

City Council Minutes  
May 20, 2013

Regular Meeting  
City Hall Council Chambers

Monday, May 20, 2013  
6:00 p.m.

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

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

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

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

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

TO: Joseph Ferris, Arthur Verow, Jerry Goss, Kevin O’Connell and Matthew Vachon  
MEMBERS OF THE BREWER CITY COUNCIL You are hereby notified a regular meeting of the City Council will be held on Monday, May 20, 2013 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider and act on the items on the attached agenda.

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

or \_\_\_\_\_  
Majority of the City Council

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

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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	Willey	Cpl.	05/16/13	1500
Matthew Vachon	Willey	Cpl.	05/16/13	1512
Arthur Verow	Willey	Cpl.	05/16/13	1518
Jerry Goss	Willey	Cpl.	05/16/13	1520
Kevin O’Connell	C. Landes	DC	05/16/13	3:30 pm

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**CITY COUNCIL REGULAR MEETING**  
**Monday, May 20, 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 April 2, 2013 Regular Meeting.** (Councilor Verow)
- B. Awards, Petitions and Public Comments.**
  - 1. (2013-B019) RESOLVE, Recognize Marie Patterson of Marie’s Flower Shop, Brewer, Maine.  
(Councilor Ferris)
  - 2. (2013-B020) RESOLVE, Recognize Ryan Ward for Earning the Rank of Eagle Scout. (Councilor Goss)
  - 3. Update on Capri Street School Property. (Mayor O’Connell)
  - 4. Presentation of Gavels to Former Mayors of the City of Brewer.  
(Mayor O’Connell)
  - 5. Public Comments.
- IV. Recess for Public Hearing.**
  - 1. Applications for Renewal of City Amusement Licenses.
  - 2. FY2014 City and School Budget Informational Hearing.
- V. Adjourn Public Hearing and Continue with Regular Meeting.**
- C. Consent Calendar.**
  - 1. (2013-A051) ORDER, Issue Amusement License to Cap’s Tavern,  
494 So. Main Street. (Councilor Vachon)
  - 2. (2013-A052) ORDER, Issue Amusement License to Fraternal Order  
of Eagles #3177, 22 Atlantic Avenue.  
(Councilor Verow)
  - 3. (2013-A053) ORDER, Issue Amusement License to Brewster’s  
Fine Food & Drink, 359 Wilson Street.  
(Councilor Goss)
  - 4. (2013-A054) ORDER, Issue Amusement License to Jeff’s Catering,  
15 Littlefield Way. (Councilor Ferris)
  - 5. (2013-A055) ORDER, Issue Amusement License to City Side  
Restaurant/Jesters Food & Spirit,  
393 No. Main Street. (Councilor Vachon)
  - 6. (2013-A056) ORDER, Issue Amusement License to Between  
Friends Inc. d/b/a Between Friends/Generations  
Theatre, 39 Center Street. (Councilor Verow)
  - 7. (2013-A057) ORDER, Issue Amusement License to Charlie’s at Bangor  
Brewer Bowling Lanes, 534 Wilson Street.  
(Councilor Goss)

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8. (2013-A058) ORDER, Issue Amusement License to Schooners 5 So. Main Street. (Councilor Ferris)
  9. (2013-A059) ORDER, Issue Release Deed to Marilyn Merrill, 278 Wilson Street. (Councilor Vachon)
  10. (2013-A060) ORDER, Issue Release Deed to Kern A. Feeney, 60 South Brewer Drive. (Councilor Verow)
  11. (2013-A061) ORDER, Accept Donation to the Brewer Parks and Recreation Department for Special Events. (Councilor Goss)
  12. (2013-A062) ORDER, Adopting the Operating Agreement for SBR Real Estate Holdings, LLC. (Councilor Ferris)
  13. (2013-A063) ORDER, Accept Donation to the Brewer Parks and Recreation Department for the Annual Brewer Days Celebration. (Councilor Vachon)
  14. (2013-A064) ORDER, Authorize the Purchase of Two Trojan Swift 4L12 UV Treatment Units. (Councilor Verow)
  15. (2013-A065) ORDER, Authorize the City Manager, or His Designee, to Sign a Non-Exclusive Lease for an Access Road for the Purpose of Allowing a One Way Egress for School Buses and School Vehicles from the High School District Property to the Acme Road. (Councilor Goss)
  16. (2013-A066) ORDER, Authorize Sewer Collection System Projects to Expend Grant Funds Still Available in the Jefferson Street/Tibbetts Street Rural Development Loan. (Councilor Ferris)
  17. (2013-A067) ORDER, Authorize Appropriation to Brewer Redevelopment, LLC to Support the Remediation and Demolition of the Former Capri Street School Buildings. (Councilor Vachon)
  18. (2013-A068) ORDER, Accept Deed for Excess Property from SBR Real Estate Holdings, LLC. (Councilor Verow)
  19. (2013-A069) ORDER, Authorize the Revisions to the Access Easement and the Road and Maintenance Agreement. (Councilor Goss)
  20. (2013-A070) ORDER, Release Bond on the Former Nature's Way Estates Subdivision. (Councilor Ferris)
  21. (2013-B021) RESOLVE, File Contract with Global Spectrum in the City of Brewer's Records. (Councilor Verow)
- D. Monthly Reports.** (Councilor Verow)
- E. Nominations, Appointments, Elections.**
1. (2013-A071) ORDER, Appointment of Managers of SBR Real Estate Holdings, LLC. (Councilor Vachon)
- F. Unfinished Business.** (no items)

**G. New 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)
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)
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)

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

**I. ADJOURN.**

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**A. Minutes of April 2, 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.

