

City Council Minutes
November 19, 2012

Regular Meeting
City Hall Council Chambers

Monday, November 19, 2012
6:00 p.m.

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

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

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

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

Chairman Goss read the notice for the regular meeting.

TO: Joseph Ferris, Larry Doughty, Arthur Verow, Jerry Goss and Kevin O'Connell
MEMBERS OF THE BREWER CITY COUNCIL and Councilor-elect Matthew Vachon
You are hereby notified a regular meeting of the City Council will be held on Monday, November 16, 2012 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider and act on the items on the attached agenda.

s/Jerry Goss
Mayor and Chairman of the City Council

or _____
Majority of the City Council

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

OFFICER'S RETURN

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

Given/Delivered to:	by (person delivering)	Title	Date	Time
Joseph Ferris	Feero		11/15/12	1533
Larry T. Doughty	Feero		11/15/12	1500
Arthur Verow	Feero		11/15/12	1504
Jerry Goss	Feero		11/15/12	1510
Kevin O'Connell	Feero		11/15/12	1527
Matthew Vachon	R. Hershey	Ptl.	11/15/12	1717

CITY COUNCIL REGULAR MEETING
Monday, November 19, 2012 6:00 P.M.
Brewer City Hall Council Chambers

- I. Call to Order.** (Mayor Jerry Goss)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America.**
(Mayor Goss)
- A. Minutes of October 9, 2012 Regular Meeting and October 15, 2012 Special Meeting.**
(Councilor Verow)
- B. Awards, Petitions and Public Comments.**
 - 1. (2012-B062) RESOLVE, Recognize the Many Years of Dedicated Service of Councilor Larry T. Doughty. (Mayor Goss, Councilors Verow, Ferris and O'Connell)
 - 2. (2012-B063) RESOLVE, Recognize the Brewer Postmaster and U.S. Postal Service for Their Assistance With the Brewer Bicentennial Cancellation Stamp.(Councilor O'Connell)
 - 3. (2012-B064) RESOLVE, Recognize the Penobscot Aerie Fraternal Order Of Eagles #3177 of Brewer, Maine for Their 50 Years of Service to the City and Surrounding Communities. (Councilor O'Connell)
 - 4. (2012-B065) RESOLVE, Recognize Barney Thompson on His 50 Year Anniversary of Membership to the Brewer Kiwanis. (Councilor O'Connell)
 - 5. (2012-B066) RESOLVE, Recognize the Efforts of Vicki Proulx and Quick Actions in Calling 911. (Mayor Goss)
 - 6. (2012-B067) RESOLVE, Recognize the Outstanding Work by the Brewer Finance Department. (Mayor Goss)
 - 7. Public Comments.
- IV. Recess for Public Hearing.**
 - 1. To Review the Current 2011 Community Development (CDBG) Grant Program.
- V. Adjourn Public Hearing and Continue with Regular Meeting.**
- C. Consent Calendar.**
 - 1. (2012-A223) ORDER, Authorize Purchase of Water Meters for Water Department. (Councilor Ferris)
 - 2. (2012-A224) ORDER, Authorize Past Water Rates to be Collected Via Lien Process. (Councilor Doughty)

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3. (2012-A225) ORDER, Declare City Property Surplus and Authorize Sale or Disposal of Surplus Property. (Councilor Verow)
4. (2012-A226) ORDER, Waive Foreclosure of Certain Mobile Home Properties Located in Brewer, Maine. (Councilor O'Connell)
5. (2012-A227) ORDER, Authorize the City of Brewer to Enter into an Option and Development Agreement with the Housing Authority of the City of Brewer Relating To the Former Brewer Middle School and Authorize Stephen M. Bost, or His Designee, to Sign the Said Agreement on Behalf of the City of Brewer. (Councilor Doughty)
6. (2012-A228) ORDER, Authorize Purchase of a Replacement Dump Truck/Plow for the Public Works Department. (Councilor Ferris)
7. (2012-A229) ORDER, Authorize Purchase of a Replacement Sidewalk Tractor. (Councilor Verow)
8. (2012-A230) ORDER, Issue Corrective Municipal Release Deed to Steven D. Stratton and Kelly K. Stratton, as Successors in Interest to The Bank of New York Mellon, as Successor Trustee Under Novastar Mortgage Funding Trust, Series 2006-3 to 52 Brimmer Street, Brewer, Maine. (Councilor O'Connell)
9. (2012-A231) ORDER, Set Up Account to Receive Donated Funds for A Plaque/Monument/Sign for the Charlie Heddericq Field. (Councilor Ferris)
10. (2012-A232) ORDER, Authorize Purchase of Replacement Police Patrol Vehicle for the Brewer Police Department. (Councilor Doughty)
11. (2012-A233) ORDER, Accept Bulletproof Grant Funds. (Councilor Verow)
12. (2012-A234) ORDER, Authorize TIF Funds to Supplement FY2013 Economic Development Budget. (Councilor O'Connell)
13. (2012-B068) RESOLVE, Amend the Deputy City Clerk Job Description. (Councilor Ferris)
14. (2012-B069) RESOLVE, Amend the City Clerk Job Description. (Councilor Doughty)
15. (2012-B070) RESOLVE, Amend the City Assessor Job Description. (Councilor Verow)
16. (2012-B071) RESOLVE, Amend the City of Brewer Personnel Manual to Change Article X, City Clerk and City Assessor, Section 1, Statement of Duties and Responsibilities and Section 2, Exceptions. (Councilor O'Connell)

D. Monthly Reports. (Councilor Verow)

E. Nominations, Appointments, Elections.

1. (2012-A235) ORDER, Establish a Comprehensive Plan Committee and Appoint Members. (Councilor Ferris)
2. (2012-B072) RESOLVE, Declare the Results of the November 6, 2012 City of Brewer Annual Municipal Election and the State of Maine General and Referendum Election. (Councilor Verow)
3. (2012-B073) RESOLVE, Accept Resignation of Ellen Celli as a Trustee on the Brewer Library Board. (Councilor Doughty)

F. Unfinished Business.

1. (2012-C019) Amend the General Assistance Ordinance to Incorporate Changes In Maximum Benefits. (Councilor Ferris)(posted 10/10/12)

G. New Business.

1. (2012-A236) ORDER, Approve RJ Morin From Old Town, Maine to Complete the Boiler Replacement Project at the Water Pollution Control Facility. (Councilor O'Connell)
2. (2012-A237) ORDER, Authorize Settlement Agreement With James L. Kearns, a/k/a James L. Kearns, Jr. (Councilor Ferris)

H. New Items with Leave of Council.

I. ADJOURN.

A. Minutes of October 9, Regular Meeting and October 15, 2012 Special Meeting.

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

B. Awards, Petitions and Public Comments.

2012-B062

November 19, 2012

TITLE: RESOLVE, RECOGNIZE THE MANY YEARS OF DEDICATED SERVICE OF COUNCILOR LARRY T. DOUGHTY.

filed November 13, 2012
by Jerry Goss, Joseph Ferris,
Arthur Verow and Kevin
O'Connell

WHEREAS, Councilor Larry T. Doughty has dutifully and diligently served the City of Brewer; and

WHEREAS, Councilor Doughty was first elected in October of 1985 and has served for 24 years on the Brewer City Council; and

WHEREAS, Councilor Doughty having never missed a council meeting and has always been in the forefront on moving the City of Brewer to greater heights; and

WHEREAS, Councilor Doughty has never shied away from a difficult issue or failed to rise to the challenge of working to solve the City's most pressing needs; and

WHEREAS, Councilor Doughty has been a consistent voice and representative of the people of Brewer;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, expresses their heartfelt gratitude to Councilor Doughty for his unwavering commitment to the council, his family, friends and his beloved community.

