

CITY COUNCIL SPECIAL MEETING
Tuesday, May 29, 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)
- B. Awards, Petitions and Public Comments.**
 - 1. Public Comments.
- IV. Recess for Public Hearing.**
 - 1. FY2013 City and School Budget Informational Hearing.
- V. Adjourn Public Hearing and Continue with Regular Meeting.**
- C. Consent Calendar.**
 - 1. (2012-A106) ORDER, Accept Donation to the Brewer Parks and Recreation Department for the Afterschool Program. (Councilor O'Connell)
 - 2. (2012-A107) ORDER, Issue Release Deed to Walter C. Schultz and Carolyn M. Schultz, 765 North Main Street. (Councilor Verow)
 - 3. (2012-A108) ORDER, Authorize Modification of CDBG Selling Agreement Terms for Property Located at 21 Fling Street (Councilor Doughty)
 - 4. (2012-B024) RESOLVE, Amend the City's Personnel Manual to Change Article IV, Leaves of Absence, Section 5, Worker's Compensation Leave. (Councilor Ferris)
- D. Monthly Reports.** (none)
- E. Nominations, Appointments, Elections.** (no items)
- F. Unfinished Business.**
 - 1. (2012-B023) RESOLVE, Confirm the City Manager's Appointment of Dan Wellington as an Assistant Code Enforcement Officer, Assistant Plumbing Inspector, Assistant Electrical Inspector and Assistant Building Inspector for the City of Brewer. (Councilor Doughty)(tabled 5/1/12)
 - 2. (2012-C004) Amend the Land Use Code, Chapter 24 of the Charter, Codes And Ordinances of the City of Brewer to Change Property from Professional Business District (PB) to General Business District (GB) in the Area of Dirigo Drive , Green Point Road and Sparks Avenue (City Tax Map 7, Lots7G, 7J, 16, 16B, 16C and also the Parcel on Dirigo Drive Being a Portion of Book 7294, Page 333 Second Parcel[which is a triangle-shaped parcel abutting Tax

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3. (2012-C006) Amend Chapter 5, Entitled "Assessor", Article 2, The Board of Assessment Review, Section 208-A, Item D, Role of the City Clerk, of the Charter, Codes and Ordinances of the City of Brewer. (Councilor Verow)(posted 4/2/12)
4. (2012-C007) Amend Chapter 14, Entitled "City Cemeteries", Section 103.2. Clerk and Section 105 Superintendent of the Charter, Codes and Ordinances of the City of Brewer. (Councilor Doughty) (posted 4/2/12)

G. New Business.

1. (2012-C008) Amend the General Assistance Ordinance to Incorporate Changes In Maximum Benefits. (Councilor Doughty)
2. (2012-C009) Amend Article VI, Section 6.8 (B) of the General Assistance Ordinance Adopted by the Municipal Officers in the City of Brewer to Incorporate the FY 2013 "Temporary" Housing Assistance Limit. (Councilor Verow)

H. New Items with Leave of Council

I. ADJOURN.

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)

B. Awards, Petitions and Public Comments.

1. Public Comments.

ACTION: Don Rogers of Summit Road is here regarding the Water/Sewer Debt. Feels that he pays too much for his minimum use of water.

Councilor Ferris spoke concerning this and told the crowd that all users pay the minimum for debt, maintenance and other PUC required uses.

Rodney Butler, Water Dept Supt. spoke about the subject. Backflow valves and other unfunded mandates are being monitored but not yet enforced with fines or penalties. That may come in the near future.

IV. Recess for Public Hearing

ACTION: Mayor closed the regular meeting @ 6:12 p.m. and opened public hearing. Clerk

called the roll. All present.

CITY OF BREWER PUBLIC NOTICE

Notice is hereby given that the Brewer City Council will hold an informational public hearing on the FY13 City and School Budget on Tuesday, May 29, 2012 at 6:00 p.m. in the Council Chambers at Brewer City Hall, 80 No. Main Street, Brewer, Maine. The budget is available for review at the City Clerk's Office and the Brewer Public Library.

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.

Howard F. Kroll
City Clerk

Published May 21, 2012

f

1. FY2013 City and School Budget Informational Hearing.
Manager Bost, FD Fussell, Supt. Lee and BM Gardner presented their budgets.

Dr. Lee spoke first about the school's budget- has cut 30 positions, FY 13 will use 1.8 million surplus to cover budget restraints,

**Gardner- 50 % of the high school students are tuition students,
Requesting an additional \$487,000 from the City**

Councilor O'Connell- Dr. Lee we are spending 1.6% less?