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

2013-B019

May 20, 2013

TITLE: RESOLVE, RECOGNIZE MARIE PATTERSON OF MARIE’S  
FLOWER SHOP, BREWER, MAINE.

filed May 15, 2013  
by Joseph Ferris

WHEREAS, Marie Patterson, owner of Marie’s Flower Shop, has been designing floral arrangements for thirty-eight years; and

WHEREAS, Mrs. Patterson started her business twenty-eight years ago and it has had various locations throughout the city and now is located at 385 South Main Street; and

WHEREAS, Marie's Flower Shop has been a main source of floral bouquets that the City of Brewer has used on many occasions; and

WHEREAS, Mrs. Patterson has announced that she is retiring and closing her business;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith expresses its appreciation to Marie Patterson for using her talent to create the beautiful bouquets and plant designs that the City of Brewer has sent for numerous occasions.

**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 Mrs. Patterson.

The resolve was adopted by unanimous vote.

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2013-B020

May 20, 2013

**TITLE:** RESOLVE, RECOGNIZE RYAN WARD FOR EARNING THE RANK OF EAGLE SCOUT.

filed May 15, 2013  
by Jerry Goss

WHEREAS, Ryan Ward of Brewer has completed all of the requirements of attaining the rank of Eagle Scout, the highest honor among the Boy Scouts of America; and

WHEREAS, having organized numerous volunteers to collaborate and build a 30 foot walking bridge spanning a stream in the Sherwood Forest Park which has provided greater access for all residents; and

WHEREAS, Ryan has made important contributions and has been an outstanding member of our community, whether through academics, scouts or civic responsibilities, Ryan has consistently been a leader and high achiever. He is a member of the National Honor Society, will graduate 2<sup>nd</sup> in his class at Brewer High School and will be attending Bowdoin College this fall;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of Brewer, herewith extends its congratulations to Ryan Ward for attaining the honorable rank of Eagle Scout.

**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 Ryan.

The resolve was adopted by unanimous vote.

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#### UPDATE ON CAPRI STREET SCHOOL PROPERTY.

Memo from City Planner Linda Johns and read into the record by Mayor Kevin O'Connell.

#### MEMORANDUM

Date: 5/8/13  
To: File  
From: Mayor O'Connell and City Council Members  
Re: Capri Street School Property

This memo is designed to be read into the City Council record in order to express the City's intentions for the property formerly used as the Capri Street School. The 6.75 acre parcel is located on Capri Street and is currently shown as tax map 44, lot 13.

In 2009, the City Council established an ad hoc committee charged with gathering information and public comments for the reuse of the now-vacant school sites. A final report and recommendations by this Committee was prepared on April 29, 2011. As stated in this report, the Committee recommended the former Capri Street School building be demolished and the property be used for both active and passive recreational uses. The report further stated that the City should keep open an option of selling a peripheral portion of the property for few house lots.

The City Council hereby supports the decision of said Committee and intends to utilize the former Capri Street School property as recommended in said Committee report.

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

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PRESENTATION OF GAVELS TO FORMER MAYORS OF THE CITY OF BREWER.

Former Mayors Present:

Edward Campbell  
Irvine Marsters  
Gail Kelly  
Jerry Goss

Janet McIntosh  
Manley DeBeck  
Michael Celli  
Arthur Verow

Ann Dyer  
Michael Maybury  
Ronald Harriman  
Joseph Ferris

All of the above former mayors were presented with gavels with a gold band inscribed with the date(s) of their term(s) as mayor of the City of Brewer.

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**PUBLIC COMMENTS**

1. Mayor O'Connell mentioned that the annual stream cleanup that took place this past weekend went really well and a lot of trash was collected.
2. Councilor Ferris mentioned that the Heddericq Field rededication (plaque) took place on Monday before the Bangor-Brewer Game.
3. Councilor Ferris mentioned that the May 19, 2013 edition of the Boston Globe featured an article on the front page entitled "There's gold in them thar eels" (Brewer, Maine)

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**Recess for Public Hearings.**

1. Applications for Renewal of City Amusement Licenses.

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

The city clerk called the roll:

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

Chairman O'Connell declared a quorum present.

Chairman O'Connell read the public hearing notice:

**BREWER PUBLIC NOTICE  
NOTICE IS HEREBY GIVEN  
THAT THE CITY COUNCIL  
OF BREWER WILL HOLD A**

**PUBLIC HEARING**

On Monday the 20<sup>th</sup> day of May, 2013, at 6:00 p.m. in the Council Chambers at Brewer City Hall for the following purpose:

to consider applications from the following businesses for renewal of city amusement licenses to permit them to have dancing and live entertainment on their premises which are licensed by the State of Maine for the sale of alcohol:

1. Cap's Tavern, 494 South Main Street
2. Fraternal Order of Eagles, 22 Atlantic Ave.
3. Brewster's Fine Food & Drink, 359 Wilson Street
4. Jeff's Catering, 15 Littlefield Way
5. Schooner's, 5 So. Main Street
6. City Side Restaurant & Jester's Food and Spirits, 393 No. Main Street
7. Between Friends/Generations Theatre, 39 Center Street
8. Bangor Brewer Bowling Lanes, 534 Wilson Street

Any person may present written or oral comments at this public hearing on these applications.

Pamela J. Ryan  
City Clerk  
Brewer, Maine

published in Bangor Daily News  
May 13, 2013

The City Clerk told the members of the City Council that the city inspectors had conducted inspections on all the applicants listed above.

The city inspectors approved all the applications for renewal of amusement licenses.

Councilor Verow moved that the reports from the city inspectors be accepted.

The motion was passed by unanimous vote.

The public hearing was adjourned.

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2. FY2014 City and School Budget Informational Hearing.

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

The city clerk called the roll:

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

Chairman O'Connell declared a quorum present.

Chairman O'Connell read the public hearing notice:

**CITY OF BREWER  
PUBLIC NOTICE**

Notice is hereby given that the Brewer City Council will hold an informational public hearing on the FY14 City and School Budget on Monday, May 20, 2013 at 6:00 p.m. in the Council Chambers at Brewer City Hall, 80 No. Main Street, Brewer, Maine. The budget will be available for review at the City Clerk's Office and the Brewer Public Library by May 17, 2013.