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

Mayor Goss read the resolve into the record.

Councilor Ferris and Councilor Verow commented that Councilor Doughty has always been a very effective Councilor working for the people of Brewer.

City Manager Bost said that he was the best go to guy and the best at constitute work.

Councilor Doughty was presented a plaque with the above resolve and a combination clock thermometer by the members of the Council with thanks for his many years of service and comments that they would probably see him back here again.

The resolve was adopted by unanimous vote.

2012-B063

November 19, 2012

TITLE: RESOLVE, RECOGNIZE THE BREWER POSTMASTER AND
U.S. POSTAL SERVICE FOR THEIR ASSISTANCE WITH
THE BREWER BICENTENNIAL CANCELLATION
STAMP.

filed November 13, 2012
by Kevin O'Connell

WHEREAS, Postmaster Matthew Gilreath of the Brewer Post Office has provided extraordinary assistance to the Brewer Bicentennial Committee in recognizing the history of the City of Brewer; and

WHEREAS, in working with the Brewer Bicentennial Committee, the Post Master in conjunction with the U.S. Postal Service had commemorated a special one day cancellation stamp in remembrance of Brewer's 200 years of incorporation; and

WHEREAS, any and all Brewer residents could come to the Brewer Post Office on November 6th, 2012 and have a piece of first class mail officially stamped for historical preservation; and

WHEREAS, Carolyn Zani provided the design of the stamp and the U.S. Postal Service along with Postmaster Gilreath worked diligently to ensure the quality and accessibility of the stamp;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer and the Brewer Bicentennial Committee, acknowledge Postmaster Matthew Gilreath and the U.S. Postal Service for their exceptional service and assistance in helping the City of Brewer remember and honor its long and distinguished past.

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

Mayor Goss read the resolve into the record.

Postmaster Gilreath thanked the Zani's and his staff for all their input and help.

Mr. Gilreath was presented a plaque with the above resolve attached.

The resolve was adopted by unanimous vote.

2012-B064

November 19, 2012

TITLE: RESOLVE, RECOGNIZE THE PENOBSCOT AERIE FRATERNAL ORDER OF EAGLES #3177 OF BREWER, MAINE FOR THEIR 50 YEARS OF SERVICE TO THE CITY AND SURROUNDING COMMUNITIES.

filed November 13, 2012
by Kevin O'Connell

WHEREAS, in August 2012 the Penobscot Aerie Fraternal Order of Eagles #3177 of Brewer celebrated their 50th year of operation within the City; and

WHEREAS, the Penobscot Aerie Fraternal Order of Eagles #3177 has over 2,000 members who volunteer their time and efforts to make our City a better place to live; and

WHEREAS, the Penobscot Aerie Fraternal Order of Eagles #3177 is a well respected organization across the country that has a positive influence on the community and is directly responsible for the founding of Mother's Day, the impetus for Social Security, and pushed to end job discrimination based on age; and

WHEREAS, the Penobscot Aerie Fraternal Order of Eagles #3177 has served the City and the surrounding communities with countless fundraising events totaling well over \$3,000,000 since its incorporation in 1962 and over \$60,000 annually; and

WHEREAS, The Penobscot Aerie Fraternal Order of Eagles #3177 has contributed over \$500,000 to the EMMC Cardiac Wellness Unit, thousands of dollars to projects such as Jaws of Life, Camp Roosevelt, Kidney and Dialysis Units at EMMC, Boy Scouts, Cub Scouts, Girl Scouts, awarded a \$5,000 grant to help Camp Capella and many other worthwhile projects; and

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of Brewer, herewith recognizes and commends the Penobscot Aerie Fraternal Order of the Eagles #3177 on their 50 year anniversary and more importantly for their positive influence on the City and region.

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

Mayor Goss read the resolve into the record.

The President of the Penobscot Aerie Fraternal Order of Eagles #3177 of Brewer, Maine accepted a commendation plaque honoring their 50 years of service.

The resolve was adopted by unanimous vote.

2012-B065

November 19, 2012

TITLE: RESOLVE, RECOGNIZE BARNEY THOMPSON ON HIS 50 YEAR ANNIVERSARY OF MEMBERSHIP TO THE BREWER KIWANIS.

filed November 13, 2012
by Kevin O'Connell

WHEREAS, in October 2012 Brewer Resident Barney Thompson celebrated his 50 years of membership with the Brewer Kiwanis; and

WHEREAS, Mr. Thompson has not only been a member of the Kiwanis but is an active participant in the organization and planning of numerous events and ceremonies; and

WHEREAS, Mr. Thompson is highly respected by his fellow Kiwanis members for his loyalty and dedication to the Kiwanis; and

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of Brewer, herewith recognizes and commends Barney Thompson of Brewer for his 50 years of membership to the Kiwanis and being a positive role model in the community.

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

Mayor Goss read the resolve into the record.

The resolve was adopted by unanimous vote.

2012-B066

November 19, 2012

TITLE: RESOLVE, RECOGNIZE THE EFFORTS OF VICKI PROULX AND QUICK ACTIONS IN CALLING 911.

filed November 13, 2012
by Jerry Goss

WHEREAS, Vicki Proulx who is a full time employee with the City of Brewer Assessor's office; and

WHEREAS, on October 12th, 2012, while assisting the Tax Office to obtain contact information regarding a Brewer resident, Ms. Proulx called Anna Parlee; and

WHEREAS, during the conversation Ms. Parlee expressed that she was experiencing physical difficulties; and

WHEREAS, Ms. Proulx was quick to respond and called 911 to provide assistance; and

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith extends its profound appreciation to Vicki Proulx for her quick and outstanding action in service to one of Brewer's upstanding residents.

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

Mayor Goss read the resolve into the record.

Mayor Goss said that Ms. Proulx was an example of the people who work for the City of Brewer and always willing to help when the situation calls for it.

Ms. Proulx accepted a commendation plaque from the City Council thanking her for her quick actions.

The resolve was adopted by unanimous vote.

2012-B067

November 19, 2012

TITLE: RESOLVE, RECOGNIZE THE OUTSTANDING WORK BY THE
BREWER FINANCE DEPARTMENT .

filed November 13, 2012
by Jerry Goss

WHEREAS, the Brewer Finance Department has 8 full-time employees with 104 years of combined dedicated service to the City of Brewer; and

WHEREAS, the Finance Department is a vital component to the smooth and consistent economic functioning of the City of Brewer; and

WHEREAS, the Finance Department is responsible for the accounting, proper handling and safekeeping of the City's more than \$42 million in taxpayer, governmental, resident and customer funds; and

WHEREAS, they oversee the proper use and delivery of over \$88 million in assets throughout the City; and

WHEREAS, they provide the financial foundation that allows the many City departments the ability to succeed and provide the best service to the community;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith congratulates and thanks the City of Brewer Finance Department for their consistent, thorough and exacting professionalism that has made them a shining example for all City Departments.