Lee- no- we are operating at 1.6% less than State EPS desired rate,

Doughty- how many unions

Lee- Teachers, techs, non-teaching personnel, the other

Don Rogers, Summit Road, expectations of kids are too low and we are caukling them.

City Manager Bost spoke about the budget and the various highlights.

Councilor O'Connell mentioned that he is not happy about the mil rate increase but is happy with the requirement to do it. It is time.

Councilor Doughty- great job by Karen, against the pay raises and the mil rate increase,

Councilor Verow- budget provides for taxing fairly and equitable to all.

Councilor Goss- thanked each (the presenters) for the planning of this day, other communities have had increases of 5-8% for their budget or tax rate,

V. Adjourn Public Hearing and Continue with Regular Meeting.

ACTION: MAYOR CLOSED THE PUBLIC HEARING @ 7: 10P.M. AND OPENED UP REGULAR MEETING. All present.

C. Consent Calendar.

ACTION: CITY CLERK READ THE CONSENT CALENDAR. COUNCILOR VEROW MADE A MOTION THAT THE CONSENT CALENDAR BE APPROVED. MOTION SECONDED, MOTION APPROVED BY UNANIMOUS VOTE.

**CITY OF BREWER, MAINE
IN CITY COUNCIL ASSEMBLED**

2012-A106

May 29, 2012

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PARKS AND RECREATION DEPARTMENT FOR THE AFTERSCHOOL PROGRAM.

filed May 23, 2012
by Kevin O'Connell

WHEREAS, the Brewer Parks and Recreation Department has received a donation of \$58.79 from Ruby Tuesday Restaurant for Brewer Parks and Recreation Department's Afterschool Program;

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 receipted to the Afterschool Program account (017123 300324); and

AND FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0117121 506100 (Afterschool Program).

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.

**CITY OF BREWER, MAINE
IN CITY COUNCIL ASSEMBLED**

2012-A107

May 29, 2012

TITLE: ORDER, ISSUE RELEASE DEED TO WALTER C. SCHULTZ AND
CAROLYN M. SCHULTZ, 765 NORTH MAIN STREET.

filed May 23, 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, it is imperative that release deed is recorded immediately as closing date on property falls within the 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;

ORDERED, that a municipal release deed be issued to Walter C. Schultz and Carolyn M. Schultz releasing to them all rights, title and interest the City of Brewer may have acquired in the property on 765 North Main Street (City Tax Map 17, Lots 48 and 49) 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
3395	297

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.

**CITY OF BREWER, MAINE
IN CITY COUNCIL ASSEMBLED**

2012-B024

May 29, 2012

TITLE: RESOLVE, AMEND THE CITY'S PERSONNEL MANUAL TO CHANGE ARTICLE IV, LEAVES OF ABSENCE, SECTION 5, WORKER'S COMPENSATION LEAVE).

filed May 23, 2012
by Joseph Ferris

RESOLVED, that the City of Brewer Personnel Policy, adopted May 26, 2006, be amended by changing Article IV, Leaves of Absence, Section 5, Worker's Compensation Leave to read as follows:

SECTION 5. WORKER'S COMPENSATION LEAVE.

Employees who sustain injury on the job and are eligible for workers' compensation benefits, shall not be paid sick leave and shall only receive the benefits allowed under the Workers' Compensation Act, if their incapacity continues for more than fourteen (14) days. If the incapacity does not continue for more than fourteen (14) days, the employee may use sick leave to cover lost work time during the first seven- (7) days of incapacity.

Immediately after the occupational injury or illness, the employee is required to report to his/her supervisor or department head and ensure that a City of Brewer Occupational Illness and Injury Report and First Report of Injury are completed within 24 hours of the occupational injury or

illness. The employee may be required to verify the illness or injury by a doctor's certificate presented to the city.

When receiving workers' compensation, the employee will continue to accrue seniority and, for a maximum of twelve (12) months, the city will pay its share of health insurance premiums for the employee in accordance with the terms of these policies. During said period, there shall be no additional accumulation of vacation, holiday or sick leave.

All categories of employees are eligible for benefits under the Workers' Compensation Act for personal injuries arising out of and in the course of employment or is disabled by occupational disease.

When an on-the-job accident occurs, the affected employee is to report it immediately to his or her immediate supervisor, who in turn, will send a written report to the ~~Human Services' City~~ Manager's Office where the claim will be processed. In addition, a photocopy should be forwarded to the Payroll clerk in the Finance office ~~and the City Manager's Office.~~

This section shall not apply to employees who are covered under a collective bargaining contract.

