment to Treasurer for Collection. (Councilor Doughty)
  - 4. (2012-A038) ORDER, Award Construction Management Contract to Nickerson & O’Day, Inc. for the City Hall Handicapped Accessibility Project. (Councilor O’Connell)
  - 5. (2012-A039) ORDER, Submit to the Voters the Proposed Charter Amendment to Require that Superintendents of Schools be Residents of the City of Brewer. (Councilor Doughty)

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6. (2012-A040) ORDER, Determine Effective Date of Charter Amendment if Approved at the June 12, 2012 Special Municipal Election. (Councilor Doughty)
7. (2012-A041) ORDER, Accept Fundraising Feasibility Study Proposal for the City of Brewer for Doyle Field. (Councilor Ferris)
8. (2012-A042) ORDER, Declare City Owned Property Surplus and Issue Associated Municipal Quitclaim Deed To JCubed, LLC. (Councilor O'Connell)
9. (2012-A043) ORDER, Declare City Owned Property Surplus and Issue Associated Municipal Quitclaim Deed to BCB Properties, LLC. (Councilor Verow)
10. (2012-A044) ORDER, Authorize the Purchase of a Parcel of Property Adjacent to Green Point Road and Its Acceptance as a City Street. (Councilor Doughty)
11. (2012-A045) ORDER, Remove Undeveloped Streets in Recorded Subdivisions from the List of Streets, which the Time to Construct and Accept as Public Streets was Extended and to Authorize the City Manager, or His Designee, to Sign Release Deeds to the Abutters Conveying any Right, Title and Interest the City Might have Therein. (Councilor Doughty)
12. (2012-A046) ORDER, Accept Donation in Support of Winterfest. (Councilor Ferris)
13. (2012-A047) ORDER, Authorize Contract with Moors and Cabot for Bond Advisor Services. (Councilor Verow)
14. (2012-A048) ORDER, Authorize Contract with Pierce Atwood LLP for Bond Counsel Services. (Councilor O'Connell)
15. (2012-A049) ORDER, Authorize the Refinancing of Certain of the City's Existing Bond Obligations and the Issuance of the City's General Obligation Refunding Bonds and a Tax Levy Therefor. (Councilor Doughty)
16. (2012-B010) RESOLVE, Ratify the Collective Bargaining Contract Between the City and the Fire Officers of the Brewer Fire Department. (Councilor Ferris)

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

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

1. Consent Calendar.
  - a. (2012-A050) ORDER, Reappoint Harbor Master. (Councilor Ferris)
  - b. (2012-A051) ORDER, Reappoint and Appoint Members to the Historic Preservation Advisory Commission. (Councilors Doughty and O'Connell)

- c. (2012-A052) ORDER, Reappoint and Appoint Members to the Board of Appeals of the City of Brewer. (Councilors Doughty and O'Connell )
- d. (2012-A053) ORDER, Reappoint Inspector of Buildings. (Councilor Ferris)
- e. (2012-A054) ORDER, Reappoint Inspector of Plumbing. (Councilor O'Connell)
- 2. (2012-B011) RESOLVE, Confirm City Manager's Appointments of Constables. (Councilor Verow)

**F. Unfinished Business.** (no items)

**G. New Business.**

- 1. (2012-C002) Amend Chapter 8, Entitled "Elections", Article 4, Brewer Registration Appeals Board, Section 405, Rules for Conducting the Meetings, of the Charter, Codes and Ordinances of the City of Brewer. (Councilor O'Connell)
- 2. (2012-C003) Amend Chapter 5, Entitled "Assessor", Article 2, The Board of Assessment Review, Section 206, Rules of Order, of the Charter, Codes and Ordinances of the City of Brewer. (Councilor Ferris)
- 3. (2012-A055) ORDER, Convene in Executive Session Pursuant to Title 1, M.R.S.A. §405(6)(E) on a Legal Matter. (Councilor Verow)

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

**I. ADJOURN.**

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**A. Minutes of February 14, 2012 Regular Meeting.**

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

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

2012-B008

March 13, 2012

TITLE: RESOLVE, TO WITHDRAW SUPPORT FROM THE I-395 AND ROUTE 9 CONNECTOR PROJECT AND TO SUPPORT THE NO BUILD OPTION.

filed March 7, 2012  
by Jerry Goss, Joseph Ferris,  
Larry T. Doughty,  
Arthur Verow and  
Kevin O'Connell

WHEREAS, the Maine Department of Transportation (MDOT) is currently reviewing possible routes for a transportation connection between the current end of I-395 in Brewer to Route 9 in either Eddington or Clifton; and

WHEREAS, the City of Brewer has been a major supporter of efforts to improve east-west transportation connections in Maine, including the need to extend I-395 in Brewer to meet Route 9 in Eddington/Clifton; and

WHEREAS, the City has gone on record on numerous occasions about the need to take into account local, regional, and statewide transportation considerations in selecting a final route for this important transportation connector; and

WHEREAS, the proposed 2B route will have a significantly negative impact on many residential properties; and

WHEREAS, the proposed 2B route impacts a significant amount of wetlands; and

WHEREAS, the City of Brewer and other stakeholders have been excluded from the public process as well as the decision-making process used by MDOT;

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby withdraw its support for the proposed construction of the I-395 extension to Route 9; and

BE IT FURTHER RESOLVED, that the City of Brewer now supports the “no build” option for this project; and

BE IT FURTHER RESOLVED, that City of Brewer requests and urges MDOT to use a more open and transparent process when making decisions that impact multiple municipalities, their governing bodies, and their citizens.

**ACTION:** Councilor O’Connell moved that the resolve be adopted. The motion was seconded.

Chairman Goss read the resolve into the record.