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

Mayor Goss read the resolve into the record.

Finance Director Karen Fussell introduced members of her department.

A commendation plaque was presented to the members of the department recognizing their professionalism in providing the best service to the community.

The resolve was adopted by unanimous vote.

PUBLIC COMMENTS.

1. Lonnie Elhajj of 144 Wilson Street thanked the Council for having the new lift on the outside entrance of City Hall to allow residents easy access to City Hall. He would also like to talk with the Council about getting a couple of crosswalks.

Mayor Goss said that Mr. Elhajj and City Manager Steve Bost would set up a meeting to discuss these concerns.

2. Public Works Director Dave Cote gave the Council a short report on the repair of the railroad tracks crossing on State Street. He said it was nearly a two year process but it is now done.

IV. Recess for Public Hearing.

The public hearing was called to order by Chairman Jerry Goss.

The city clerk called the roll:

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

Chairman Goss declared a quorum present. The City Clerk read the notice for the public hearing.

PUBLIC HEARING NOTICE

City of Brewer

The City of Brewer will hold a Public Hearing on November 19, 2012 at 6:00 PM at Brewer City Hall to review the current 2011 Community Development (CDBG) grant program. The purpose of the grant is to upgrade substandard single-family and rental housing conditions. Public comments will be solicited at this Hearing and will be submitted as part of the grant program. All persons wishing to make comments or ask questions about this grant program are encouraged to attend this Public Hearing. Comments may be submitted in writing to: Andrew Varisco, Assistant City Manager, 80 North Main Street, Brewer, ME 04412 at any time prior to the Public Hearing. TTD/TTY users may call 1-800-457-1220. If you are physically unable to access any of the City's programs or services, please call 989-7500, so that accommodations can be made.



Ron Harriman thanked the City's Housing Committee who helps go through applications to pick recipients for the grant monies. He spoke about the 25 single family & 9 multi-family units that have been rehabbed during this grant cycle. He also said that the City would not be eligible to apply for grant funds this next year. A signup sheet was circulated for attendance. He also stated that the program does improve the economy as it has local contractors working and improves the homes of many residents.

Mayor Goss- did we receive any comments from the public?

City Clerk- we received none

V. Adjourn Public Hearing and Continue with Regular Meeting.

Chairman Goss closed the public hearing and said the regular meeting would resume. The City Clerk called the roll and all members of the council were present.

C. Consent Calendar.

ACTION: Councilor Doughty removed order 2012-A232 from the consent calendar.
and Councilor Ferris removed order 2012-A227 from the consent calendar.

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

2012-A223

November 19, 2012

TITLE: ORDER, AUTHORIZE PURCHASE OF WATER METERS
FOR WATER DEPARTMENT.

filed November 13, 2012
by Joseph Ferris

WHEREAS, the Water Department is replacing older failing/failed meters and remotes with new meters meeting current EPA Lead rules; and

WHEREAS, this is a planned item for replacement at the minimum rate of 5.4% yearly;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to EJ Prescott's in the amount of \$10,500.00 for the purchase of a 100- 5/8 inch water meters; and

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

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to the Water Department CIP account 0571003-573012, titled, "Replace meters 5.4% per year".

2012-A224

November 19, 2012

TITLE: ORDER, AUTHORIZE PAST WATER RATES TO BE COLLECTED
VIA LIEN PROCESS.

filed November 13, 2012
by Larry T. Doughty

WHEREAS, certain rates owed are not collectible through the normal collections methods; and

WHEREAS, the State of Maine allows water utilities to collect unpaid rates by the lien Process under Title 35-A M.R.S.A. Chapter 61 §6111-A;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to lien properties for unpaid Water Bills per the authority given by Title 35-A M.R.S.A. Chapter 61 §6111-A.

2012-A225

November 19, 2012

TITLE: ORDER, DECLARE CITY PROPERTY SURPLUS AND AUTHORIZE
SALE OR DISPOSAL OF SURPLUS PROPERTY.

filed November 13, 2012
by Arthur Verow

WHEREAS, property belonging to the City of Brewer has been identified as being no longer useful to the City;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council declares the following Water Department equipment as surplus: Hach APA6000 Monochloramine/Ammonia Analyzer P/N 5500660 including spare cabinet & parts, Hach CL17 Chlorine Analyzer P/N 44180 Estimate 15yrs old, Electronic Microscope American Optical Model 60, Uninterruptible Power Supply (UPS), Triple Lite and Internet Office 700 models, Rosemount Analytical Controller Model 1054A, Hach 1720C Turbidimeter Controller, Wallace & Tiernan Fluoride Monitor Model U95213, HP Deskjet 5740 (printer), HP Laserjet 4300 printer, Cannon MF6530 copier; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to sell, recycle or dispose of all equipment by means that would be in the best interest of the City of Brewer; and

BE IT FURTHER ORDERED, that any funds received from the sale of the above mentioned items be receipted to the Water Departments Wellness account (0670001-300410) and be authorized for expenditure from Water Wellness Expense account (0670001-500844).

2012-A226

November 19, 2012

TITLE: ORDER, WAIVE FORECLOSURE OF CERTAIN MOBILE
HOME PROPERTIES LOCATED IN BREWER, MAINE.

filed November 13, 2012
by Kevin O'Connell

WHEREAS, on June 17, 2011, after notices were provided in accordance with state law, the City of Brewer filed at the Penobscot Registry of Deeds liens against the mobile homes listed below for failure to pay FY2011 taxes in full; and

WHEREAS, FY2011 taxes on these properties remain unpaid and the statutory foreclosure will take place on December 17, 2012; and

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November 19, 2012

WHEREAS, it is not in the best interest of the City of Brewer to allow the foreclosure of said properties to take place because they all rest on rented land and foreclosure could possibly result in the City being liable for rents and/or other expenses due;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith agrees to waive foreclosure on the properties listed below located in Brewer, Maine, for the 2011 tax year and authorizes the City Deputy Treasurer to sign statutory waivers of foreclosure and record them in the Penobscot County Registry of Deeds;

BE IT FURTHER ORDERED, that the Deputy Treasurer is authorized to take any and all other actions that may be necessary to carry out the terms and conditions of this order.

2012-A227

November 19, 2012

TITLE: ORDER, AUTHORIZE THE CITY OF BREWER TO ENTER INTO AN OPTION AND DEVELOPMENT AGREEMENT WITH THE HOUSING AUTHORITY OF THE CITY OF BREWER RELATING TO THE FORMER BREWER MIDDLE SCHOOL AND AUTHORIZE STEPHEN M. BOST, OR HIS DESIGNEE, TO SIGN THE SAID AGREEMENT ON BEHALF OF THE CITY OF BREWER.

filed November 13, 2012
by Larry T. Doughty

EMERGENCY PREMABLE

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

WHEREAS, it is imperative that this order pass immediately to approve an Option and Development Agreement that was part of a grant application package that has been submitted to Maine State Housing; and

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

WHEREAS, the City Council passed city Council Order 2012-A 218 at its special meeting on October 15, 2012, authorizing Brewer Redevelopment, LLC to enter into the Option and Development Agreement with the Housing Authority of the City of Brewer; and

WHEREAS, the City of Brewer needs to be a party to the Option and Development Agreement, a copy of which is attached hereto and made a part hereof, and

WHEREAS, the City, acting through the City Council, is willing to become a party of the Option of the Development Agreement to allow it to apply for housing tax credits through the Maine State Housing, so that it can redevelop the former Middle School for elderly housing;

NOW THEREFORE, BE IT ORDERED, that the City Council approves the Option and Development Agreement with the Housing Authority of the City of Brewer, a copy of which is attached hereto and made a part hereof; and

FURTHER, BE IT ORDERED, that the City Manager, Stephen M. Bost, or his designee, is authorized to sign the Option and Development Agreement with the Housing Authority of the City of Brewer on behalf of the City of Brewer; and

FURTHER, BE IT ORDERED, that once this order is passed, it shall be effective retroactively to October 23, 2012.