Any person may attend this informational hearing and speak on this matter. Written comments may also be submitted. The deadline for submission of written comments is 4:00 p.m. on the date of the meeting. Written comments should be addressed to Brewer City Council, c/o City Clerk, 80 North Main Street, Brewer, Maine 04412.

Pamela J. Ryan  
City Clerk

Published May 13, 2013

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The following is the City Manager's letter to the Council read by City Manager Stephen Bost:

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Superintendent Daniel Lee read the following:

**Remarks to City Council on May 20<sup>th</sup>**

Mr. Mayor, honorable members of the City Council, School Committee Members, Trustees, Mr. City Manager and members of the public. This is perhaps one of the most difficult school budgets that I have ever undertaken. I've given the matter a great deal of thought to try to reason why this is so. I think first it's due to the fact our funding is mostly dependent upon state government which, at this time, seems unable to get out of its own way. It's even more concerning because we are doing so much good in our department and much of what we have accomplished is threatened by the possibility of insufficient funding.

In 2009 I warned this body about the "cliff" then a theoretical point where it would be nearly impossible to do business. But thanks to the federal involvement with the American Recovery and Reinvestment Act, in addition to state stabilization funds, we were able to avert an almost certain crisis. In the meantime, we built a healthy carry forward balance and made some very difficult personnel decisions because we knew that ARRA would end at some point and we would eventually reach the cliff— well I am here to tell you that we've reached that point and are peering over the edge.

Combine this with a governor who has proposed to eliminate municipal revenue sharing, shift a portion of teacher retirement costs to municipalities, take away some school subsidy this year then fail to live up to the promise of LD1 and you have a recipe for disaster.

I am proud of our students' accomplishments and I am here to tell you that we have a tremendously successful school department. Many of our graduates go on to do great things with their lives thanks to our talented teachers. Our music department is second to none as well as our drama program, recently our robotics team returned from St. Louis, MO demonstrating incredible success in its inaugural year, thanks to a new mathematics program at Brewer Community School student performance is on the rise, our new ninth grade teaming plan has reduced failures by half, our advanced placement passing rate has increased seven points in just one year, our graduation rate is at an all-time high of 88%, plans are underway to raise academic expectations by increasing the number of credits required for graduation from 20.5 to 24. Last month our Jobs for ME students competed at the state level and proudly took home seven trophies. We've added a career and college advisor to our high school guidance department thanks to help from the MELMAC Foundation and JMG. We now have a long range plan to make Brewer High School the best high school in the state.

But our successes are not only academic, last month students at BCS raised \$5,700 for Relay for Life, we hosted the area's Special Olympics and we are making inroads in reducing bullying in the safest schools in the nation – yes the nation. Our new dental program is incredibly successful and our student health center continues to steadily expand. We are working with Hermon and Hampden under a Drug Free Communities grant to reduce drug and alcohol use among students. *And how about our high school softball team this year!* We have great kids in Brewer and I think that's because we are serious about educating the whole student.

When the citizens of Brewer voted to build the Performing Arts Center they did so not just to add an auditorium to school but to create a state-of-the-art venue for the entire city's enjoyment as well, I am pleased to report that a group of Trustees, school committee and city council have met regularly this year to ensure that the Center is used as it was intended. Mr. Brady Harris, a member of that group, deserves special credit. We have held over 200 events at the PAC including live acts, films, lectures and school presentations. Mr. Harris has even worked out on-line ticketing which should be a big help next year when we anticipate in excess of 250 events.

But so much for the preliminaries, this is after all, a budget hearing. So let me begin by saying that Brewer is an extremely frugal school department; don't take my word for it – go to the Department of Education's website. The way we fund schools in Maine is through Essential Programs and Services or EPS for short. EPS sets *minimum* standards for staffing schools. To give you an idea of where we stand with respect to EPS Bangor and SAD 63 spends 4% over the minimum, Orrington 3%, SAD 22 2% while Brewer spends 2% *below* the minimum standard! This point is further illustrated by a comparison of our secondary tuition rates.

Briefly, Maine's Dept. of Education calculates individual high school tuition rates annually. It's rather simple, the DOE adds everything spent on secondary ed, subtracts debt service, tuition and special education then divides it by the average number of students (April and October) then releases the rates in December. Obviously, the more you spend on high school the higher your tuition. So, how do we stand? Well, John Bapst tops the list with \$9,317 per student, Orono \$8,873, Bangor, \$8,449, Hampden Academy \$8,029 and Brewer with just 7,832 dollars per student.

Combine all this with the fact that the Governor curtailed our department \$81,000 this year and next; and over the past two years state subsidy is down \$104,018 (FY13 -302,649 and FY14 \$198,631), teacher sponsored union health insurance has increased 13% or \$366,000, the state, once again, has again failed to fund 55% of school spending as promised in LD1 (we are around 47% and holding). Also, increased costs in electricity and diesel fuel figure prominently in our budget.

Earlier I mentioned the foreshadowing of the 2009 cliff. What I failed to mention is that we began to build a significant carry forward balance to help us through. In fact, by 2011 we managed to set aside \$2.7m to help with lean times. Since then we have used \$1.3m and are now down to \$1.4. In fact, I am proposing to use \$700,000 in FY14 and save \$700,000 for use in FY15. This seems to be the most fiscally prudent approach as I am not sure what the future may bring. Moreover, in the past five years we have eliminated 30, that's right, 30 positions to reduce our cost of operations.

In February when we began working on the budget in earnest we chose to prepare for a worst case scenario. Black clouds looming over Augusta foreshadowed stormy weather and our boat is not as seaworthy as it used to be. Besides after carefully reviewing each and every line and expenditure we decided to prepare for the possibility of a reduced workforce since the Legislature is in such a flux. Maine statute requires that we give continuing contract teachers 90-day notice of layoff or face a per-diem penalty. Hence, as a cautious measure, we formally notified seven continuing contract teachers of a reduction in force. State statute also requires that

we notify probationary contract teachers no later than May 14<sup>th</sup>; this was done and eight good solid teachers were notified of layoff as well. This brings the total to a potential loss of 15 talented teachers. I want to make it clear; this is a worst case scenario. If this City Council and Brewer voters support the budget we are proposing the school committee would immediately take steps to bring these teachers back as soon as possible.