It was the consensus of the members of the City Council to have the City Manager sent a letter along with the above resolve to Maine Department of Transportation.

The resolve was adopted by unanimous vote.

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2012-B009

March 13, 2012

**TITLE:** RESOLVE, AUTHORIZE CITY MANAGER, OR HIS DESIGNEE, TO PREPARE APPLICATION TO APPLY FOR THE STATE OF MAINE'S CERTIFIED BUSINESS FRIENDLY COMMUNITY CERTIFICATION.

filed March 7, 2012  
by Jerry Goss, Joseph Ferris,  
Larry T. Doughty,  
Arthur Verow and  
Kevin O'Connell

WHEREAS, the State of Maine's Office of the Governor, in conjunction with the Maine Department of Economic and Community Development, have developed the Certified Business Friendly Community (BFCC) Program; and

WHEREAS, the CBFC Program is an effort to encourage business development and growth in communities throughout Maine; and

WHEREAS, the CBFC Program recognizes communities that provide exceptional service and streamlined regulatory processes for business owners; and

WHEREAS, the CBFC Program seeks to identify, recognize and promote communities that show a true commitment to business development; and

WHEREAS, the City of Brewer Economic Development Department wishes to submit an application on behalf of the City to become a Certified Business Friendly Community in the first round of applications;

NOW, THEREFORE, BE IT ORDERED, that the City Council authorizes and supports the City Manager, or his designee, to prepare the application for submission for the State of Maine's Business Friendly Community Certification.

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

Chairman Goss read the resolve into the record.

The resolve was adopted by unanimous vote.

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Chairman Goss said at this time he would like to introduce a resolve under New Items with Leave of Council submitted under suspension of the rules. If allowed Council would return to the regular agenda after taking up this item.

The deputy city clerk polled the Council members. It was with unanimous consent to take the item up out of order.

Chairman Goss introduced the following resolve:

2012-B012

March 13, 2012

TITLE: RESOLVE, RECOGNIZE JAMES L. SMITH.

filed March 7, 2012  
by Joseph Ferris, Arthur Verow  
Larry T. Doughty, Jerry Goss,  
Kevin O'Connell

WHEREAS, on April 2, 2012 Assistant City Manager James L. Smith will leave the employ of the City of Brewer to become the City Manager of the City of Rockland, Maine; and

WHEREAS, James has been with the City of Brewer since February 5, 2007; and

WHEREAS, James' contributions to the City during his tenure have included securing significant grant funding for CDBG housing improvements, designing contracts which lowered the cost of many City services, and providing hands on guidance and leadership to various City Departments in transition; and

WHEREAS, the citizens of Brewer and City Officials recognize James as a dedicated and respected member of the City of Brewer's management team; and

NOW, THEREFORE BE IT RESOLVED, that the Brewer City Council does, by this resolution and public pronouncement, recognize the dedication and commitment of James L. Smith on the well-being and development of the community in which he has worked for the past five years; and

FURTHER, RESOLVED, that this resolution be spread upon the permanent records of the City of Brewer in testimony to the high esteem held for James L. Smith by the citizens and officials of the City of Brewer, Maine.

**ACTION:** Councilor Doughty moved that the resolve be adopted. The motion was Seconded.

Chairman Goss read the resolve into the record.

Chairman Goss presented James Smith with a framed copy of the resolve and a commendation plaque from the members of the City Council honoring his service to the city as Assistant City Manager.

The resolve was adopted by unanimous vote.

Chairman Goss said the Council would return to the regular agenda and continue on with Awards, Petitions and Public Comments.

**PRESENTATION – FOLK FESTIVAL**

John Rohman and Heather McCarthy spoke to the Council about the 2012 folk festival activities. They passed an informational handout to all members and presented a poster depicting the ten year history of the festival to the City of Brewer. They thanked the City for their support over the years and hope that the City will continue to support them.

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**PUBLIC HEARING:** Proposed Charter Amendment Requiring Future Superintendents of Schools Reside in the City.

The public hearing was called to order by Chairman Jerry Goss.  
The deputy city clerk called the roll:

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

Chairman Goss declared a quorum present.

**CITY OF BREWER  
PUBLIC NOTICE**

Notice is hereby given that the City Council of Brewer will hold a public hearing on Tuesday, March 13, 2012 at 6:00 p.m. in the Council Chambers at Brewer City Hall, 80 No. Main Street, Brewer, Maine on the following proposed amendment to the Brewer City Charter:

Amend Article III of the City of Brewer City Charter to add a Section 8 to read as follows:

**SECTION 8.** With any Superintendent of Schools contract beginning July 1, 2013, and thereafter, the School Committee require, as a condition of the Superintendent of Schools employment, that the Superintendent of Schools become a resident of the City of Brewer within one year after his or her employment begins.

SUMMARY

The purpose of this proposed Amendment to the City of Brewer Charter is to require any Superintendent of Schools hired by the City of Brewer Superintending School Committee beginning July 1, 2013, and thereafter, to become a resident of the City of Brewer within one year after being hired.

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

Howard F. Kroll  
City Clerk

published February 28, 2012  
in the Bangor Daily News  
posted on bulletin board  
at Brewer City Hall February 23, 2012  
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Chairman Goss read a resolution submitted by the Brewer School Committee members expressing their opposition to the proposed residency requirement.

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

David Austin, Vice-Chairman of the School Committee read a statement.

Councilor Doughty moved that his statement be submitted for the record and placed on file. The motion was seconded and passed by unanimous vote.

School Committee Member Janet McIntosh and member of the audience William Davis also gave short statements voicing their opposition to this charter change.

Councilor O'Connell addressed the audience members letting them know that an order in the consent portion of the agenda addressing the proposed charter change may possibly be amended to change the time length of the residency requirement.

## **V. Adjourn Public Hearing and Continue with Regular Meeting**

Public Hearing adjourned at 6:53 p.m.

The deputy city clerk called the roll and all were present.

Chairman Goss said the regular meeting would resume.

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**C. Consent Calendar.**

**ACTION:** Councilor Doughty removed orders 2012-A039, A040, A042, A043, A044 and A049. Councilor Verow removed order 2012-A038.

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.

2012-A035

March 13, 2012

**TITLE:** ORDER, ACCEPT CONTRIBUTIONS TO THE BREWER PUBLIC LIBRARY IN MEMORY OF JOHN GOODNESS AND AUTHORIZE USE OF THESE FUNDS FOR THE BREWER HISTORY ROOM PROJECT.

filed March 7, 2012  
by Arthur Verow

**WHEREAS**, the Brewer Public Library has received contributions of \$1720.00 in memory of John Goodness; and

**WHEREAS**, the library would like the funds to be used in the Brewer History Room project;

**NOW, THEREFORE, BE IT ORDERED**, that the City of Brewer, by vote of its City Council, herewith accepts the contributions of \$1720.00 in memory of John Goodness; and

**BE IT FURTHER ORDERED**, that the City Council hereby authorizes the funds be deposited in 0600072-360015-72017 (Library History Room Contributions) and be appropriated and expended from 0600072-560000-72017 (Library History Room Expenses) on the Brewer History Room project.

Note: the Brewer Public Library sends a letter of acknowledgement and appreciation on behalf of the City Council and the Library to all who contribute to the library.

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2012-A036

March 13, 2012

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

filed March 7, 2012  
by Joseph Ferris

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

NOW, THEREFORE WE, the Brewer City Council does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$600,585.48** at the established rate, as provided by Maine Law and as such sections may be amended from time to time; and

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

EVENT	COMMITMENT	COMMENTS
March 2012	\$597,381.07	
December, 2011	\$ 1,551.26	
January, 2012	\$ 1,137.81	
February, 2012	\$ 515.34	
Total	<b>\$600,585.48</b>	

FURTHER, IT IS ORDERED, that a detailed commitment of the **\$600,585.48** is on file in the City Clerk's office and incorporated into this order; and

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

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

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2012-A037

March 13, 2012

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

filed March 7, 2012  
by Larry T. Doughty

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

NOW, THEREFORE WE, the Brewer City Council does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$522,266.38** at the established rate, as provided by Title 30-A M.R.S.A. § 3406 and Title 38 M.R.S.A. § 1208 and as such sections may be amended from time to time; and

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

EVENT	COMMITMENT	COMMENTS
March, 2012	\$519,401.10	
December, 2011	\$336.69	
January, 2012	\$1,487.70	
February, 2012	\$1,040.89	
<b>Total</b>	<b>\$522,266.38</b>	

FURTHER, IT IS ORDERED, that a detailed commitment of the **\$522,266.38** is on file in the City Clerk's office and incorporated into this order; and

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

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

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2012-A038

March 13, 2012

TITLE: ORDER, AWARD CONSTRUCTION MANAGEMENT CONTRACT TO NICKERSON & O'DAY, INC. FOR THE CITY HALL HANDICAPPED ACCESSIBILITY PROJECT.

filed March 7, 2012  
by Kevin O'Connell

WHEREAS, Council previously authorized (Order 2011-A147) a contract with Carpenter Associates of Old Town for Design Services related to the City Hall Handicapped Accessibility Project; and

WHEREAS, Council now wishes to retain a reputable builder to provide Construction Services for this project; and

WHEREAS, the City Engineer has recommended that a Construction Management Contract is preferable to a conventional Lump Sum Bid Contract for Construction Services on renovation projects such as this where existing conditions are not, and cannot, be well defined prior to bidding for Construction Services; and

WHEREAS, the City has an established relationship with Nickerson & O'Day, Inc. of Brewer and a proven record of successfully completing projects with them utilizing the Construction Management approach;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to negotiate and execute a contract for Construction Management Services with Nickerson & O'Day, Inc. of Brewer, Maine for the City Hall handicapped Accessibility Project in an amount not to exceed \$250,000.00 under such terms and conditions as he believes to be in the best interest of the citizens of Brewer; and

BE IT FURTHER ORDERED, that the contract shall be reviewed as to form and content by the City Solicitor prior to execution; and

BE IT FURTHER ORDERED, that the City Council herewith exercises its authority under Chapter 36, Section 404 of the City Purchasing Ordinance for the provision of these Construction Management Services; and

BE IT FURTHER ORDERED, that the costs of these services shall be charged to CIP account 0601401-560030 (City Hall Rehab Construction).

**ACTION:** Councilor O'Connell moved that the order have passage. The motion was seconded and passed.

Councilor Verow thanked City Engineer Frank Higgins for the work and effort he has put into this project.

The order was passed by unanimous vote.

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2012-A039

March 13, 2012

TITLE: ORDER, SUBMIT TO THE VOTERS THE PROPOSED CHARTER AMENDMENT TO REQUIRE THAT SUPERINTENDENTS OF SCHOOLS BE RESIDENTS OF THE CITY OF BREWER.

filed March 7, 2012  
by Larry T. Doughty

WHEREAS, following notice and public hearing held on Tuesday, March 13, 2012, the Brewer City Council orders that the following proposed amendment to the Brewer City Charter be placed on the ballot at a Special Election to be held on June 12, 2012:

Amend Article III of the City of Brewer City Charter to add a Section 8 to read as follows:

**SECTION 8.** With any Superintendent of Schools contract beginning July 1, 2013, and thereafter, the School Committee require, as a condition of the Superintendent of Schools employment, that the Superintendent of Schools become a resident of the City of Brewer within one year after his or her employment begins.