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

Councilor Ferris said he removed this order from the consent calendar as he would be abstaining from voting.

The order was passed by a 4 to 0 vote, Councilor Ferris abstaining.

2012-A228

November 19, 2012

TITLE: ORDER, AUTHORIZE PURCHASE OF A REPLACEMENT DUMP TRUCK/PLOW FOR THE PUBLIC WORKS DEPARTMENT.

filed November 13, 2012
by Joseph Ferris

WHEREAS, as part of the FY2013 Capital Improvement Program, the City Council approved \$135,000 for the purchase of a replacement wheeler dump/plow/sander truck; and

WHEREAS, bids were solicited, received and evaluated for the purchase of a dump truck/snowplow to replace Public Works unit #422 a 2002 Sterling LT7501 plow truck; and

WHEREAS, Daigle and Houghton of Hermon, Maine has offered to the City of Brewer the lowest acceptable bid of the four bids received (each bid having two body and plow options); and

WHEREAS, the purchase of quick connects for the front plows of the trucks in the City's fleet will allow for much quicker and safer plow hook ups and the low bid price means there is available funds for this approximately \$7,000 equipment;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to Daigle and Houghton in an amount up to \$127,989.00 for the purchase of a 2013 Western Star 4700 wheeler dump truck with plow, wing, sander body and quick connect attachments for existing plow trucks; and

BE IT FURTHER ORDERED, that the current Public Works unit number 422, the 2002 Sterling LT7501 dump truck with plow and wing, as part of the bid package, be declared surplus and released and ownership transferred to Daigle and Houghton as a trade-in once the replacement truck has been delivered to the City of Brewer; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to the FY2013 CIP account 0510133-551393, titled "Wheeler Dump/Plow-2012".

2012-A229

November 19, 2012

TITLE: ORDER, AUTHORIZE PURCHASE OF A REPLACEMENT SIDEWALK TRACTOR.

filed November 13, 2012
by Arthur Verow

WHEREAS, as part of the FY2013 Capital Improvement Program, the City Council approved \$100,000 for the purchase of a replacement sidewalk plow; and

WHEREAS, bids were solicited, received and evaluated for the purchase of a new sidewalk/utility tractor to replace unit #419 a 2002 MT5T Trackless sidewalk tractor for the City of Brewer; and

WHEREAS, the low bidder, Viking Cives of Sidney, Maine, has now determined the adaptation of their MB-MSV machine to existing attachments owned by the City, as required in the bid package, would likely pose a problem and may not even possible with some attachments;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to the second low bidder, Howard P Fairfield of Skowhegan, ME, an amount not to exceed \$100,000.00 for the purchase of a new 2013 MT6 Trackless with attachments; and

BE IT FURTHER ORDERED, that Public Works unit #419, the 2002 MT5T Trackless w/snow blower and v-plow, as part of the bid package, be declared surplus and released and ownership transferred to Howard P Fairfield as trade-ins once the replacement machine has been delivered to the City of Brewer; and

BE IT FURTHER ORDERED, that the old Trackless rear mount sander and pickup broom be declared surplus and be used in trade to acquire other new attachments for the 2013 MT6 Trackless from Howard P Fairfield; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to account 0510133-551394, titled, "Trackless MT5 Sidewalk Plow #419".

2012-A230

November 19, 2012

TITLE: ORDER, ISSUE CORRECTIVE MUNICIPAL RELEASE DEED TO STEVEN D. STRATTON AND KELLY K. STRATTON, AS SUCCESSORS IN INTEREST TO THE BANK OF NEW YORK MELLON, AS SUCCESSOR TRUSTEE UNDER NOVASTAR MORTGAGE FUNDING TRUST, SERIES 2006-3 TO 52 BRIMMER STREET, BREWER, MAINE

filed November 13, 2012
by Kevin O'Connell

EMERGENCY PREAMBLE

WHEREAS, a City Council Order passed by the Brewer City Council does not become effective until five (5) days after it approval unless the Order contains an emergency preamble; and

WHEREAS, Steven D. Stratton and Kelley K. Stratton are in the process or will have completed the process of acquiring title to a piece of foreclosed property situated at 52 Brimmer Street, Brewer, Maine from the former Lender, The Bank of New York Mellon, as Successor Trustee under Novastar Mortgage Funding Trust, Series 2006-3; and

WHEREAS, the City has previously been paid in full for outstanding sewer liens; and

WHEREAS, July 24, 2012, the Brewer City Council passed Order 2012-A137, authorizing the issuance of a Municipal Release Deed to Brian Perry on the property situated at 52 Brimmer Street; and

WHEREAS, the duly executed Municipal Release Deed was not delivered to Brian Perry but delivered directly to the Penobscot County Registry of Deeds and recorded in Volume 12896, Page 104; and

WHEREAS, it has come to the attention of the City staff that Brian Perry and Kori Perry had lost title of the property situated at 52 Brimmer Street to The Bank of New York Mellon, as Successor Trustee under Novastar Mortgage Funding Trust, Series 2006-3 by virtue of the foreclosure action in the Maine District Court in Bangor, being Docket No. RE-08-295, that has since been or will be conveyed to Steven D. Stratton and Kelly K. Stratton; and

WHEREAS, City Council Order 2012-A137 needs to be rescinded and a new Council Order passed authorizing the issuance of a Corrective Municipal Release Deed to Stephen D. Stratton and Kelly K. Stratton as successors to The Bank of New York Mellon, as Successors Trustee under Novastar Mortgage Funding Trust, Series 2006-3 and successors to Brian Perry and Kori Perry by virtue of said foreclosure; and

WHEREAS, the City's interest in 52 Brimmer Street is by virtue of Sewer Lien liens recorded in the Penobscot County Registry of Deeds in the following Volumes and Pages:

<u>Volume</u>	<u>Page</u>
12074	6
12256	269
12408	77
12584	255
12747	152

NOW THEREFORE BE IT ORDERED, City Council order 2012-A137 is hereby rescinded and;

FURTHER BE IT ORDERED, that a Corrective Municipal Release Deed be issued to Steven D. Stratton and Kelly K. Stratton, as joint tenants, as successors in interest to The Bank of New York Mellon, Successor Trustee Under Novastar Mortgage Funding Trust, Series 2006-3, and as successors in interest to Brian Perry and Kori Perry by virtue of a foreclosure to release any right, title and interest the City of Brewer may have acquired in the property situated at 52 Brimmer Street in Brewer (Tax Assessor's Map 29, Lot 34) by virtue of the sewer liens recorded in the Penobscot County Registry of Deeds in the following Volumes and Pages:

<u>Volume</u>	<u>Page</u>
12074	6
12256	269
12408	77
12584	255
12747	152

AND FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to execute the said Corrective Municipal Release Deed on behalf of the City of Brewer.