MOTION: MOVE THAT THE ORDER BE REMOVED FROM THE TABLE. SECOND THE

MOTION. MOVE THAT THE ORDER HAVE PASSAGE. SECOND THE MOTION.

MOVE THAT THE ORDER BE AMENDED BY STRIKING OUT THE WORDS "AS AN INDEPENDENT CONTRACTOR" FROM THE FIRST LINE OF THE FIRST

PARAGRAPH OF THE ORDER. SECOND THE MOTION.

MOVE THAT THE ORDER HAVE PASSAGE, AS AMENDED. SECOND THE MOTION.

- D. Monthly Reports.** (none)
- E. Nominations, Appointments, Elections.** (no items)
- F. Unfinished Business.**

**CITY OF BREWER, MAINE
IN CITY COUNCIL ASSEMBLED**

TITLE: RESOLVE, CONFIRM CITY MANAGER'S APPOINTMENT OF DAN WELLINGTON AS AN ASSISTANT CODE ENFORCEMENT OFFICER, ASSISTANT PLUMBING INSPECTOR, ASSISTANT ELECTRICAL INSPECTOR AND ASSISTANT BUILDING INSPECTOR FOR THE CITY OF BREWER.

filed April 25, 2012
by Larry T. Doughty

WHEREAS, Dan Wellington has agreed to work as an independent contractor to help enforce the Codes and Ordinances of the City of Brewer, and as they relate to Code Enforcement, Plumbing Inspection, Electrical Inspection and Building Inspection; and

WHEREAS, he has all of the required approvals from the State of Maine to serve in said capacities; and

WHEREAS, the City Manager has appointed Dan Wellington to be an Assistant Code Enforcement Officer, Assistant Plumbing Inspector, Assistant Electrical Inspector and Assistant Building Inspector with full authority to carry out and to enforce the Codes and Ordinances of the City of Brewer, the laws of the State of Maine and applicable Federal law under the direction of the City of Brewer's Code Enforcement Officer, Ben Breadmore, upon the date this resolve becomes effective until May 7, 2013;

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Brewer hereby confirms the City Manager's appointment of Dan Wellington as Assistant Code Enforcement Officer, Assistant Plumbing Inspector, Assistant Electrical Inspector and Assistant Building Inspector with full and complete authority to enforce the Codes and Ordinances of the City of Brewer, the laws of the State of Maine and Federal law under the direction of the Code Enforcement Officer, Ben Breadmore, until May 7, 2013.

ACTION: COUNCILOR DOUGHTY MADE A MOTION THAT THE RESOLVE BE ADOPTED, MOTION SECONDED, MOTION APPROVED BY UNANIMOUS VOTE.

**CITY OF BREWER, MAINE
IN CITY COUNCIL ASSEMBLED**

2012-C004

April 3, 2012

TITLE: AMEND THE LAND USE CODE, CHAPTER 24, OF THE CHARTER,

CODES AND ORDINANCES OF THE CITY OF BREWER TO CHANGE PROPERTY FROM PROFESSIONAL BUSINESS DISTRICT (PB) TO GENERAL BUSINESS DISTRICT (GB) IN THE AREA OF DIRIGO DRIVE, GREEN POINT ROAD AND SPARKS AVENUE (CITY TAX MAP 7, LOTS 7G, 7J, 16, 16B, 16C AND ALSO THE PARCEL ON DIRIGO DRIVE BEING A PORTION OF BOOK 7294, PAGE 333 SECOND PARCEL [WHICH IS A TRIANGLE-SHAPED PARCEL ABUTTING TAX MAP 7, LOT 7J]).

filed March 28, 2012
by Arthur Verow

Be it ordained by 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" of the City of Brewer, Maine be amended by changing property from Professional Business District (PB) to General Business District (GB) in the area of Dirigo Drive, Green Point Road and Sparks Avenue (City Tax Map 7, Lots 7G, 7J, 16, 16B, 16C and also the parcel on Dirigo Drive being a portion of Book 7294, Page 333 Second Parcel [which is a triangle-shaped parcel abutting Tax Map 7, Lot 7J).

ACTION: COUNCILOR VEROW MADE A MOTION THAT ONE COPY OF THE ORDINANCE AMENDMENT BE PLACED ON FILE WITH THE CITY CLERK. MOTION SECONDED, MOTION APPROVED BY UNANIMOUS VOTE.

