

City Council Minutes  
October 15, 2012

Special Meeting  
City Hall Council Chambers

Monday, October 15, 2012  
5:15 p.m.

The special 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 was 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 special meeting.

TO: Joseph Ferris, Larry Doughty, Arthur Verow, Jerry Goss and Kevin O'Connell  
MEMBERS OF THE BREWER CITY COUNCIL You are hereby notified a special meeting of the City Council will be held on Monday, October 15, 2012 at 5:15p.m. in the Council Chambers at Brewer City Hall to consider and act on the items on the attached agenda.

s/Jerry Goss  
Mayor and Chairman of the City Council

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

a true copy, attest: s/Howard F. Kroll  
City Clerk

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OFFICER'S RETURN

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

Given/Delivered to:	by (person delivering)	Title	Date	Time
Joseph Ferris	S. Boyd		10/12/12	1625
Larry T. Doughty	R. Hershey	Ptl.	10/12/12	1617
Arthur Verow	R. Hershey	Ptl.	10/12/12	1620
Jerry Goss	R. Hershey	Ptl.	10/12/12	1624
Kevin O'Connell	S. Boyd		10/12/12	1615

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**CITY COUNCIL SPECIAL MEETING  
Monday, October 15, 2012 5:15 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.
- C. Consent Calendar.** (no items)
- D. Monthly Reports.** (none)
- E. Nominations, Appointments, Elections.** (no items)
- F. Unfinished Business.** (no items)
- G. New Business.**
  - 1. (2012-A218) ORDER, Authorizing Brewer Redevelopment, LLC to Sign an Option Agreement with the Housing Authority of the City of Brewer and/or Somerset Place Associates, LP, for the Redevelopment of the Former Middle School. (Councilor Verow)
  - 2. (2012-A219) ORDER, Authorizing An Agreement with the Housing Authority of the City of Brewer and/or Somerset Place Associates, LP, on the Property Located At 5 Somerset Street, for Payment in Lieu of Taxes (Pilot). (Councilor Verow)
- H. New Items with Leave of Council.**
- I. ADJOURN.**

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

**PUBLIC COMMENTS.**

None.

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**C. Consent Calendar.**

No items.

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**D. Monthly Reports.**

None.

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

No items.  
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**F. Unfinished Business.**

No items.  
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**G. New Business.**

2012-A218

October 15, 2012

TITLE: ORDER, AUTHORIZING BREWER REDEVELOPMENT, LLC TO SIGN AN OPTION AGREEMENT WITH THE HOUSING AUTHORITY OF THE CITY OF BREWER AND/OR SOMERSET PLACE ASSOCIATES, LP, FOR THE REDEVELOPMENT OF THE FORMER BREWER MIDDLE SCHOOL.

filed October 12, 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 this order pass immediately to endorse a grant application package deadline that falls within the effective date 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 creation of a separate legal entity Brewer Redevelopment LLC to take and hold title to the former school to market, develop, and otherwise make use of the property for the betterment of the City; and

WHEREAS, in conjunction with the Housing Authority of the City of Brewer, Brewer Redevelopment, LLC has identified a developer who will redevelop the former middle school into senior housing units; and

WHEREAS, the developer Somerset Place Associates, LP and/or the Housing Authority of the City of Brewer wishes to apply for housing tax credits through Maine State Housing and needs to enter into an option agreement with Brewer Redevelopment, LLC before the application deadline of October 25, 2012;

NOW, THEREFORE, BE IT ORDERED, that the City Council does hereby authorize Brewer Redevelopment, LLC, whose purpose is to hold title and redevelop the former Middle School, to enter into an option agreement with the Housing Authority of the City of Brewer and/or Somerset Place Associates, LP, in a format approved as to form by the attorney representing the City of Brewer, Maine.

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

The order was passed by a 4-0-1 vote (Councilor Ferris abstained).

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2012-A219

October 15, 2012

**TITLE:** ORDER, AUTHORIZING AN AGREEMENT WITH THE HOUSING AUTHORITY OF THE CITY OF BREWER AND/OR SOMERSET PLACE ASSOCIATES, LP, ON THE PROPERTY LOCATED AT 5 SOMERSET STREET, FOR PAYMENT IN LIEU OF TAXES (PILOT).

filed October 12, 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 this order pass immediately to endorse a grant application package deadline that falls within the effective date; 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 Payment in Lieu of Taxes Agreement will allow for the Housing Authority of the City of Brewer and/or Somerset Place Associates, LP, to pay only 45% of taxes and will begin upon their taking ownership of 5 Somerset Street and will run for a period of fifteen (15) years; and

WHEREAS, upon completion of a TIF agreement providing for 55% of the taxes to be returned to the Housing Authority of the City of Brewer and/or Somerset Place Associates, LP, for a period of fifteen (15) years, the PILOT agreement will terminate;

NOW, THEREFORE, BE IT ORDERED, that the City Council does hereby authorize the agreement between Brewer Redevelopment, LLC and the Housing Authority of the City of Brewer and/or Somerset Place Associates, LP, under such terms and conditions as the Brewer City Manager and the Brewer Finance Director determine to be in the best interest of the City of Brewer, to provide for a payment in lieu of taxes arrangement concerning the property located at 5 Somerset Street, Brewer, Maine; and

FURTHER ORDERED, that the Brewer City Manager, or his designee, is authorized to sign this agreement on behalf of the City of Brewer, Maine subject to the approval of Brewer Redevelopment, LLC 's attorney and the attorney representing the City of Brewer of the same as to legal form.

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

Councilor Ferris moved that the order be amended by striking the number 45% and inserting 49% in the fourth paragraph of the order and by striking out the number 51% and inserting the number 55% in the fifth paragraph of the order.

The motion was seconded passed.

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

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

The following order was introduced under suspension of the rules. The City Clerk polled the council and unanimous consent was obtained to take up this item.

2012-A220

October 15, 2012

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

filed October 15, 2012  
(under suspension of the rules)  
by Larry T. Doughty and  
Joseph Ferris

ORDERED, that the Brewer City Council convene in executive session pursuant to  
Title1, Maine Revised Statutes Annotated, § 405(6)(A) on a personnel matter.

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

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

Mayor Goss said the City Council and the City Clerk would convene into executive session. The  
special meeting would resume after the executive session.

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

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

Chairman Goss declared a quorum present. He said the Council would take up no more items  
except to adjourn.

Chairman Goss said he would accept a motion for adjournment.

**ACTION:** Councilor Doughty moved that the meeting be adjourned. The motion was  
seconded and passed by unanimous vote. The meeting adjourned at 5:26 pm.

**ADJOURNED, ATTEST:** \_\_\_\_\_ Howard F. Kroll  
City Clerk

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