NOTE: A total of #3,243.98 in principal was collected, along with \$154.09 in interest and \$92.74 in costs.

2012-A231

November 19, 2012

TITLE: ORDER, SET UP ACCOUNT TO RECEIVE DONATED FUNDS FOR A PLAQUE/MONUMENT/SIGN FOR THE CHARLIE HEDDERICQ FIELD.

filed November 13, 2012
by Joseph Ferris

WHEREAS, a group of Brewer residents would like to raise in the range of \$2,500 to erect a sign or marker to identify Heddericq Field; and

WHEREAS, the City is willing receive donations to this effort and hold them in trust until sufficient funds have been received to purchase and install such a sign;

NOW THEREFORE BE IT ORDERED, that accounts to receive and expend donated funds for a plaque/monument/sign for the Charlie Heddericq Field be set up through the City of Brewer; and

ORDERED, that funds donated to the cause be receipted to 0300005-330000 (Heddericq Field Sign Revenue) and that these funds be authorized for expenditure for the purpose stated herein from 0300005-530000 (Heddericq Field Sign Expense).

2012-A232

November 19, 2012

TITLE: ORDER, AUTHORIZE PURCHASE OF REPLACEMENT POLICE
PATROL VEHICLE FOR THE BREWER POLICE
DEPARTMENT.

filed November 13, 2012
by Larry T. Doughty

WHEREAS, in June 2012 the City Council approved funding for the replacement of a Police vehicle as part of the FY13 Capital Improvement Program; and

WHEREAS, the City received the following three bids:

Varney's in Bangor	\$27,880.00
Quirk in Bangor	\$27,946.00
O'Connor in Augusta	\$28,062.00; and

WHEREAS, we recommend going with the more local vendor who has provided the most competitive bid;

NOW THEREFORE BE IT ORDERED, that the City Manager, or his designee, is herewith authorized and directed to purchase a replacement marked patrol vehicle for the Brewer Police Department from Varney's of Bangor for \$27,880.00; and

BE IT FURTHER ORDERED, that costs for this purchase be charged to CIP account 0510132-511200 (Police Vehicle) for the appropriated amount of \$27,000.00; and

BE IT FURTHER ORDERED, that the balance of the costs for the purchase of this vehicle to include fully equipping it, to include but not be limited to: transport cages and seats, emergency lights and siren, and gun racks be charged to Asset Forfeiture account 0200102 502958 (Treasury – Other Law Enforcement Expenses).

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

Councilor Doughty asked if they were replacing a vehicle.

Deputy Police Chief Moffitt said yes they were replacing one of the crown victorias.

The order was passed by unanimous vote.

2012-A233

November 19, 2012

TITLE: ORDER, ACCEPT BULLETPROOF GRANT FUNDS.

filed November 13, 2012
by Arthur Verow

WHEREAS, the City has received a grant from the US Department of Justice to be used exclusively for purchasing of ballistic vests in the sum of \$1,178.00. This grant represents 50% of the total cost to replace older ballistic vests currently in service at this time. The Brewer Police Department will use asset forfeiture proceeds to fund the remaining 50% of the bullet proof vest purchases;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts these grant funds and directs that these funds be deposited in Account# 0600058-360000-58023 Bulletproof Vest Program 2012 Grant Revenue. Expenditures shall be drawn from Account# 0600058-560000-58023 Bulletproof Vest Program 2012 Grant Expense and the City's share of the expenses will be charged to Account# 0115811-502810 Uniforms and Protective Clothing.

2012-A234

November 19, 2012

TITLE: ORDER, AUTHORIZE TIF FUNDS TO SUPPLEMENT FY2013 ECONOMIC DEVELOPMENT BUDGET.

filed November 13, 2012
by Kevin O'Connell

WHEREAS, the City's new Assessor has significant experience implementing and running a comprehensive city-wide geographic information system (GIS); and

WHEREAS, GIS is an important economic development tool and can be a resource for departmental staff and the public; and

WHEREAS, the City desires to implement GIS in Brewer to enhance its business development image and to improve productivity; and

WHEREAS, the new Assessor has agreed to provide expert assistance to this effort in exchange for an annual stipend; and

WHEREAS, to assist in the Assessor's efforts to pursue this GIS initiative, it is necessary to replace his 2008 laptop with an up to date computer; and

WHEREAS, as GIS-related items, both the GIS stipend and the computer purchase are economic development related expenses on which tax increment financing (TIF) funds are eligible to be spent;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith authorizes the appropriation and expenditure of \$4,000 in TIF funds from accounts 0115700-500200 (Economic Development Other Compensation - \$2,500) and 0115701-502310 (Economic Development Computer Supplies - \$1,500).

2012-B068

November 19, 2012

TITLE: RESOLVE, AMEND THE DEPUTY CITY CLERK JOB DESCRIPTION.

filed November 13, 2012
by Joseph Ferris

RESOLVED, that the City of Brewer Deputy City Clerk Job Description adopted September 1, 1998 be amended to read as follows:

POSITION DESCRIPTION
City of Brewer

Class Title: Deputy City Clerk
Department: City Clerk **Salary Grade:** Level E
Date: ~~September 1, 1998~~ November 19, 2012

GENERAL PURPOSE

Performs a variety of routine and complex clerical, secretarial and administrative work in keeping official records, providing administrative support to the City Clerk, and assisting in the administration of the standard operating policies and procedures of the department.

SUPERVISION RECEIVED:

Works under the close supervision of the City Clerk.

SUPERVISION EXERCISED

None.

ESSENTIAL DUTIES AND RESPONSIBILITIES

Performs routine clerical and administrative work in answering phones, receiving the public, providing customer assistance, data processing, and bookkeeping.

Answers in-coming calls and routes callers or provides information as required.

Supervises the business office functions of the Clerk's office.

Receives the public and answers questions; responds to inquiries from employees, citizens and others and refers, when necessary, to appropriate persons.

Assists in the procurement of department materials and supplies.

Operates listed office machines as required.
Prepares payroll for clerk's office and elections.

Prepares notices, issues business licenses and maintains data base of business licenses and dog licenses.

Prepares, maintains and issues vital records.

Prepares reports to State agencies concerning vital records, ~~fish and game licenses~~ and dog licenses.

Composes, types, and edits a variety of correspondence, reports, memoranda, and other material requiring judgment as to content, accuracy, and completeness.

Inputs data to standard office and department forms; makes simple postings to accounts; compiles data for various reports.

~~Plans conferences and training sessions. Coordinates travel plans for staff.~~

Prepares records such as public notices, minutes, and resolutions.

Acts as custodian of departmental documents and records. Establishes and maintains filing systems, control records and indexes using moderate independent judgment.

Attends City Council meetings during the absence of the City Clerk.

Maintains inventories and orders office supplies and materials, maintains departmental personnel records.

Schedules appointments, and performs other administrative and clerical duties.