**CITY OF BREWER, MAINE
IN CITY COUNCIL ASSEMBLED**

TITLE: AMEND CHAPTER 5, ENTITLED "ASSESSOR", ARTICLE 2, THE BOARD OF ASSESSMENT REVIEW, SECTION 208-A, ITEM D, ROLE OF THE CITY CLERK, OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER.

filed April 25 2012
by Arthur Verow

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 208-A, Item D, Role of the City Clerk, of the Charter, Codes and Ordinances of the City of Brewer be amended as follows:

ARTICLE 2. THE BOARD OF ASSESSMENT REVIEW.

SECTION 208-A. ROLE OF THE CITY CLERK.

The City Clerk shall have the following responsibilities in relation to the Board of Assessment Review; hereinafter referred to as the "Board".

(d) Receive any material provided to the Board by the Applicant(s) and the City Assessor and provide the material received to the members of the Board, ~~as directed by its Chairman and Vice Chairman~~ prior to the hearing and the opposing Party. The pre-filing of written evidence and documentation shall adhere to the following schedule:

- 1) The petitioner shall submit the petitioner's written evidence and documentation by not later than twenty (20) days prior to scheduled hearing on the abatement petition.
- 2) The Assessor shall submit the Assessor's written evidence and documentation by not later than ten (10) days prior to the scheduled hearing on the abatement petition. At the time of submission, the Assessor shall also forward a copy of the Assessor's submissions to the petitioner or the petitioner's agent.
- 3) The petitioner shall submit any additional written evidence and documentation to respond to the written evidence and documentation submitted by the Assessor no later than five (5) days prior to the scheduled hearing on the abatement petition.

- 4) At least five (5) days prior to the hearing, the City Clerk shall arrange

for the delivery or mailing of copies of the pre-filed submissions to the members of the Board.

At the hearing, the parties may utilize presentation aids, such as charts, graphs, photographs, etc., but the parties may not submit additional written evidence or documentation.

ACTION: COUNCILOR VEROW MADE A MOTION THAT ONE COPY OF THE ORDINANCE AMENDMENT BE PLACED ON FILE WITH THE CITY CLERK. MOTION SECONDED, MOTION APPROVED BY UNANIMOUS VOTE.

**CITY OF BREWER, MAINE
IN CITY COUNCIL ASSEMBLED**

2012-C007

May 1, 2012

TITLE: AMEND CHAPTER 14, ENTITLED "CITY CEMETERIES",
SECTION 103.2 CLERK AND SECTION 105 SUPERINTENDENT
OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF
BREWER.

filed April 25 2012
by Larry T. Doughty

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 14 Entitled "City Cemeteries", Section 103.2 Clerk and Section 105 Superintendent, of the Charter, Codes and Ordinances of the City of Brewer be amended as follows:

SECTION 103.2. CLERK. The Director of ~~Human Services~~ Parks and Recreation shall serve as Cemetery Clerk and shall perform duties such as keeping records of burials; process sale of lots; be custodian of cemetery records, which at all times shall be housed ~~in the City Hall~~ at the office of the Parks and Recreation Department; answer all cemetery related correspondence; and act as clerk for the Cemetery Board.

SECTION 105. SUPERINTENDENT. The Director of ~~Parks, Conservation and Recreation~~ shall appoint the Superintendent of Cemeteries. The general care and supervision of all the City Cemeteries is committed to and exercised by the Superintendent, who shall be responsible for the care of all cemetery grounds, including that of attending the burial of the dead, the digging of the graves and filling of same. The Superintendent shall be responsible for the care and maintenance of all lots, the hiring of personnel, the purchase of equipment and the care and maintenance of same, the locating of lots for various reasons including burials, monument location, genealogy searchers, lots left in estates, the planting of flowers and shrubs, maintenance of water systems, maintenance of flag poles and flying the flags at proper times, transporting manpower and equipment to the various Cemeteries and maintenance of buildings and the general appearance and care of the Cemeteries.

ACTION: COUNCILOR DOUGHTY MADE A MOTION THAT ONE COPY OF THE ORDINANCE AMENDMENT BE PLACED ON FILE WITH THE CITY CLERK. MOTION SECONDED, MOTION APPROVED BY UNANIMOUS VOTE.