FURTHER ORDERED, that pursuant to Title 30-A M.R.S.A. § 2104 (6), the municipal officers herewith determine that it is not practical to print the proposed amendment on the ballot and that summary would not misrepresent the subject matter of the proposed amendment; and

FURTHER ORDERED, that the City Clerk is instructed to include the following summary on the ballot instead of the text of the proposed amendment:

“Shall the municipality approve the charter amendment summarized below?”

Add a Section 8 to Article III of the Brewer City Charter to include a provision that the City Council shall require, as a condition of employment, that the Superintendent of Schools become a resident of the City of Brewer within one year after he or she begins employment as the Superintendent of Schools.

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

Councilor Doughty moved that the order be amended by complete substitution with the following order:

2012-A039

March 13, 2012

**TITLE:** ORDER, SUBMIT TO THE VOTERS THE PROPOSED CHARTER AMENDMENT TO REQUIRE THAT SUPERINTENDENTS OF SCHOOLS BE RESIDENTS OF THE CITY OF BREWER.

filed March 7, 2012  
by Larry T. Doughty

WHEREAS, following notice and public hearing held on Tuesday, March 13, 2012, the Brewer City Council orders that the following proposed amendment to the Brewer City Charter be placed on the ballot at a Special Election to be held on June 12, 2012:

Amend Article III of the City of Brewer City Charter to add a Section 8 to read as follows:

**SECTION 8.** With any Superintendent of Schools contract beginning July 1, 2013, and thereafter, the School Committee require, as a condition of the Superintendent of Schools employment, that the Superintendent of Schools become a resident of the City of Brewer within three (3) years after his or her employment begins. Successive contracts with the same person shall be considered one contract for the purpose of this Section. The beginning date of the earliest contract shall cause the three (3) year period within which the Superintendent of Schools must establish residency within the City of Brewer to begin to run.

FURTHER ORDERED, that pursuant to Title 30-A M.R.S.A. § 2104 (6), the municipal officers herewith determine that it is not practical to print the proposed amendment on the ballot and that summary would not misrepresent the subject matter of the proposed amendment; and

FURTHER ORDERED, that the City Clerk is instructed to include the following summary on the ballot instead of the text of the proposed amendment:

“Shall the municipality approve the charter amendment summarized below?”

Add a Section 8 to Article III of the Brewer City Charter to include a provision that the City Council shall require, as a condition of employment, that the Superintendent of Schools become a resident of the City of Brewer within three (3) years after he or she begins employment as the Superintendent of Schools and the beginning date of the earliest contract shall cause the three (3) year period within which the Superintendent of Schools must establish residency in the City of Brewer to begin to run.

The motion to amend was seconded and passed by a 4 to 1 vote, Councilor Ferris opposed.

Councilor Ferris said he doesn't support the order and mentioned again that the School Committee felt that this requirement would limit their search.

After several minutes of questions, comments Councilor called the question and asked to vote on the order. This motion was passed by 4 to 1 vote.

The order, as amended, passed by a 3 to 2 vote, Councilors Goss and Ferris opposed.

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2012-A040

March 13, 2012

TITLE: ORDER, DETERMINE EFFECTIVE DATE OF CHARTER AMENDMENTS IF APPROVED AT THE JUNE 12, 2012 SPECIAL MUNICIPAL ELECTION.

filed March 7, 2012  
by Larry T. Doughty

WHEREAS, the voters of the City of Brewer will go to the polls on Tuesday, June 12, 2012 to vote a proposed City Charter Amendment; and

WHEREAS, Title 30-A M.R.S.A. § 2105(4)(B) provides that amendments to municipal charters become effective on the date determined by the municipal officers;

NOW, THEREFORE, BE IT ORDERED, that the City Council, as the municipal officers of the City of Brewer, determine that the proposed charter amendment on the June 12, 2012 special municipal election shall become effective July 1, 2013, if approved by the voters.

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

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The order was passed by unanimous vote.

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2012-A041

March 13, 2012

TITLE: ORDER, ACCEPT FUNDRAISING FEASIBILITY STUDY PROPOSAL  
FOR THE CITY OF BREWER FOR DOYLE FIELD.

filed March 7, 2012  
by Joseph Ferris

ORDERED, that the fundraising feasibility study proposal prepared by Ovation Fundraising Counsel LLC for the City of Brewer for Doyle Field be accepted; and

FURTHER ORDERED, that a copy of the proposal be attached and made part of this order.

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2012-A042

March 13, 2012

TITLE: ORDER, DECLARE CITY OWNED PROPERTY SURPLUS AND  
ISSUE ASSOCIATED MUNICIPAL QUITCLAIM DEED  
TO JCUBED, LLC.

filed March 7, 2012  
by Kevin O'Connell

EMERGENCY PREAMBLE

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

WHEREAS, the deadline for the deeds to be signed and executed falls within the five day waiting period; and

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

WHEREAS, the property located on Tax Map 30, Lot 44 and is designated as a right-of-way has no present or future use to the City; and

WHEREAS, abutting property owner, JCubed, LLC, has agreed to pay all associated legal fees and costs for the City to release its right, title and interest in and to said property; and

WHEREAS, the property is more fully described in the Municipal Quitclaim Deed attached and made a part hereof; and

WHEREAS, it is to the City's benefit to have the property described in said Municipal Quitclaim Deed put back on the tax rolls;

NOW, THEREFORE, BE IT ORDERED, that this property is declared surplus; and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to sign and execute the attached Municipal Quitclaim Deed, Declaration of Value, and all other necessary documents; and

BE IT FURTHER ORDERED, that by accepting said Municipal Quitclaim Deed, JCubed, LLC on behalf of itself, its successors and assigns agrees to record it in the Penobscot County Registry of Deeds before April 1, 2012, and to promptly pay the City's legal fees and costs relating to the same.

**ACTION:** Councilor O'Connell moved that the order have passage. The motion was seconded.

Councilor Verow asked the location of the piece of property.

City Solicitor Joel Dearborn explained to the Council where the right-of-way was located.

The order was passed by unanimous vote.

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2012-A043

March 13, 2012

**TITLE:** ORDER, DECLARE CITY OWNED PROPERTY SURPLUS AND  
ISSUE ASSOCIATED MUNICIPAL QUITCLAIM DEED  
TO BCB PROPERTIES, LLC.

filed March 7, 2012  
by Arthur Verow

#### EMERGENCY PREAMBLE

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

WHEREAS, the deadline for the deeds to be signed and executed falls within the five day waiting period; and

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

WHEREAS, the property located on Tax Map 30, Lot 44 and is designated as a right-of-way has no present or future use to the City; and

WHEREAS, abutting property owner, BCB Properties, LLC, has agreed to pay all associated legal fees and costs for the City to release its right, title and interest in and to said property; and

WHEREAS, the property is more fully described in the Municipal Quitclaim Deed attached and made a part hereof; and

WHEREAS, it is to the City's benefit to have the property described in said Municipal Quitclaim Deed put back on the tax rolls;

NOW, THEREFORE, BE IT ORDERED, that this property is declared surplus; and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to sign and execute the attached Municipal Quitclaim Deed, Declaration of Value, and all other necessary documents; and

BE IT FURTHER ORDERED, that by accepting said Municipal Quitclaim Deed, BCB Properties, LLC on behalf of itself, its successors and assigns agrees to record it in the Penobscot County Registry of Deeds before April 1, 2012, and to promptly pay the City's legal fees and costs relating to the same.

**ACTION:** Councilor O'Connell moved that the order have passage. The motion was seconded and passed.

Councilor Verow said that the City Solicitor had answered his questions about this property by explaining Order 2012-A042.

The order was passed by unanimous vote.

\*\*\*

2012-A044

March 13, 2012

TITLE: ORDER, AUTHORIZE THE PURCHASE OF A PARCEL OF PROPERTY  
ADJACENT TO GREEN POINT ROAD AND ITS  
ACCEPTANCE AS A CITY STREET.

filed March 7, 2012  
by Larry T. Doughty

WHEREAS, the Engineering Department has completed preliminary plans for the reconstruction of Green Point Road; and

WHEREAS, the reconstruction will require the acquisition of approximately 12,000 SF from the parcel on the corner of Green Point Road and Elm Street currently owned by Hughes Bros. Inc. of Bangor, Maine; and

WHEREAS, the City Engineer has met with Peter Hughes and negotiated mutually acceptable terms to convey the required property to the City for the purpose of reconstructing the road; and

WHEREAS, Mr. Hughes has agreed to accept a payment of \$2000.00 as fair compensation for the property to be acquired;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to prepare a deed and any other related documents for the purchase of approximately 12,000 SF of property on the corner of Green Point Road and Elm Street (Map 12, Lot 8) from Hughes Bros. Inc. of Bangor, Maine for compensation in the amount of \$2000.00; and

BE IT FURTHER ORDERED, that the City Council herewith accepts the deed once signed and dedicates the property to be acquired as an extension of the right of way of the City Street known as Green Point Road once it has been constructed; and

BE IT FURTHER ORDERED, that all documents related to this purchase and dedication shall be reviewed and approved by the City Solicitor prior to execution and upon execution shall be recorded by the City Clerk at the Penobscot County Registry of Deeds; and

BE IT FURTHER ORDERED, that funding for this purchase shall come from the TIF proceeds approved for this preliminary access road work approved as part of the FY2012 CIP and shall be charged to FY2012 CIP account 0601600-560050-57013(Misc. Expense – Access Roads Business Park).

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

Councilor Verow asked the City Engineer asked if this was part of the Green Point Road/Elm Street project.

The City Engineer said it was part of the reworking of Green Point Road/Elm Street as this will in time become the main road to the Industrial Park.

The order was passed by unanimous vote.

\*\*\*

**THIS CITY COUNCIL ORDER RELATES TO THE INSTRUMENT  
RECORDED IN THE PENOBSHOT COUNTY REGISTRY OF DEEDS  
IN VOLUME 6497, PAGE 351**

2012-A045

March 13, 2012

TITLE: ORDER, REMOVE UNDEVELOPED STREETS IN RECORDED  
SUBDIVISIONS FROM THE LIST OF STREETS, WHICH  
THE TIME TO CONSTRUCT AND ACCEPT AS PUBLIC  
STREETS WAS EXTENDED AND TO AUTHORIZE THE  
CITY MANAGER, OR HIS DESIGNEE, TO SIGN RELEASE  
DEEDS TO THE ABUTTERS CONVEYING ANY RIGHT,  
TITLE AND INTEREST THE CITY MIGHT HAVE THEREIN.

filed March 7, 2012  
by Larry T. Doughty

WHEREAS, the Brewer City Council extended the time within which some undeveloped streets recorded in recorded Subdivisions could be constructed and accepted as Public Street pursuant to Title 23 M.R.S.A. § 3032; and

WHEREAS, an attested copy of the City Council Orders extending the time period is recorded in the Penobscot County Registry of Deeds in Volume 6497, Page 351; and

WHEREAS, the City has received requests that certain undeveloped Subdivision streets, which are included in the City Council Order extending the time period, be removed from said Order; and

WHEREAS, the City staff has reviewed the request and have determined that the said undeveloped streets are of no benefit to the City, now or in the future;

NOW, THEREFORE BE IT ORDERED, that the undeveloped streets which are shown between Lots 65, 66 and 67 on the Third Section of the Edgewood Subdivision Plan recorded in the Penobscot County Registry of Deeds in Plan Book 21, Page 122 and also generally shown on the Tax Assessor's Map 46 as Lots 34, 35 and 36 (Revised April, 2011) and are also shown between Lots 18 and 19 on the Plan of Lots of Sherwood Forest Development, Third Revision to the Third Section for Joseph A. Coffin by C. F. Wiswell recorded in the Penobscot County Registry of Deeds in Map file D116-77 (See also the Subdivision recorded in the Penobscot County Registry of Deeds in Plan file D 687-76) and also generally shown on Tax Assessor's Map 48 as Lots 10 and 11, (Revised April 2011) are hereby removed from the list set forth in

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City Council Order A-0997-14, which was passed by the City Council on September 23, 1997, pursuant to Title 23 M.R.S.A. § 3032, and recorded in the Penobscot County Registry of Deeds in Volume 6497, Page 351; and

FURTHER, BE IT ORDERED, the City Manager, or his designee, is authorized to execute and deliver to the abutters Release Deeds of any and all right, title and interest the City has to the center of the undeveloped street, which the abutter would acquire by virtue of Title 23 M.R.S.A. § 3031, upon the payment to the City after legal costs for the preparation and execution of the Release Deed and related documents; and

FURTHER, BE IT ORDERED, the City Clerk shall record an attested copy of this City Council order in the Penobscot County Registry of Deeds when it becomes effective.

\*\*\*

2012-A046

March 13, 2012

TITLE: ORDER, ACCEPT DONATION IN SUPPORT OF WINTERFEST.

filed March 7, 2012  
by Joseph Ferris

WHEREAS, the City of Brewer has received a \$250.00 donation from Brewer Federal Credit Union designated for the support of the February 2012 Brewer Winterfest event, which this year was overseen by the Brewer Bicentennial Committee;

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

FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from the Bicentennial Expense account (0300100-520000) in support of the February 2012 Winterfest event;

FURTHER ORDERED, that the Brewer Bicentennial Committee send a letter of acknowledgement and appreciation to Mr. Dave DeFroschia of the Brewer Federal Credit Union for the organization's generous donation.

\*\*\*

2012-A047

March 13, 2012

TITLE: ORDER, AUTHORIZE CONTRACT WITH MOORS AND CABOT  
FOR BOND ADVISOR SERVICES

filed March 7, 2012  
by Arthur Verow

EMERGENCY PREAMBLE

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

WHEREAS, the contract starting date falls within this five day period; and

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

WHEREAS, to take advantage of the current low interest rate environment and generate interest savings, the City intends to refinance over \$22 million in debt this spring as well as issue \$985,000 in bonds authorized last September to finance the City's FY12 CIP; and

WHEREAS, to obtain the best return on this transaction the City intends to issue the refunding and new money bonds on the open market rather than through the Maine Municipal Bond Bank; and

WHEREAS, going to the open market is a complex process that requires the City to utilize the services of a bond advisor that specializes in these sorts of transactions; and

WHEREAS, the City has utilized the services of Joseph Cuetara of Moors and Cabot of Boston, MA before; he provides similar services to most of the largest cities in Maine; and he projects that Brewer can realize present value savings of over \$2 million (over the next 30 years) in addition to fully covering the estimated \$229,000 in issuance costs and \$356,000 in interest due at payoff as well as other costs through the proceeds raised in the refunding bond issue;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the City Manager, or his designee, to enter into a contract for bond advisor services not to exceed \$229,000 with Joseph Cuetara of Moors and Cabot; and

BE IT FURTHER ORDERED, that costs associated with this work be charged to 0510140-551000 (Bond Financing Costs) to be funded with proceeds from the refunding bond issuance; 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.

2012-A048

March 13, 2012

TITLE: ORDER, AUTHORIZE CONTRACT WITH PIERCE ATWOOD LLP  
FOR BOND COUNSEL SERVICES.

filed March 7, 2012  
by Kevin O'Connell

EMERGENCY PREAMBLE

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

WHEREAS, the contract starting date falls within this five day period; and

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

WHEREAS, to take advantage of the current low interest rate environment and generate interest savings, the City intends to refinance over \$22 million in debt this spring as well as issue \$985,000 in bonds authorized last September to finance the City's FY12 CIP; and

WHEREAS, this work requires the City to obtain an opinion from an attorney that specializes in these sorts of transactions; and

WHEREAS, the City obtained quotes from two Maine firms that provide these services; and

WHEREAS, the low quote came from James Saffian of Pierce Atwood LLP in Portland;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the City Manager, or his designee, to enter into a contract not to exceed \$16,000 (plus costs) with James Saffian of Pierce Atwood LLP; and

BE IT FURTHER ORDERED, that costs associated with this work be charged to 0510140-551000 (Bond Financing Costs) to be funded with proceeds from the refunding bond issuance; 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.

\*\*\*

2012-A049

March 13, 2012

TITLE: ORDER, AUTHORIZE THE REFINANCING OF CERTAIN OF THE CITY'S EXISTING BOND OBLIGATIONS AND THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION REFUNDING BONDS AND A TAX LEVY THEREFOR.

filed March 7, 2012  
by Larry T. Doughty

**WHEREAS**, the City of Brewer currently has outstanding various series of bonds listed on Attachment A hereto and previously issued by the City or by the Brewer Water District and used to finance the costs of water, sewer and other capital improvement and in furtherance of other municipal purposes (the "Prior Bonds"); and

**WHEREAS**, due to the drop in available interest rates and a desire to consolidate the multiple debt service schedules, the City desires to refund and refinance a portion of the Prior Bonds through issuance of its general obligation refunding bonds;

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

THAT pursuant to 30 A M.R.S.A. §5772 and all other authority thereto enabling, there is hereby authorized the issue and sale at one time and from time to time up to Twenty-one Million Six Hundred Fifty Thousand Dollars (\$21,650,000) aggregate principal amount of general obligation bonds of the City of Brewer. The proceeds derived from the sale of said bonds, including premium, if any, may be used and are hereby appropriated to refund the Prior Bonds on both a current refunding and an advance refunding basis, as applicable, to pay redemption premium thereon, if any, interest accrued and unpaid to the redemption date and for a period of one year thereafter, and issuance costs with respect thereto.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. To any costs, including premium and interest costs, incurred to refund the Prior Bonds;
2. If the bonds are issued on a tax exempt basis, in accordance with applicable terms and provisions of the Arbitrage and Use of Proceeds Certificate delivered in connection with the sale of the bonds including, to the extent permitted thereunder, to the City’s General Fund;
3. To pay debt service on the bonds.

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

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

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

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

Attachment A

<b>Year Issued</b>	<b>Original Bond Amt</b>	<b>Final Maturity</b>	<b>Amt Outstanding as of 5/15/12</b>
1993	1,000,000	1/1/2013	50,000
1997	4,161,500	2/8/2036	3,344,254
1997	1,500,000	7/24/2037	1,255,916
1997	365,900	12/31/2037	304,671
1998	650,000	9/30/2038	549,788
2002	1,971,000	1/24/2042	1,755,296
2002	1,645,000	8/26/2042	1,487,008
2002	4,500,000	12/1/2032	2,665,000
2005	1,255,600	9/19/2033	1,091,513
2006	1,580,000	5/31/2034	1,416,449
2008	1,700,000	10/23/2037	1,607,100
2008	6,500,000	11/18/2036	6,122,161
			21,649,155

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

Councilor Verow asked Finance Director Karen Fussell how much debt the City had.

Karen said there is about 42 million – ½ water department and the rest split between the sewer and the city.

The order was passed by unanimous vote.

\*\*\*

2012-B010

March 13, 2012

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

filed March 7, 2012  
by Joseph Ferris

WHEREAS, negotiations between the City of Brewer and AFSCME Council 93, Local 1828, representing the Fire Officers of the Brewer Fire Department, have recently been completed; and

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

NOW, THEREFORE, BE IT RESOLVED, that the City Council, on behalf of the City of Brewer, herewith ratifies this collective bargaining agreement and authorizes the City Manager, or his designee, to sign said agreement on behalf of the City of Brewer. This agreement shall be effective upon signing and shall expire June 30, 2012.

\*\*\*

**D. Monthly Reports.**

**ACTION:** Councilor Verow moved that the monthly reports from the city departments be accepted and placed on file. The motion was seconded and passed by unanimous vote.

\*\*\*

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

**ACTION:** Councilor O'Connell removed order 2012-A052 from the consent calendar.

Councilor Verow moved that the rest of the orders on the consent calendar with the exception of A052 have passage.. The motion was seconded and passed by unanimous vote.

2012-A050

March 13, 2012

**TITLE:** ORDER, REAPPOINT HARBOR MASTER.

filed March 7, 2012  
by Joseph Ferris

ORDERED, that Gerald Ledwith is herewith reappointed Harbor Master for the City of Brewer for a one year term commencing April 1, 2012 and expiring March 31, 2013.

*NOTE: Mr. Ledwith also serves as Bangor's Harbor Master*

\*\*\*

2012-A051

March 13, 2012

**TITLE:** ORDER, REAPPOINT AND APPOINT MEMBERS TO THE HISTORIC PRESERVATION ADVISORY COMMISSION.

filed March 7, 2012  
by Larry T. Doughty and  
Kevin O'Connell

ORDERED, that David Hanna, 22 Nottingham Way and Dan Moellentín, 350 No. Main Street are herewith reappointed to the Historic Preservation Advisory Commission of the City of Brewer for three year terms;

ORDERED, that Matthew Vachon, 439 No. Main Street, be appointed a member of the Historic Preservation Advisory Commission of the City of Brewer for a three year term;

FURTHER ORDERED, that Mr. Hanna, Mr. Moellentín, and Mr. Vachon's terms will commence April 1, 2012 and expire March 31, 2015.

\*\*\*

2012-A052

March 13, 2012

TITLE: ORDER, REAPPOINT AND APPOINT MEMBERS TO THE BOARD OF APPEALS OF THE CITY OF BREWER.

filed March 7, 2012  
by Larry T. Doughty and  
Kevin O'Connell

ORDERED, that Donna Herweg, 181 Wiswell Road, is herewith reappointed to the Board of Appeals of the City of Brewer for a three year term;

ORDERED, that Matthew Vachon, 439 No. Main Street be appointed as a member of the Board of Appeals of the City of Brewer for a three year term;

FURTHER ORDERED, that Ms. Herweg and Mr. Vachon's terms will commence April 1, 2012 and expire March 31, 2015.

**ACTION:** Councilor O'Connell moved that the order have passage. The motion was seconded.

Councilor O'Connell moved that the order be amended by adding the following paragraph to the end of the order:

FURTHER ORDERED, that Barry Twitchell, 50 Alan-A-Dale Road be appointed as a member of the Board of Appeals of the City of Brewer for a three year term such term to commence April 1, 2012 and expire March 31, 2015.

The motion was seconded and passed by unanimous vote.

The order, as amended, was passed by unanimous vote.

\*\*\*

2012-A053

March 13, 2012

TITLE: ORDER, REAPPOINT INSPECTOR OF BUILDINGS.

filed March 7, 2012  
by Joseph Ferris

WHEREAS, Title 25 M.R.S.A. § 2351 provides that the municipal officers shall annually, by the month of April, appoint an Inspector of Buildings; and

WHEREAS, Benjamin Breadmore is the Brewer Code Enforcement Officer for the City of Brewer; and

WHEREAS, it is the sense of the Brewer City Council that the Code Enforcement Officer performs as part of his duties Inspector of Buildings;

NOW, THEREFORE, BE IT ORDERED that Benjamin Breadmore is herewith reappointed to the position of Inspector of Buildings for the City of Brewer for a term commencing April 1, 2012 and expiring March 31, 2013.

\*\*\*

2012-A054

March 13, 2012

TITLE: ORDER, REAPPOINT INSPECTOR OF PLUMBING.

filed March 7, 2012  
by Kevin O'Connell

ORDERED, that Benjamin Breadmore is herewith reappointed Inspector of Plumbing for the City of Brewer for a term of one year commencing on April 1, 2012 and expiring on March 31, 2013.

FURTHER ORDERED, that the City Clerk notify the Maine Department of Human Services of this appointment.

\*\*\*

2012-B011

March 13, 2012

TITLE: RESOLVE, CONFIRM CITY MANAGER'S APPOINTMENTS OF CONSTABLES.

filed March 7, 2012  
by Arthur Verow

RESOLVED, that the City Council herewith confirms the City Manager's appointments of the following constables for the City of Brewer for terms of one year each commencing April 1, 2012 and expiring March 31, 2013:

Chief Perry Antone  
Captain Jason Moffitt  
Lt. Chris Martin  
Sgt. Arden Jones  
Det. Sgt. Jay Munson  
Sgt. David Lord  
Benjamin Breadmore, Code Enforcement Officer  
Dan Joy, Animal Control Officer  
Gerald Ledwith, Harbor Master

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

The resolve was adopted by unanimous vote.

\*\*\*

**F. Unfinished Business.**

No items.

\*\*\*

**G. New Business.**

2012-C002

March 13, 2012

**TITLE:** AMEND CHAPTER 8, ENTITLED "ELECTIONS", ARTICLE 4, BREWER REGISTRATION APPEALS BOARD, SECTION 405, RULES FOR CONDUCTING THE MEETINGS, OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER.

filed March 7, 2012  
by Kevin O'Connell

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 8 Entitled "Elections", Article 4, Brewer Registration Appeals Board, Section 405, Rules for Conducting the Meetings, of the Charter, Codes and Ordinances of the City of Brewer be amended as follows:

**ARTICLE 4. BREWER REGISTRATION APPEALS BOARD.**

**SECTION 405. RULES FOR CONDUCTING THE MEETINGS.** All meetings shall be conducted in accordance with Maine Revised Statutes and this Ordinance. If neither controls the affairs of the meeting, the meeting shall ~~be conducted in accordance with Robert's Rules of Order (1983 ed.)~~ use the 2007 edition of "The Modern Rules of Order" by the Pennsylvania Bar Institute. The Board may adopt additional rules of order as long as the adopted rules are not inconsistent with State Law. If there is conflict between The Modern Rules of Order, adopted rules of order and State Law, State Law prevails.

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

\*\*\*

2012-C003

March 13, 2012

TITLE: AMEND CHAPTER 5, ENTITLED "ASSESSOR", ARTICLE 2,  
THE BOARD OF ASSESSMENT REVIEW, SECTION 206,  
RULES OF ORDER, OF THE CHARTER, CODES AND  
ORDINANCES OF THE CITY OF BREWER.

filed March 7, 2012  
by Joseph Ferris

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 5 Entitled "Assessor", Article 2, The Board of Assessment Review, Section 206, Rules of Order, of the Charter, Codes and Ordinances of the City of Brewer be amended as follows:

**ARTICLE 2. THE BOARD OF ASSESSMENT REVIEW.**

**SECTION 405. RULES FOR CONDUCTING THE MEETINGS.** ~~All meetings of the Board shall be conducted in accordance with Robert's Rules of Order unless the Board shall adopt its own rules which shall supersede Robert's Rules of Order to the extent they are applicable.~~ All meetings shall be conducted in accordance with Maine Revised Statutes and this Ordinance. If neither controls the affairs of the meeting, the meeting shall use the 2007 edition of "The Modern Rules of Order" by the Pennsylvania Bar Institute. The Board may adopt additional rules of order as long as the adopted rules are not inconsistent with State Law. If there is conflict between The Modern Rules of Order, adopted rules of order and State Law, State Law prevails.

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

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2012-A055

March 13, 2012

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

filed March 7, 2012  
by Arthur Verow

ORDERED, that the City Council convene in executive session pursuant to Title 1, M.R.S.A. §405(6)(E) on a legal matter.

City Council Minutes  
March 13, 2012

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

Councilor Ferris moved that the Council convene into executive session. The motion was seconded and passed by unanimous vote.

Chairman Goss said the City Council, City Manager, Finance Director and City Solicitor would convene into executive session. He said the regular meeting would resume after the executive session. (7:54 p.m.)

The regular meeting was called back to order by Chairman Jerry Goss. (8:09 p.m.)

The deputy city clerk called the roll:

Chairman Goss	-	present	Councilor Doughty	-	present
Councilor Ferris	-	present	Councilor O'Connell	-	present
Councilor Verow	-	present			

Chairman Goss said he would accept a motion for adjournment.

**ACTION:** Councilor Doughty moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting adjourned at 8:10 p.m.

**ADJOURNED, ATTEST:** \_\_\_\_\_ Howard F. Kroll  
City Clerk  
**A TRUE COPY, ATTEST:** \_\_\_\_\_ Brewer, Maine