~~Assists Human Services Director by answering inquiries during his/her absence and respond to the needs of clients.~~

PERIPHERAL DUTIES

Notarizes documents.

Registers voters.

Issues routine non-technical permits.

Operates a vehicle to run errands.

DESIRED MINIMUM QUALIFICATIONS

Education and Experience:

(A) Graduation from a high school or GED equivalent with specialized course work in general office practices such as typing, filing, accounting and bookkeeping;

(B) Two (2) years of increasingly responsible related experience, or any equivalent combination of related education and experience.

(C) The preferred candidate would possess an Associates Degree in accounting, business, or office practices.

Necessary Knowledge, Skills and Abilities:

(A) Working knowledge of computers and electronic data processing; working knowledge of modern office practices and procedures; some knowledge of accounting principles and practices.

(B) Skill in operation of listed tools and equipment.

(C) Ability to perform cashier duties accurately; ability to effectively meet and deal with the public; ability to communicate effectively verbally and in writing; ability to handle stressful situations.

TOOLS AND EQUIPMENT USED

Phone switchboard; mainframe computer terminal; personal computer including word processing software; copy machine; postage machine; fax machine; base radio; calculator.

SPECIAL REQUIREMENTS:

Valid state of Maine driver's license.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to sit and talk or hear. The employee is occasionally required to walk; use hands to finger, handle, or feel objects, tools, or controls; and reach with hands and arms.

The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is usually quiet.

SELECTION GUIDELINES

Formal application, rating of education and experience; oral interview and reference check; job related tests may be required.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Approval: _____ Approval: _____
Supervisor Appointing Authority

Effective Date:
September 1, 1998
November 19, 2012

Revision History:
Initial use of new format
Updated to reflect current practice and staffing

2012-B069

November 19, 2012

TITLE: RESOLVE, AMEND THE CITY CLERK JOB DESCRIPTION.

filed November 13, 2012
by Larry T. Doughty

RESOLVED, that the City of Brewer City Clerk Job Description adopted June 1, 1998 be amended to read as follows:

POSITION DESCRIPTION
City of Brewer

Class Title: City Clerk
Department: City Clerk
Date: ~~June 01, 1998~~ November 19, 2012

GENERAL PURPOSE

Provides a variety of routine and complex supervisory, clerical, and administrative work in the administration of the City government.

SUPERVISION RECEIVED:

Works under the general supervision of the City Council.

SUPERVISION EXERCISED

Exercises supervision over clerical and other staff, both full-time and part-time, as follows:

Part-time positions: Deputy City Clerk (full-time)
~~Animal Control Officer~~
Deputy Registrars of Voters
Election Workers

ESSENTIAL DUTIES AND RESPONSIBILITIES

Manages and supervises assigned operations to achieve goals within available resources; plans and organizes workloads and staff assignments; trains, motivates and evaluates assigned staff; reviews progress and directs changes as needed.

Provides leadership and direction in the development of short and long range plans; gathers, interprets, and prepares data for studies, reports and recommendations; coordinates department activities with other departments and agencies as needed.

Provides professional advice to supervisors; makes presentations to supervisors, boards, commissions, civic groups and the general public.

Communicates official plans, policies and procedures to staff and the general public.

Assures that assigned areas of responsibility are performed within budget; performs cost control activities; monitors revenues and expenditures in assigned area to assure sound fiscal control; prepares annual budget requests; assures effective and efficient use of budgeted funds, personnel, materials, facilities, and time.

Determines work procedures, prepares work schedules, and expedites workflow; studies and standardizes procedures to improve efficiency and effectiveness of operations.

Issues written and oral instructions; assigns duties and examines work for exactness, neatness, and conformance to policies and procedures.

Maintains harmony among workers and resolves grievances;
Performs or assists subordinates in performing duties; adjusts errors and complaints.

Prepares a variety of studies, reports and related information for decision-making purposes.

Serves as custodian of official City records and public documents; performs certification and recording for the City as required on legal documents and other records requiring such certification; seals and attests by signature to ordinances, orders, resolutions, and contracts, easements, deeds, bonds or other documents requiring city certification; catalogs and files all city records.

Attends regular and special city council meetings; prepares agendas for council meetings and oversees or performs an accurate recording of the proceedings, preparation of the minutes and proper legislative terminology, recording, indexing and filing for the public record; distributes information as requested. Distributes agendas, materials, minutes, certified copies and records of city council meetings.

Prepares and distributes agendas, materials, minutes and records of meetings.

Files orders, ordinances and resolutions of the council and informs city officials and others of city council action. Oversees the codification of ordinances into the municipal code.

Prepares and publishes meeting agendas, other advertisements, and legal notices of public hearings and special meetings.

Serves as appointment secretary for the city council to recruit members of standing committees and to insure that those agencies report to the city council.

Administers the issuance of municipal licenses, including business, animal, various regulatory licenses as assigned, and other licenses in accordance with applicable city ordinances and other regulations.

Is supervisor of all elections and serves as registrar of voters.

Administers oaths of office to public officials.

Prepares reports for Council Meetings as directed.

Prepare surveys and other reports as directed.

Provides public records and information to citizens, civic groups, the media and other agencies as requested.

PERIPHERAL DUTIES

Attends seminars and workshops related to City Clerks' duties and responsibilities.

Types correspondence for the Mayor and Council Member as required.

Maintains files for the Mayor and Council members.

Prepares orders, ordinances and resolutions as required.

Serves as secretary of special ad hoc committees of the city council when necessary.

Advises the mayor and city council on matters of adopted council meeting procedure including parliamentary procedure.

~~In the absence or disability of the city manager, serves as acting city manager as required.~~

Publishes the annual city report.

Accepts claims for damages and other legal papers served on the City.

~~Tracks legislation before the Maine Legislature and keeps city officials aware of the status of those bills.~~

Responsible for scheduling meetings in the council chambers.

Serves as a notary public

DESIRED MINIMUM QUALIFICATIONS

Education and Experience:

- (A) Graduation from a college or university with a bachelor's degree in business management, records management, public administration or a closely related field, and
- (B) Two (2) years of related experience; or
- (C) Any equivalent combination of education and progressively responsible experience, with additional work experience substituting for the required education on a year for year basis.

Necessary Knowledge, Skills and Abilities:

- (A) Working knowledge of the principles and practices of modern public administration; Extensive knowledge of office practices and procedures; Thorough knowledge of modern records management techniques, including legal requirements for recording, retention and disclosure, in-depth knowledge of parliamentary procedure and ~~Robert's Rules of Order~~ the 2007 edition of "The Modern Rules of Order" by Donald Tortorice. ;
- (B) Skill in operation of listed tools and equipment;
- (C) Ability to accurately record and maintain records; Ability to establish and maintain effective working relationships with employees, other departments, officials and the public; Ability to communicate effectively verbally and in writing; Ability to plan, organize and supervise clerical workers and assigned staff.

SPECIAL REQUIREMENTS:

- (A) Must be bondable;
- (B) Valid State of Maine Driver's License, or ability to obtain one; notary public certification within six months.

TOOLS AND EQUIPMENT USED

Typewriter, personal computer, including word processing, spreadsheet and data base software; mainframe computer terminal; 10-key calculator; phone; copy machine; fax machine.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to sit and talk or hear, use hands to finger, handle, feel or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to walk.