G. New Business.

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2012-C008

May 29, 2012

TITLE: AMEND THE GENERAL ASSISTANCE ORDINANCE TO INCORPORATE
 CHANGES IN MAXIMUM BENEFITS.

filed May 23, 2012
by Larry T. Doughty

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 11 of the Charter, Codes and Ordinances of the City of Brewer entitled "Health Officer, Health and General Assistance" be amended as follows:

- A. Amend Chapter 11, Sub-chapter 1 (General Assistance Ordinance), Article VI, Appendix A to read, in part, as follow:

APPENDIX A	Basic Necessities: Maximum Levels of Assistance.		
No. in Household	Monthly	(Change to)	
1	\$611	\$550	
2	\$712	\$641	
3	\$909	\$818	
4	\$1155	\$1040	
5	\$1304	\$1174	
Each additional person	\$ 75.00	\$75.00*	

- B. Amend Chapter 11, Sub-chapter 1 (General Assistance Ordinance), Article VI, Appendix B to read, in part, as follow:

APPENDIX B	Food Maximums			
No. in Household	Weekly	Monthly	(Change to) Weekly	Monthly
1	46.51	\$200.00	\$42.00	\$180.00
2	85.35	\$367.00	\$77.00	\$330.00
3	122.53	\$526.00	\$110.00	\$473.00
4	155.35	\$668.00	\$140.00	\$601.00
5	184.42	\$793.00	\$166.00	\$714.00
6.	221.40	\$952.00	\$189.00	\$857.00
7.	244.65	\$1052.00	\$220.00	\$947.00

8.	279.53	\$1202.00	\$252.00	\$1082.00
*Each additional person		\$ 132.00 *	<u>\$135.00</u> *	

2012-C008, page 2

C. Amend Chapter 11, Sub-chapter 1 (General Assistance Ordinance), Article VI, Appendix C to read, in part, as follow:

Current:

Bedrooms	<i>Unheated</i>		<i>Heated</i>	
	Weekly	Monthly	Weekly	Monthly
0	96	413	111	476
1	106	455	127	548
2	132	569	162	698
3	170	730	207	891
4	176	756	230	988

Change to:

Bedrooms	<i>Unheated</i>		<i>Heated</i>	
	Weekly	Monthly	Weekly	Monthly
0	86	372	100	428
1	95	410	114	493
2	119	512	146	628
3	153	657	186	802
4	158	680	207	889

ACTION: COUNCILOR VEROW MADE A MOTION THAT ONE COPY OF THE ORDINANCE AMENDMENT BE PLACED ON FILE WITH THE CITY CLERK. MOTION SECONDED, MOTION APPROVED BY UNANIMOUS VOTE.

Andrew Varisco and Manager spoke with candidates for GA Administrator. Susan Packard is Case Worker in Searsport,

**CITY OF BREWER, MAINE
IN CITY COUNCIL ASSEMBLED**

2012-C009

May 29, 2012

TITLE: AMEND THE GENERAL ASSISTANCE ORDINANCE TO INCORPORATE
 THE FY 2013 “TEMPORARY” HOUSING ASSISTANCE LIMIT.

filed May 23, 2012
by

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 11, Article VI, Section 6.8 (B) of the Charter, Codes and Ordinances of the City of Brewer entitled “Health Officer, Health and General Assistance” be amended as follows:

- B) **Housing.** The administrator will provide assistance with rent or mortgage payments that are reasonable ~~and/or~~ within the allowed maximum levels and in accordance with housing assistance limits and exceptions provided in Title 22, Section 4308, Subsections 1-A and 1-B. See Appendix C of this ordinance for the current year’s housing maximums. It is the applicant’s responsibility to find suitable housing, although the administrator may help the applicant find housing when appropriate. The administrator will inform the applicant of the allowed housing maximums to assist the applicant in his or her search for housing. The allowed maximum for any applicant will be the categorical housing maximum representing the minimum dwelling unit space necessary to adequately shelter the applicant household. Applicants requesting assistance for housing that contains more bedrooms than are necessary for the number of household members will be provided assistance according to the maximum level of the number of rooms actually needed.

ACTION: COUNCILOR VEROW MADE A MOTION THAT ONE COPY OF THE ORDINANCE AMENDMENT BE PLACED ON FILE WITH THE CITY CLERK. MOTION SECONDED, MOTION APPROVED BY UNANIMOUS VOTE.

H. New Items with Leave of Council

NONE

I. ADJOURN.

ACTION: COUNCILOR DOUGHTY MADE A MOTION THAT THE MEETING BE ADJOURNED AT 7:23 P.M., MOTION SECONDED, MOTION APPROVED BY UNANIMOUS VOTE.