Our revenue projections for FY14 are down 3.5% or \$692,511; when you add this amount to the other costs that I have mentioned it brought our shortfall to \$1.5m in February. This amount was intolerable to the school committee who subsequently ordered my office to build a more educationally sensible and responsible spending plan for FY14.

The budget before you tonight reflects that sentiment. In fact, it is only a 1.6% increase over last year. Please realize that all isn't roses; to do this means that we will still have to reduce our budget by \$576,308. There are no magic bullets I'm afraid. To be upfront this budget contains minor salary raises as a result of contract negotiations last summer. Ed. Techs will receive 1.5% while custodians and cooks will get 2%. Non-union personnel will not receive raises and administrators have volunteered to hold the line.

I want you to know that the school committee is attempting to hold teaching salaries at par. While a pay freeze won't fix everything an across the board freeze for teachers would, at least, save some positions. In light of these factors the school committee made a request to bargain the terms of the teacher's contract which expires at the end of the year. We are currently engaged in those negotiations and it is my hope that we can shorten the time lapsing between negotiations sessions and reach an agreement that will save some jobs. Time is of the essence but there is still hope that we can reach a reasonable accord; one that could save teaching jobs.

The Council's support of our \$20,304,967 proposed budget will ensure the integrity of Brewer schools for FY14. This budget is a 1.6% increase over last year. If approved, one position, an occupational therapist, would be sub-contracted in the fall. We will lose a secretary in the central office, not fill a sixth grade teacher retirement vacancy, eliminate two ed. tech positions and reduce the curriculum coordinator by 20% (she is currently only 80%). These are highlights; there are other miscellaneous reductions as well. Still, we will be able to operate effectively and continue to move our schools in the direction outlined in the School Committee's newly crafted mission and vision.

If the City Council and Brewer voters support this budget the school committee will ensure that Brewer's school children receive the education they deserve and Brewer citizens get the superior school department that they have come to expect.

In closing I want to thank you for your attention tonight. I would also like to express my sincere appreciation to City Manager Bost and Finance Director Karen Fussell for their assistance. Please free to contact my office if you have any questions about our proposal.

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

Public Hearing adjourned at 7:30 p.m.

The city clerk called the roll and all were present.

Chairman O'Connell said the regular meeting would resume.

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**C. Consent Calendar.**

**ACTION:** Councilor Ferris removed orders 2013-A058, A064 and A070.

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-A051

May 20, 2013

**TITLE:** ORDER, ISSUE AMUSEMENT LICENSE TO CAP'S TAVERN,  
494 SO. MAIN STREET.

filed May 15, 2013  
by Matthew Vachon

WHEREAS, Delano Merritt's application for a City of Brewer Amusement License for Cap's Tavern, 494 South Main Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on May 20, 2013 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- A. Conviction of the applicant of any Class A, Class B or Class C crime;

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- B. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- E. A violation of any provision of the Maine Liquor Laws;
- F. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request;

NOW, THEREFORE , BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Delano Merritt d/b/a Cap's Tavern, 494 South Main Street, for the City's licensing year commencing May 6, 2013 and expiring May 5, 2014.

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2013-A052

May 20, 2013

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO FRATERNAL  
ORDER OF EAGLES #3177, 22 ATLANTIC AVENUE.

filed May 15, 2013  
by Arthur Verow

WHEREAS, The Fraternal Order of Eagles #3177's application for a City of Brewer Amusement License for the Eagles Club, 22 Atlantic Avenue, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on May 20, 2013 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- A. Conviction of the applicant of any Class A, Class B or Class C crime;
- B. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- E. A violation of any provision of the Maine Liquor Laws;
- F. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request;

NOW, THEREFORE , BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to The Fraternal Order of Eagles #3177, 22 Atlantic Avenue, for the City's licensing year commencing May 6, 2013 and expiring May 5, 2014.

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2013-A053

May 20, 2013

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO BREWSTER'S  
FINE FOOD & DRINK, 359 WILSON STREET.

filed May 15, 2013  
by Jerry Goss

WHEREAS, RMB&G, Inc.'s application for a City of Brewer Amusement License for Brewster's Fine Food & Drink, 359 Wilson Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on May 20, 2013 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- A. Conviction of the applicant of any Class A, Class B or Class C crime;
- B. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- E. A violation of any provision of the Maine Liquor Laws;
- F. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request;

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to RMB&G, Inc., d/b/a Brewster's Fine Food & Drink, 359 Wilson Street, for the City's licensing year commencing May 6, 2013 and expiring May 5, 2014.

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2013-A054

May 20, 2013

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO JEFF'S CATERING AND BAKESHOP, INC. D/B/A JEFF'S CATERING, 15 LITTLEFIELD WAY.

filed May 15, 2013  
by Joseph Ferris

WHEREAS, Jeffrey E. Ashy and Jeff 's Catering and Bakeshop, Inc.'s application for a City of Brewer Amusement License for Jeff's Catering, 15 Littlefield Way, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on May 20, 2013 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- A. Conviction of the applicant of any Class A, Class B or Class C crime;
- B. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of

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- persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
  - E. A violation of any provision of the Maine Liquor Laws;
  - F. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
  - G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request;

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Jeffrey E. Ashey, and Jeff's Catering and Bakeshop, Inc. d/b/a Jeff's Catering, 15 Littlefield Way, for the City's licensing year commencing May 6, 2013 and expiring May 5, 2014.

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2013-A055

May 20, 2013

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO CITY SIDE RESTAURANT/JESTERS FOOD & SPIRIT, 393 NO. MAIN STREET.

filed May 15, 2013  
by Matthew Vachon

WHEREAS, CTK, Inc.'s application for a City of Brewer Amusement License for City Side Restaurant/Jesters Food & Spirits, 393 North Main Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on May 20, 2013 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;

- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- A. Conviction of the applicant of any Class A, Class B or Class C crime;
- B. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- E. A violation of any provision of the Maine Liquor Laws;
- F. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request;

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to CTK, Inc. d/b/a City Side Restaurant/Jesters Food & Spirits, 393 North Main Street, for the City's licensing year commencing May 6, 2013 and expiring May 5, 2014.

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2013-A056

May 20, 2013

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO BETWEEN FRIENDS, INC. D/B/A/ BETWEEN FRIENDS/GENERATIONS THEATRE, 39 CENTER STREET.

filed May 15, 2013  
by Arthur Verow

WHEREAS, Tracey Marceron and Between Friends Inc.'s application for a City of Brewer Amusement License for Between Friends/Generations Theatre, 39 Center Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on May 20, 2013 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- A. Conviction of the applicant of any Class A, Class B or Class C crime;
- B. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- E. A violation of any provision of the Maine Liquor Laws;
- F. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request;

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Tracey Marceron, Between Friends, Inc. d/b/a Between Friends/Generations Theatre, 39 Center Street, for the City's licensing year commencing May 6, 2013 and expiring May 5, 2014.

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2013-A057

May 20, 2013

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO CHARLIE'S AT BANGOR BREWER BOWLING LANES, 534 WILSON STREET.

filed May 15, 2013  
by Jerry Goss

WHEREAS, Charles Henry Inc.'s application for a City of Brewer Amusement License for Charlie's at Bangor Brewer Bowling Lanes, 534 Wilson Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on May 20, 2013 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- A. Conviction of the applicant of any Class A, Class B or Class C crime;
- B. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

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- D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- E. A violation of any provision of the Maine Liquor Laws;
- F. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. Seq.
- G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request;

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Charles Henry Inc. d/b/a/Charlie's at Bangor Brewer Bowling Lanes, 534 Wilson Street, for the City's licensing year commencing May 6, 2013 and expiring May 5, 2014.

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2013-A058

May 20, 2013

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO SCHOONERS, 5 SOUTH MAIN STREET.

filed May 15, 2013  
by Joseph Ferris

WHEREAS, Michael Kessock/MacKess LLC's application for a City of Brewer Amusement License for Schooners, 5 South Main Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on May 20, 2013 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

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- A. Conviction of the applicant of any Class A, Class B or Class C crime;
- B. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- E. A violation of any provision of the Maine Liquor Laws;
- F. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request;

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Michael Kessock/MacKess LLC d/b/a Schooners, 5 South Main Street, for the City's licensing year which commences May 6, 2013 and expires May 5, 2014.

**ACTION:** Councilor Ferris 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.

The order was passed by a 4 to 0 vote.

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2013-A059

May 20, 2013

TITLE: ORDER, ISSUE RELEASE DEED TO MARILYN MERRILL,  
278 WILSON STREET.

filed May 15, 2013  
by Matthew Vachon

City Council Minutes  
May 20, 2013

ORDERED, that a municipal release deed be issued to Marilyn Merrill, 278 Wilson Street releasing to her all rights, title and interest the City of Brewer may have acquired in the property on 278 Wilson Street (City Tax Map 31, Lot 20) 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
12408	74
12584	250
12932	141

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 \$2,684.01 in principal was collected, along with \$44.20 in interest and \$24.47 in costs.

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2013-A060

May 20, 2013

TITLE: ORDER, ISSUE RELEASE DEED TO KERN A. FEENEY,  
60 SOUTH BREWER DRIVE.

filed May 15, 2013  
by Arthur Verow

ORDERED, that a municipal release deed be issued to Kern A. Feeney, 60 South Brewer Drive, releasing to him all rights, title and interest the City of Brewer may have acquired in the property on 60 South Brewer Drive (City Tax Map 22, Lot 37) 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
12256	282

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 \$3,548.56 in principal was collected, along with \$159.62 in interest and \$16.29 in costs.

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2013-A061

May 20, 2013

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PARKS  
AND RECREATION DEPARTMENT FOR SPECIAL  
EVENTS.

filed May 15, 2013  
by Jerry Goss

WHEREAS, the City of Brewer has received a donation of \$180.00 from the Kiwanis Club of Brewer for the Brewer Parks and Recreation Department's Special Events; and

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this donation and directs that the donated funds be received in the Brewer Parks and Recreation budget account 0107123 300325 (Special Events Revenue); and

FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from budget account 0117121 506150 (Recreation Special Events).

NOTE: The Brewer Parks and Recreation Director sends a letter of acknowledgement and appreciation on behalf of the City Council to all those that donate to these programs.

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2013-A062

May 20, 2013

TITLE: ORDER, ADOPTING THE OPERATING AGREEMENT FOR SBR  
REAL ESTATE HOLDINGS, LLC.

filed May 15, 2013  
by Joseph Ferris

#### EMERGENCY PREAMBLE

WHEREAS, orders passed by the Brewer City Council on May 20, 2013 do not become effective until five (5) days after approval unless such orders contain emergency preambles; and

WHEREAS, the City has not adopted the Operating Agreement for SBR Real Estate Holdings, LLC, that was formed May 8, 2012; and

WHEREAS, the City of Brewer has established South Brewer Redevelopment , LLC on May 20, 2004, and adopted an Operating Agreement for the Limited Liability Company; and

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WHEREAS, the Limited Liability Company changed its name to SBR Real Estate Holdings, LLC on May 8, 2012; and

WHEREAS, a new Operating Agreement for SBR Real Estate Holdings, LLC was created, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Brewer City Council needs to approve the Operating Agreement;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby approves the Operating Agreement for SBR Real Estate Holdings, LLC, which is attached hereto and made a part hereof; and

FURTHER ORDERED, that this City Council Order shall be retroactive to May 8, 2012, and take effect immediately upon its passage.

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2013-A063

May 20, 2013

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

filed May 15, 2013  
by Matthew Vachon

WHEREAS, the City of Brewer has received a donation of \$500.00 from Kindred Healthcare (Brewer Rehab) for support of this year's Brewer Days Celebration;

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

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

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

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2013-A064

May 20, 2013

TITLE: ORDER, AUTHORIZE THE PURCHASE OF TWO TROJAN SWIFT  
4L12 UV TREATMENT UNITS.

filed May 15, 2013  
by Arthur Verow

WHEREAS, EPA's LT2 rule requires the Brewer Water Department to install and operate secondary treatment for microbial contaminants no later than September 30, 2014; and

WHEREAS, UV treatment is a chemical free highly effective treatment process for the inactivation of microbial contaminants; and

WHEREAS, UV treatment is considerably less expensive to install and operate than a filtration system; and

WHEREAS, after reviewing multiple units and pricing Trojan swift 4L12 is the best unit for Brewer Water Department's UV treatment needs; and

WHEREAS, this UV project was included in the Water Department's FY2013 CIP, and on July 24, 2012 the Brewer City Council approved up to \$1,100,000.00 in bond financing to pay for this project;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the City Manager, or his designee, to purchase two Trojan swift 4L12 UV treatment units for the amount of \$155,700.00; and

BE IT FURTHER ORDERED, that the costs of these services be charged to account 0571003-573026 (UV Treatment Upgrade) to be funded with a bond to be issued in FY2013.

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

Councilor Ferris asked Water Department Superintendent Rodney Butler to give a brief explanation of the treatment units.

The order was passed by unanimous vote.

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2013-A065

May 20, 2013

**TITLE: ORDER, AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN A NON-EXCLUSIVE LEASE FOR AN ACCESS ROAD FOR THE PURPOSE OF ALLOWING A ONE WAY EGRESS FOR SCHOOL BUSES AND SCHOOL VEHICLES FROM THE HIGH SCHOOL DISTRICT PROPERTY TO THE ACME ROAD.**

filed May 15, 2013  
by Jerry Goss

WHEREAS, the City of Brewer High School District owns the property that Brewer High School is situated on; and

WHEREAS, the City of Brewer High School District Trustees believe that the public health, welfare and common safety of the students, teachers and administrators at Brewer High School requires that school buses and school vehicles have a better means of egress from the High School property other than on to the heavily traveled Parkway South; and

WHEREAS, the High School Trustees believe the safest way for the school buses and school vehicles to exit the High School property is to construct a road across the City of Brewer property to allow school buses and school vehicles to access Acme Road and use the traffic signals at the Acme Road and Wilson Street intersection to access major transportation arteries; and

WHEREAS, the Brewer City Council is willing to lease a portion of its property for the construction of an access road to allow school buses and school vehicles to access Acme Road from the City of Brewer High School District property; and

WHEREAS, the parties have agreed upon all of the terms and conditions of the Lease between the parties;

NOW, THEREFORE, BE IT ORDERED, that the City Council of the City of Brewer authorize the City Manager, or his designee, to sign the attached non-exclusive Lease for a term of twenty (20) year lease, to allow school buses and school vehicles to exit the City of Brewer High School District property and access Acme Road; and

FURTHER, BE IT ORDERED, that the City Manager, or his designee, should have authority to take any and all actions and sign any and all documents, necessary to carry out any and all of the terms and conditions of the said Lease.

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2013-A066

May 20, 2013

TITLE: ORDER, AUTHORIZE SEWER COLLECTION SYSTEM PROJECTS TO EXPEND GRANT FUNDS STILL AVAILABLE IN THE JEFFERSON STREET/TIBBETTS STREET RURAL DEVELOPMENT LOAN.

filed May 15, 2013  
by Joseph Ferris

WHEREAS, the City has approximately \$200,000.00 of rural development grant money still available to spend in the Jefferson Street Sewer Lateral Improvement and Tibbetts Street Sewer Separation projects loan; and

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

WHEREAS, Rural Development has approved the following three projects to spend the remaining grant money:

- Hardy Street Pump Station Modifications – Retrofit the existing pump station with one smaller pump to handle dry weather days at steady flow output. The design, equipment and construction cost for this project is \$170,000.00.
- Chapman Street Manhole Installation Project – Install two manholes on Chapman Street to allow access to the sewer to perform maintenance. Construction cost for this project is \$10,000.00.
- Hardy Street Pump Station Roof Replacement – The Hardy Street pump station roof has leaked for years and needs to be replaced to prevent damage to electronic equipment. The approximate cost of this project is \$15,000.00.

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to issue purchase orders for the design, equipment purchase and construction to complete the projects listed above prior to the September 2013 deadline, and charge the expenses to the following accounts as appropriate:

Hardy Street Pump Station Modifications	0680605-560000
Chapman Street Manhole Project	0680606-560000
Hardy Street Pump Roof Replacement	0680607-560000

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.

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2013-A067

May 20, 2013

TITLE: ORDER, AUTHORIZE APPROPRIATION TO BREWER REDEVELOPMENT, LLC TO SUPPORT THE REMEDIATION AND DEMOLITION OF THE FORMER CAPRI STREET SCHOOL BUILDINGS.

filed May 15, 2013  
by Matthew Vachon

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

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

WHEREAS, the anticipated cost for the removal and disposal of the buildings on the former Capri Street School buildings is \$200,000.00; and

WHEREAS, the City needs to give a grant from the Revolving Loan Fund (RLF) of the \$200,000.00 to Brewer Redevelopment, LLC for the removal and disposal of the buildings on the former Capri Street School property; and

WHEREAS, the City has agreed to the \$200,000.00 to Brewer Redevelopment, LLC for the removal and disposal of the buildings on the former Capri Street School property; and

WHEREAS, the City has agreed to authorize Brewer Redevelopment, LLC to remove and dispose of the buildings on the former Capri Street School property;

NOW, THEREFORE BE IT ORDERED, that the City will give Brewer Redevelopment, LLC a grant of \$200,000.00 from the RLF for the removal and disposal of the buildings on the former Capri Street School property; and

FURTHER BE IT ORDERED, that the City Manager, or his designee, shall take any and all actions and sign any and all documents for the \$200,000.00 grant from the Revolving Loan Fund to Brewer Redevelopment, LLC.

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2013-A068

May 20, 2013

TITLE: ORDER, ACCEPT DEED FOR EXCESS PROPERTY FROM SBR REAL ESTATE HOLDINGS, LLC.

filed May 15, 2013  
by Arthur Verow

WHEREAS, the City of Brewer (hereinafter referred to as the “City”) conveyed property to SBR Real Estate Holdings, LLC (hereinafter referred to as “SBR”) that was subject in part to an option to Maine Liquid Methane Fuels, LLC, (hereinafter referred to as “MLMF”); and

WHEREAS, MLMF has exercised its option; and

WHEREAS, the option being exercised only covers a portion of the property conveyed by the City to SBR; and

WHEREAS, there is a need for SBR to convey back to the City the property it acquired but will not be part of the optioned property being conveyed to MLMF;

NOW, THEREFORE BE IT ORDERED, that the City hereby accepts title to the property that it conveyed to SBR and is not being conveyed to MLMF as a part of the option it exercised; and

FURTHER BE IT ORDERED, that the City Manager, or his designee, shall take any and all actions and sign any and all documents necessary to accept the said property; and

FURTHER BE IT ORDERED, that the City Clerk, or her designee, shall record the Deed from SBR in the Penobscot County Registry of Deeds.

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2013-A069

May 20, 2013

TITLE: ORDER, AUTHORIZE THE REVISIONS TO THE ACCESS  
EASEMENT AND THE ROAD AND MAINTENANCE  
AGREEMENT.

filed May 15, 2013  
by Jerry Goss

WHEREAS, the City of Brewer (hereinafter referred to as the “City”) conveyed property to an Access Easement to SBR Real Estate Holdings, LLC (hereinafter referred to as “SBR”); and

WHEREAS, the property and Access Easement conveyed by the City to SBR was subject to an option with Maine Liquid Methane Fuels, LLC (hereinafter referred to as “MLMF”); and

WHEREAS, MLMF entered into a Construction and Maintenance Agreement with the City of the Access Easement; and

WHEREAS, MLMF has exercised its option; and

WHEREAS, MLMF wants an amendment to the Access Easement conveyed to SBR before the property and revised Access Easement are conveyed by SBR to MLMF; and

WHEREAS, MLMF wants an amendment to the Construction and Maintenance Agreement with the City; and

WHEREAS, the City is agreeable to both;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorize the amendment to the Access Easement; 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 convey the amended Access Easement on the City's behalf to SBR; 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 on behalf of the City to enter into the Amended Construction and Maintenance Agreement with MLMF.

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2013-A070

May 20, 2013

TITLE: ORDER, RELEASE BOND ON THE FORMER NATURE'S WAY  
ESTATES SUBDIVISION.

filed May 15, 2013  
by Joseph Ferris

WHEREAS, Dennis and Sharon Davis developed the Nature's Way Estates Subdivision on the Lambert Road in Brewer; and

WHEREAS, the Planning Board for the City of Brewer approved the Nature's Way Estates Subdivision which was recorded in the Penobscot County Registry of Deeds in Plan File 2008-226; and

WHEREAS, Dennis and Sharon Davis, along with Charles Adams, posted Bond Number 5021979 to secure the installation of the improvements in said Subdivision; and

WHEREAS, the Nature's Way Estates Subdivision lost its subdivision approval for failure to construct the required improvements in the said Subdivision as required by Chapter 24, Article 7, Section 707.3.6 of the City of Brewer's Land Use Code; and

WHEREAS, Benjamin R.K. Breadmore, in his capacity as Code Enforcement Officer of the City of Brewer, filed an Affidavit in the Penobscot County Registry of Deeds that the Nature's Way Estates Subdivision had lost its approval. Said Affidavit is recorded in the Penobscot County Registry of Deeds in Volume 12722, Page 296;

NOW, THEREFORE, BE IT ORDERED, that since Nature's Way Estates Subdivision has lost its subdivision approval, the Performance Bond Number 5021979 is no longer necessary and is hereby released by 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 release of said Bond Number 5021979.

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

Councilor Ferris asked City Solicitor Joel Dearborn how the bond could be released if the subdivision had not completed the improvements.

City Solicitor Dearborn said that if the subdivision was not completed within two years it is declared null and void. This is what has taken place.

The order was passed by unanimous vote.

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2013-B021

May 20, 2013

TITLE: RESOLVE, FILE CONTRACT WITH GLOBAL SPECTRUM IN THE  
CITY OF BREWER'S RECORDS.

filed May 15, 2013  
by Arthur Verow

WHEREAS, the City Council authorized that a contract be negotiated with Global Spectrum for the City of Brewer to become a Founding Partner in the Cross Insurance Center; and

WHEREAS, the City Manager, or his designee, was authorized to sign this contract on behalf of the City of Brewer; and

WHEREAS, the contract was signed and executed on April 30, 2013 by the City Manager;

NOW, THEREFORE, BE IT RESOLVED, that the signed contract with Global Spectrum be filed in the City's record archives in the City Clerk's office.

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2013-A071

May 20, 2013

TITLE: ORDER, APPOINTING THE MANAGERS OF SBR REAL ESTATE HOLDINGS, LLC.

filed May 15, 2013  
by Matthew Vachon

EMERGENCY PREAMBLE

WHEREAS, orders passed by the Brewer City Council on May 20, 2013 do not become effective until five (5) days after approval unless such orders contain an emergency preamble; and

WHEREAS, the City has not officially appointed the Managers of SBR Real Estate Holdings, LLC; 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, SBR Real Estate Holdings, LLC was established on May 8, 2012;

NOW, THEREFORE, BE IT ORDERED, that Stephen M. Bost, D'arcy Main-Boyington and Nicole Gogan are hereby appointed Managers for SBR Real Estate Holdings, LLC; and

FURTHER BE IT ORDERED, that this City Council Order shall be retroactive to May 8, 2012 and go into effect immediately upon its passage.

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

The order was passed by unanimous vote.

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**F. Unfinished Business.**

No items.

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**G. New Business.**

2013-C005

May 20, 2013

**TITLE:** 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.

filed May 15, 2013  
by Arthur Verow

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 24 of the Charter, Codes and Ordinances of the City of Brewer entitled “Land Use Code” be amended as follows: 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.  
(please see attached for changes and memo from City Planner)

**ACTION:** Councilor Verow 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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2013-C006

May 20, 2013

**TITLE:** AMEND CHAPTER 24 (LAND USE CODE), ARTICLE 3, ZONING DISTRICTS, SECTION 306 TO ADD DESCRIPTION, USES AND STANDARDS OF THE “ADAPTIVE REUSE DISTRICT”.

filed May 15, 2013  
by Jerry Goss

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 24, Article 3 (Zoning Districts), Section 306 of the Charter, Codes and Ordinances of the City of Brewer entitled “Land Use Code” be amended to add description, uses and standards of the “Adaptive Reuse District” as follows:  
(please see attached for changes and memo from City Planner)

**ACTION:** Councilor Goss 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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2013-C007

May 20, 2013

TITLE: 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.

filed May 15, 2013  
by Joseph Ferris

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 28 (Brewer Sign Ordinance), Article 7 (Zone and Location Standards), of the Charter, Codes and Ordinances of the City of Brewer be amended by adding Section 7.4 Signs in the Downtown Development District and renumbering the subsequent sections of Article 7 as follows:

## **ARTICLE 7            ZONE AND LOCATION STANDARDS**

### **7.4    Signs in the Downtown Development District:**

In Downtown Development District, the following signs shall be permitted:

- Signs identifying uses or services rendered on the premises, aggregating two (2) square feet in area for every running foot of building frontage. Such signs may be affixed to any wall of a building; or
- Signs composed of individual letters without a background may be located on the edge of a roof or parapet wall on a flat roof or at the line of the eaves on other types of roof.
- Businesses may be permitted the use of one (1) sandwich board sign. However, this sign must be taken inside at the close of business each day and must not be placed on a public street or placed in such a way as to interfere with the free travel of pedestrians or vehicles.

### **7.4.5   Signs in the General Business Zone, Professional Business Zone, and all Industrial Zones:**

- **Free-Standing Signs:**
  - All single use tenancies are allowed one 100 sq. ft. free-standing sign, excepting as provided for in section 7.4.3.
  - All multi-tenant buildings with four (4) or less tenants are allowed up to one 200 sq. ft. free-standing sign.

- Structures 20,001 sq. ft. or greater or with five (5) or more tenants are allowed up to one 300 sq. ft. free-standing sign.
- Signs in the General Business Zone must be set back a minimum 20 feet from property or street right of way lines.
- **Building Facade Signs:**
  - Single or multi-tenant buildings are allowed 4 sq. ft. per linear foot of building frontage based on the predominant entrances to each business.
- **Traffic Directional Signs:**
  - All single use tenancies may have signs located near entrances and exits not more than three (3) feet from grade measured at driveway entrance, must be set back minimum seven (7) feet from all property lines, and must not to exceed 4 sq. ft. in area, in order to assist in the flow of traffic associated with the business.

If a development is bounded by more than one street and accessed by more than one entrance on another street, and any one entrance sign cannot be seen from the other entrance, one other free-standing sign of one third the allowed square footage of the allowed free-standing sign shall be permitted at the second entrance. No more than two (2) freestanding signs shall be allowed per site.

- Maximum height: 25 feet
- Setback requirements: 20 feet from all property lines or street right-of-way lines.

**7.56 Signs in Industrial, Convenience Business and General Business Zones:**

In Industrial, Convenience Business, and General Business zones, signs may not be located on any part of the premises as to face an adjoining lot in a residence zone and no sign shall be constructed nearest the rear property line or side property line of which abuts a lot in a residential zone.

**7.67 Commercial Street Directory and Entrance Signs:**

Indirectly illuminated directory and entrance signs in East-West Industrial Park may be erected within the public way subject to the approval of the City Engineer. Any such approval by the City Engineer shall be in writing and shall be filed with the City Clerk. Directory and entrance signs shall not exceed one hundred sixty (160) square feet in size.

**7.78 Recycling Efforts by the City of Brewer:**

Nothing in this Chapter shall prevent the City of Brewer from erecting, maintaining, and repairing such signs as the Brewer City Council, in its sole discretion, may deem necessary and appropriate for advertising and promoting the City of Brewer's recycling efforts and/or to direct citizens to a recycling facility within the City of Brewer. Such signs shall not exceed one hundred sixty (160) square feet in size.

**7.89 Shopping Centers:**

In Shopping Centers developed under a single ownership, each store or shop front may have an attached sign aggregating four (4) square feet of area for every running foot of its frontage

**7.89.1 Individual Establishment:**

Each unit in a shopping center that is a separate establishment shall be treated as such in determining the allowable frontage and number of signs.

**7.89.2 Detached Signs:**

Each shopping center may have one detached sign directing the public to the shopping center and identifying use or services rendered on the premises but not describing goods by brand or trade names, and having a total area not greater than six hundred (600) square feet except for the General Business (GB) District, where all signs must meet the requirements of Article 7, Section 7.4.1 of this chapter.

**ACTION:** Councilor Ferris 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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**H. New Items with Leave of Council.**

No items.

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

**ACTION:** Councilor Ferris moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting adjourned at 7:46 p.m.

**ADJOURNED, ATTEST:** \_\_\_\_\_ Pamela J. Ryan  
City Clerk

**A TRUE COPY, ATTEST:** \_\_\_\_\_ Brewer, Maine