The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is usually quiet.

SELECTION GUIDELINES

Formal application, rating of education and experience, oral interview and reference check; job related tests may be required.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Approval: _____
Appointing Authority

Effective Date:
06/01/98
November 19, 2012

Revision History:
Initial use of new format
Updated to reflect current practice and staffing

2012-B070

November 19, 2012

TITLE: RESOLVE, AMEND THE CITY ASSESSOR JOB DESCRIPTION.

filed November 13, 2012
by Arthur Verow

RESOLVED, that the City of Brewer Assessor Job Description adopted July 1, 1998 be amended to read as follows:

POSITION DESCRIPTION

City of Brewer

Class Title: Assessor
Department: Assessing
Date: ~~July 1, 1998~~ November 19, 2012

The Assessor is concerned with the following duties and responsibilities as prescribed by the State of Maine Statutes.

GENERAL PURPOSE

Performs a variety of routine and complex technical field and office work in the appraisal of commercial, residential and ~~and~~ personal property.

SUPERVISION RECEIVED:

Works under the general supervision of City Council and in cooperation with the City Manager.

SUPERVISION EXERCISED

Exercises supervision over a clerical assistant and a property appraiser. Exercises supervision over other outside contractors.

ESSENTIAL DUTIES AND RESPONSIBILITIES

Inspects and appraises all categories of commercial, industrial, residential and personal property. Selects and applies any combination of complex appraisal techniques applicable and necessary to the accurate and defensible determination of property values and integral equipment.

Performs accounting and auditing procedures relating to assessments; performs on-site inspection of real and personal property; audits complex and multi-faceted financial records; assesses appropriateness of depreciation schedule used for tax assessment purposes.

Conducts annual sales ratio studies. To provide Bureau of Taxation with completed Sales Analysis Return annually.

Correlates data and completes report of final appraisal judgments; prepares activity and progress reports relative to the work assignment.

Provides the Bureau of Taxation with the Municipal Valuation Return.

Maintain current records regarding ownership and extent of taxation and maintenance of property tax maps.

Responsible for maintaining the Street number book and assigning the new numbers. Input of all pertinent information on computer.

Maine Enhanced 911 Addressing Officer.

Coordinates appraisal reviews and appeals before the Board of Assessment Review, State Board of Property Tax Review and Superior Court.

Responds to inquiries from the public regarding appraisal procedures and legislation.

Testifies at hearing to present data documenting and substantiating assessments.

Prepares valuation book and commitment book.

PERIPHERAL DUTIES

Explains appraisal methods and techniques and trains other personnel in their use, as well as assists with questions and problems relating to various appraisal methods and techniques.

Serves as a member of various employee committees.

DESIRED MINIMUM QUALIFICATIONS

Education and Experience:

(A) Graduation from a standard senior high school or GED equivalent, supplemented by two (2) years of post-secondary college or technical instruction in business or real estate, and

(B) Three (3) years experience as a property appraiser or

(C) Any equivalent combination of education and experience, with additional experience substituting for the required college level training on a year for year basis.

(D) A four (4) year college degree in business administration or public administration is preferred.

Necessary Knowledge, Skills and Abilities:

(A) Thorough knowledge of real estate appraisal principles, techniques, procedures, laws and regulations; working knowledge of accounting and auditing practices relative to property appraisal.

(B) Skill in operation of the listed tools and equipment;

(C) Ability to read, understand and apply appraisal techniques; Ability to read and understand legal descriptions and appraisal manuals; ability to accurately appraise real and personal property; Ability to communicate effectively verbally and in writing; Ability to work in inclement weather; Ability to establish successful working relationships.

SPECIAL REQUIREMENTS

Valid State of Maine driver's license, or ability to obtain one.

Certified Maine Assessor.

TOOLS AND EQUIPMENT USED

Tape measure, pencil or micro computing device, calculator, portable or mobile radio, phone, copy machine, computerized property appraisal system and camera.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is occasionally required to reach with hands and arms; stand; walk; and use hands to finger, handle, feel or operate objects, tools, or controls. The employee is occasionally required to sit; climb or balance; stoop, kneel, crouch, or crawl; and talk or hear.

The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, distance vision, peripheral vision, and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee occasionally works in outside weather conditions. The employee is occasionally exposed to wet and/or humid conditions.

The noise level in the work environment is usually moderately quiet in the office, and moderate to loud in the field.

SELECTION GUIDELINES

Formal application, rating of education and experience; oral interview and reference check; job related tests may be required.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Approval: _____
Appointing Authority

Effective Date:
July 1, 1998
November 19, 2012

Revision History:
Initial use of new format
Updated to reflect current practice and staffing

2012-B071

November 19, 2012

TITLE: RESOLVE, AMEND THE CITY OF BREWER PERSONNEL MANUAL TO CHANGE ARTICLE X, CITY CLERK AND CITY ASSESSOR, SECTION 1, STATEMENT OF DUTIES AND RESPONSIBILITIES AND SECTION 2, EXCEPTIONS.

filed November 13, 2012
by Kevin O'Connell

RESOLVED, that the City of Brewer Personnel Policy, adopted May 26, 2006, be amended by changing Article X, City Clerk and City Assessor, Section 1, Statement of Duties and Section 2, Exceptions to read as follows:

**Article X
CITY CLERK AND CITY ASSESSOR**

SECTION 1. STATEMENT OF DUTIES AND RESPONSIBILITIES:

The City Clerk and City Assessor are directly appointed by the City Council and are responsible to the City Council for the efficient and effective operation of the individual departments including co-ordination of department activities with the City Manager. These responsibilities include, but are not limited to the administration and compliance of Articles I II III IV V VI VII VIII, ~~and IX~~ and Appendix A of this personnel policy. The Chair of the City Council is the authority for approvals normally required from the City Manager. There are provisions of this personnel policy that require the approval of the City Manager for employees of departments other than department heads. Such provisions shall apply to employees of the City Clerk and the City Assessor departments as well, except that approvals for employees of those departments shall be required from the City Clerk or the City Assessor for each of their respective departments.

SECTION 2. EXCEPTIONS: The personnel records for members of the City Clerk and City Assessor offices are maintained in the office of the City Solicitor. The standard workweek for the City Clerk and City Assessor is ~~35~~ 37.5 hours, which may be amended by the City Council.

D. Monthly Reports.

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

Councilor Doughty commended Assessor Steve Weed for his colorful and informative monthly report.

City Council Minutes
November 19, 2012

Councilor Verow distributed to Council members a copy of the Penobscot County Budget Memo. A copy of the budget book will be on file in the City Clerk's office for public inspection.

E. Nominations, Appointments, Elections.

2012-A235

November 19, 2012

TITLE: ORDER, ESTABLISH A COMPREHENSIVE PLAN COMMITTEE
AND APPOINT MEMBERS.

filed November 13, 2012
by Joseph Ferris

WHEREAS, the City of Brewer Comprehensive Plan needs to be updated; and

WHEREAS, the City awarded a contract to update the Brewer Comprehensive Plan to Rich Rothe of Rothe Associates by Council Order 2012-A171; and

WHEREAS, it would be beneficial to have a committee assist with the preparation of this Plan;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith establishes a Comprehensive Plan Committee; and

BE IT FURTHER ORDERED, that the City Council hereby appoints the following to the Comprehensive Plan Committee:

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

Councilor Ferris moved that the order be amended by adding the following list of committee members to the order:

Rich Rothe, Rothe Associates, hired consultant
Linda Johns, Brewer City Planner
Frank Higgins, Brewer City Engineer
D'arcy Main-Boyington, Brewer Economic Dev. Director
Andrew Varisco, Brewer Assistant City Mgr
Allen Campbell – 57 Park Avenue East, Brewer ME 04412
Daniel O'Connell – 72 Washington Street, Brewer ME 04412
David Hanna – 22 Nottingham Way, Brewer ME 04412
Janet McIntosh – 81 Birchwood Blvd, Brewer ME 04412
Jim Donnelly – 36 Aspen Way, Brewer ME 04412
Kevin Birch – 21 East Road, Brewer ME 04412
Michael Fitzpatrick – 309 South Main Street, Brewer ME 04412
Rob Cross – 41 Aspen Way, Brewer ME 04412

The motion was seconded and passed.

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

2012-B072

November 19, 2012

TITLE: RESOLVE, DECLARE THE RESULTS OF THE NOVEMBER 6, 2012
CITY OF BREWER ANNUAL MUNICIPAL ELECTION
THE STATE OF MAINE GENERAL AND REFERENDUM
ELECTION.

filed November 13, 2012
by Arthur Verow

WHEREAS, the City of Brewer Annual Municipal Election and the State of Maine General and Referendum Election was held on November 6, 2012; and

WHEREAS, Brewer election officials tabulated the results for the vote in the City of Brewer and the City Clerk has verified these results;

NOW, THEREFORE, BE IT RESOLVED, that the City Council declares the results for the City of Brewer Annual Municipal Election and the State of Maine General and Referendum Election as follows:

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

The resolve was adopted by unanimous vote.

2012-B073

November 19, 2012

TITLE: RESOLVE, ACCEPT RESIGNATION OF ELLEN CELLI AS A TRUSTEE
ON THE BREWER LIBRARY BOARD.

filed November 13, 2012
by Larry T. Doughty

WHEREAS, Ellen Celli has submitted, by letter dated October 30, 2012, her resignation as a Trustee of the Brewer Library Board; and

WHEREAS, the City Council is required to formally accept this resignation and declare a vacancy on the Brewer Library Board for the unexpired term of Ellen Celli before a replacement can be appointed to fill this vacancy;

NOW, THEREFORE, BE IT RESOLVED, that the City Council herewith accepts Ellen Celli's resignation as a Trustee on the Brewer Library Board effective October 30, 2012 and declares a vacancy and the Council shall proceed to fill that vacancy.

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

The resolve was adopted by unanimous vote.

F. Unfinished Business.

1. (2012-C019) Amend the General Assistance Ordinance to Incorporate Changes in Maximum Benefits. (Councilor Ferris)
(posted 10/10/12)

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

The proposed ordinance amendment was enacted by unanimous vote.

G. New Business.

2012-A236

November 19, 2012

TITLE: ORDER, APPROVE RJ MORIN FROM OLD TOWN, MAINE TO
COMPLETE THE BOILER REPLACEMENT PROJECT
AT THE WATER POLLUTION CONTROL FACILITY

filed November 13, 2012
by Kevin O'Connell

WHEREAS, bids were solicited, received and evaluated for a contractor to complete the boiler replacement project for the Water Pollution Control Facility; and

WHEREAS, RJ Morin of Old Town provided the City with the lowest of bids received in the amount of _____;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to RJ Morin in the amount of _____ to complete the boiler replacement project; and

BE IT FURTHER ORDERED, that the cost of this project shall be charged to account number 0581002-582001 (BWPCF Boiler Replacement).

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

Councilor O'Connell moved that the order be amended by total substitution with the following:

2012-A236

November 19, 2012

TITLE: ORDER, APPROVE RJ MORIN FROM OLD TOWN, MAINE TO
COMPLETE THE BOILER REPLACEMENT PROJECT
AT THE WATER POLLUTION CONTROL FACILITY

filed November 13, 2012
by Kevin O'Connell

WHEREAS, bids were solicited, received and evaluated for a contractor to complete the boiler replacement project for the Water Pollution Control Facility; and

WHEREAS, RJ Morin of Old Town provided the City with the lowest of bids received in the amount of \$203,168; and

WHEREAS, this bid, together with the \$9,200 already expended for the design of the project, puts the total cost of the project at \$212,368, which is \$12,368 above the \$200,000 Council approved as part of the FY2013 Sewer CIP; and

WHEREAS, the Sewer Department has funds available to cover the additional \$12,368 cost;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to RJ Morin in the amount of \$203,168 to complete the boiler replacement project; and

BE IT FURTHER ORDERED, that the cost of this project shall be charged to account number 0581002-582001 (BWPCF Boiler Replacement).

FURTHER ORDERED, that the City Council authorizes the appropriation and expenditure of an additional \$12,368 from the account above for this project to be funded by \$11,418 from account 0800000-110805 (Sewer Capital Reserve) and \$950 in 2011 Clean Water SRF energy efficiency grant funds.

The motion to amend by total substitution of the order was seconded and passed by unanimous vote.

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

2012-A237

November 19, 2012

TITLE: ORDER, AUTHORIZE SETTLEMENT AGREEMENT WITH
JAMES L. KEARNS, A/K/A JAMES L. KEARNS, JR.

filed November 13, 2012
by Joseph Ferris

WHEREAS, the City instituted an action in the Maine District Court in Bangor to perfect its title to the property situated at 87 Parker Street, Brewer, Maine, against James L. Kearns, a/k/a James L. Kearns, Jr., being Docket No. BANDC-RE-2011-182; and

WHEREAS, the parties have negotiated a settlement that has been reduced to a written Agreement, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the parties are still working on the exhibits to be attached to and incorporated into the Agreement; and

WHEREAS, the parties want to formalize their Agreement;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby approves the attached Agreement, subject to the City Council approving the exhibits at its December 2012 Regular City Council meeting; and

FURTHER BE IT ORDERED the City Manager, or his designee, shall take any and all actions and sign any and all documents on behalf of the City to carry out the terms and conditions of the attached Agreement.

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

The order was passed by unanimous vote.

H. New Items with Leave of Council.

City Manager Bost said the City Council wanted to start a new tradition for outgoing Mayors of the Council. The City Council presented Mayor Jerry Goss with an engraved gavel and pad as a token of his term as Mayor of the City of Brewer.

City Manager Steve Bost spoke about the tragic fire that occurred in Orrington. Fire Chief Ralph Cammack said Brewer's men and women did a remarkable job in spite of the tremendous impact this tragedy has had on everyone.

Councilor Ferris asked that is there anything as a City we can do to help residents obtain smoke detectors. Maybe create a reserve of smoke detectors to be given out or set aside some money to help purchase them.

Fire Chief Cammack said that Lowe's donated a couple of pallets of smoke detectors to one town when approached. He will do some investigating and get back to the Council with some ideas.

Chairman Goss said he would accept a motion for adjournment.

ACTION: Councilor Ferris moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting adjourned at 7:16 p.m.

ADJOURNED, ATTEST: _____ Pamela J. Ryan
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine