

City Council Minutes
October 9, 2012

Regular Meeting
City Hall Council Chambers

Tuesday, October 9, 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 You are hereby notified a regular meeting of the City Council will be held on Tuesday, October 9, 2012 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider and act on the items on the attached agenda.

s/Jerry Goss
Mayor and Chairman of the City Council

or _____
Majority of the City Council

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

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	Wilson		10/05/12	1425
Larry T. Doughty	Feero		10/05/12	
Arthur Verow	Wilson		10/05/12	1425
Jerry Goss	Feero		10/05/12	
Kevin O'Connell	Wilson		10/05/12	1430

CITY COUNCIL REGULAR MEETING
Tuesday, October 9, 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 September 11, 2012 Regular Meeting and September 17, 2012 Special Meeting.** (Councilor Verow)
- B. Awards, Petitions and Public Comments.**
 - 1. (2012-B055) RESOLVE, Recognize the Housing Authority of the City of Brewer for the Service They Provide of Affordable Housing for the Residents of Brewer. (Councilor O'Connell)
 - 2. (2012-B056) RESOLVE, Recognize Holly Baker for Her Outstanding Performance at the Portland Marathon. (Councilor Ferris)
 - 3. Public Comments.
- C. Consent Calendar.**
 - 1. (2012-A197) ORDER, Accept Donations to the Brewer Parks and Recreation Department for the Annual Brewer Days Celebration. (Councilor O'Connell)
 - 2. (2012-A198) ORDER, Accept Donation to the Brewer Parks and Recreation Department for the Fall Program/Leagues. (Councilor Doughty)
 - 3. (2012-A199) ORDER, Accept Funds in Support of Bicentennial Celebration. (Councilor Verow)
 - 4. (2012-A200) ORDER, Direct the City Clerk to Publish the Complete Text of the Municipal Ballot for the November 6, 2012 Election in the Bangor Daily News. (Councilor Ferris)
 - 5. (2012-A201) ORDER, Award Contract for Replacing the Roofing on the Lower Section of the Old Library on the Corner of North Main and Union Streets. (Councilor O'Connell)
 - 6. (2012-A202) ORDER, Authorize Grant Application for Washington Street Complex Renovation. (Councilor Doughty)
 - 7. (2012-A203) ORDER, Declare Fire Department Turnout Gear Surplus and Authorize Its Disposal. (Councilor Verow)
 - 8. (2012-A204) ORDER, Declare City Property Surplus and Authorize Sale of Surplus Property. (Councilor Ferris)

City Council Minutes
October 9, 2012

9. (2012-A205) ORDER, Authorize a Temporary Construction Easement to Ward Enterprises Holdings LLC. (Councilor O'Connell)
10. (2012-A206) ORDER, Authorize Purchase of Winter Sand. (Councilor Verow)
11. (2012-A207) ORDER, Approve the Carry Forward Encumbrance of Appropriated, but not Expended, Funds for Approved Projects. (Councilor Doughty)
12. (2012-A208) ORDER, Authorize the Reallocation of Water Capital Improvement Funds. (Councilor Ferris)
13. (2012-A209) ORDER, Accept Insurance Dividend from Maine Municipal Association. (Councilor O'Connell)
14. (2012-A210) ORDER, Authorize Issuance of General Obligation Bonds to Finance the Sewer Funds FY13 CIP and a Tax Levy Therefor. (Councilor Verow)
15. (2012-A211) ORDER, Authorize Purchase of a Replacement Pickup for the Water Pollution Control Facility. (Councilor Doughty)
16. (2012-A212) ORDER, An Order to Adopt the Highland Street Community Revitalization Plan. (Councilor Ferris)
17. (2012-A213) ORDER, Authorize the Managers of Brewer Redevelopment, LLC to Negotiate an Option Agreement for Redevelopment of the Former Brewer Middle School. (Councilor O'Connell)
18. (2012-A214) ORDER, Authorize City Manager, or His Designee, to Sign Non-Exclusive Lease for Parking on Acme Road. (Councilor Verow)
19. (2012-A215) ORDER, Authorize Reallocation to Supplement FY2013 Assessing Budget. (Councilor Doughty)
20. (2012-A215A)ORDER, Amend the Collective Bargaining Contract Between the City and the Employees of the Public Works Department Adopted by Council Resolve 2012-B042 on August 14, 2012. (Councilor O'Connell)

D. Monthly Reports. (Councilor Verow)

E. Nominations, Appointments, Elections.

1. (2012-A216) ORDER, Appoint City Assessor. (Councilor Ferris)
2. (2012-B057) RESOLVE, Declare Results of the September 18, 2012 City of Brewer Special School Referendum Election. (Councilor Verow)
3. (2012-B058) RESOLVE, Confirm City Clerk's Appointments of Wardens and Ward Clerks. (Councilor Doughty)
4. (2012-B059) RESOLVE, Appoint Voter Registration Appeals Board Members. (Councilor O'Connell)

City Council Minutes
October 9, 2012

F. Unfinished Business.

1. (2012-C016) Amend Chapter 1, Entitled “The City Council”, Article 3, Rules of Order, Section 350.1 of the Charter, Codes and Ordinances of the City of Brewer. (Councilor Doughty) (posted 8/15/12)(tabled 9/11/12)
2. (2012-C017) Amend Land Use Code, Chapter 24, Article 4 Performance Standards, Section 420.4, Multiple Uses on a Single Lot. (posted 9/12/12) (Councilor Verow)
3. (2012-C018) Amend Land Use Code, Chapter 24, Article 12 Impact Fees, Section C. (posted 9/12/12) (Councilor Doughty)

G. New Business.

1. (2012-C019) Amend the General Assistance Ordinance to Incorporate Changes In Maximum Benefits. (Councilor Ferris)
2. (2012-A217) ORDER, Set Time and Location for the Annual Meeting of the City Council and the School Committee. (Councilor Doughty)

H. New Items with Leave of Council.

I. ADJOURN.

A. Minutes of September 11, 2012 Regular Meeting and September 17, 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-B055

October 9, 2012

TITLE: RESOLVE, RECOGNIZE THE HOUSING AUTHORITY OF THE CITY OF BREWER FOR THE SERVICE THEY PROVIDE OF AFFORDABLE HOUSING FOR THE RESIDENTS OF BREWER.

filed October 3, 2012
by Kevin O’Connell

WHEREAS, the Department of Housing and Urban Development was established in 1937 to provide safe and sanitary housing for low income residents; and

WHEREAS, the Housing Authority of the City of Brewer was established to provide housing in Brewer in 1972; and

City Council Minutes
October 9, 2012

WHEREAS, the Department of Housing and Urban Development has established a Public Housing Assessment System (PHAS) to evaluate the following indicators for each Housing Authority: Physical, Financial, Management, Capital Fund; and

WHEREAS, the Housing Authority of the City of Brewer received a total score of 92 out of 100 for the 9/30/2011 Fiscal Year and is designated as a HIGH PERFORMER; and

WHEREAS, the Housing Authority of the City of Brewer has recently gone under construction with Penquis for the Chamberlain Place Senior Housing, and also the Machias Saving Bank and CTI Energy for the Energy Performance Contract. In October the Housing Authority will be breaking ground for the Brewer Community Center/Day Care. The Housing Authority also just received a one year grant in the amount of \$52,832 to continue the Public Housing Family Self-Sufficiency Program;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of Brewer, herewith recognizes and commends the Housing Authority of the City of Brewer and its staff for outstanding and dedicated services to the Citizens of the City of Brewer.

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-B056

October 9, 2012

TITLE: RESOLVE, RECOGNIZE HOLLY BAKER FOR HER OUTSTANDING PERFORMANCE AT THE PORTLAND MARATHON.

filed October 3, 2012
by Joseph Ferris

WHEREAS, on September 30, 2012, Holly Baker completed her first marathon in Portland; and

WHEREAS, Holly Baker took it upon herself to further her education and has worked for the last 5 years in the healthcare field as a Registered Nurse in the Intensive Care and Pediatric Intensive Care Unit at a local healthcare facility; and

WHEREAS, Holly's children Rece, Rebecca and Emily supported her throughout her training and were at the finish line to congratulate her on the accomplishment of succeeding at yet another goal she set for herself. The success reinforced the lessons she constantly instills in her children – hard work and single mindedness can achieve anything; and

City Council Minutes
October 9, 2012

WHEREAS, Holly finished the marathon in a time of 4 hours and 19 minutes and 504 out of 1000 runners;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith congratulates Holly Baker on her athletic achievement that very few individuals accomplish.

ACTION: Councilor Ferris 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.

PUBLIC COMMENTS

Robert Zani, North Main Street, asked that an item to recognize the Brewer post master for his participation in the Brewer Centennial be put on the November meeting agenda.

Patty Preble, 38 Washington Street, thanked the public works department for installing the eagle in the Children's Garden and thanked the City for the CDBG funds to help rehab her home.

C. Consent Calendar.

ACTION: Councilor Verow removed orders 2012- A201, A211 and A214 from the Consent Calendar. Councilor Ferris removed order 2012-A213 and Councilor Doughty removed orders 2012-A206 and A207.

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

2012-A197

October 9, 2012

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

filed October 3, 2012
by Kevin O'Connell

WHEREAS, the City of Brewer has received donations totaling \$550.00 from Kindred Health Care and Bangor Federal Credit Union for support of this year's Brewer Days Celebration;

City Council Minutes
October 9, 2012

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

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

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

2012-A198

October 9, 2012

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

filed October 3, 2012
by Larry T. Doughty

WHEREAS, the Brewer Parks and Recreation Department has received a donation of \$100.00 from Bangor Tire Company for the Parks and Recreation Department's Fall Program/Leagues;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this donation and directs that the donated funds be received to the Fall Program/Leagues account (0107123 300328); and

AND FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0117121 506130 (Fall Program/Leagues).

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

2012-A199

October 9, 2012

TITLE: ORDER, ACCEPT FUNDS IN SUPPORT OF BICENTENNIAL CELEBRATION.

filed October 3, 2012
by Arthur Verow

WHEREAS, the City of Brewer has received a \$50.00 donation from Leadbetters and a \$150.00 donation from the Brewer Federal Credit Union designated for the support of the 2012 Brewer Bicentennial Celebration;

City Council Minutes
October 9, 2012

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

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

FURTHER ORDERED, that the Brewer Bicentennial Committee send a letter of acknowledgement and appreciation to Leadbetter and the Brewer Federal Credit Union for their generous donations.

2012-A200

October 9, 2012

TITLE: ORDER, DIRECT THE CITY CLERK TO PUBLISH THE COMPLETE TEXT OF THE MUNICIPAL BALLOT FOR THE NOVEMBER 6, 2012 ELECTION IN THE BANGOR DAILY NEWS.

filed October 3, 2012
by Joseph Ferris

WHEREAS, the City of Brewer annual municipal election will be held on Tuesday, November 6, 2012; and

WHEREAS, Brewer City Charter, Article IV, Nominations and Elections, Section 6, states that after certification by the City Clerk of nomination signatures for candidates for election to City positions, the City Council must order one publication of the complete specimen ballot to be made in one, or more should the City Council deem it best, of the newspapers published in the City of Brewer or City of Bangor, such publication to be made not less than 10 days, nor more than 15 days prior to the election.

NOW, THEREFORE, BE IT ORDERED, that the municipal officers herewith direct the City Clerk to publish the complete text of the November 6, 2012 municipal ballot in a newspaper published in the City of Brewer or City of Bangor to wit Bangor Daily News.

2012-A201

October 9, 2012

TITLE: ORDER, AWARD CONTRACT FOR REPLACING THE ROOFING ON THE LOWER SECTION OF THE OLD LIBRARY ON THE CORNER OF NORTH MAIN AND UNION STREETS.

filed October 3, 2012
by Kevin O'Connell

City Council Minutes
October 9, 2012

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 essential to begin the work authorized herein immediately in order to assure completion before winter; 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 tar and gravel roofing on the lower section of the old Library has deteriorated to the point where repairs are not feasible and the upper section of the Library requires numerous minor repairs to the existing rubber roofing and flashings; and

WHEREAS, it is the desire of the City Council to preserve the old Library for possible future renovation and reuse; and

WHEREAS, the City Engineer has solicited lump sum proposals for replacement of the existing built up roofing on the lower Library roof and recommends that minor repairs be made to the upper roof on a time and materials basis; and

WHEREAS, G. R. Roofing of Brewer submitted the only proposal for the work;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to execute a contract with G.R. Roofing of Brewer in an amount not to exceed \$_____ for full replacement of the roofing and insulation on the lower section of the old Library roof and for miscellaneous repairs to the upper section of the rubber roof as deemed necessary by the City Engineer; and

BE IT FURTHER ORDERED, that the City Council herewith exercises its authority under Chapter 36, Section 404 of the City's Purchasing Ordinance for these emergency roof repair services; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of \$_____ from account 0510120-551001 (City Hall Infrastructure to pay for this expense.

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

Councilor O'Connell moved that the order be amended by inserting the amount of \$25,000 in the two blanks. The motion was seconded.

The order was passed by unanimous vote.

City Council Minutes
October 9, 2012

2012-A202

October 9, 2012

TITLE: ORDER, AUTHORIZE GRANT APPLICATION FOR
WASHINGTON STREET COMPLEX RENOVATION.

filed October 3, 2012
by Larry T. Doughty

ORDERED, that the City Council authorizes the City Manager, or his designee, to apply, on behalf of the City of Brewer, for federal assistance under the provisions of the Land and Water Conservation Act, Public Law 88-578 for the redevelopment of the Washington Street Recreation Complex; and

ORDERED, that the City Manager, or his designee, is authorized to enter into the Land and Water Conservation Fund Project Agreement with the State of Maine subsequent to federal approval of the project; and

FURTHER ORDERED, that if city tax appropriations are being used for all or part of the local share of the project cost, the City of Brewer will raise the funds through Council action, and that the City Council herewith authorizes the borrowing of funds to pay ‘up-front’ costs of this project in anticipation of federal reimbursement.

2012-A203

October 9, 2012

TITLE: ORDER, DECLARE FIRE DEPARTMENT TURNOUT GEAR
SURPLUS AND AUTHORIZE ITS DISPOSAL.

filed October 3, 2012
by Arthur Verow

WHEREAS, firefighter protective clothing (known as “turnout gear”) has a shelf life of 10 years; and

WHEREAS, beyond that stated shelf life the turnout gear is no longer deemed safe to use by the National Fire Protection Association and other Federal and State laws; and

WHEREAS, the department recently replaced most of the turnout gear with new gear in FY2012; and

WHEREAS, the department has 21 sets of turnout pants and 17 sets of turnout coats that have passed the ten year limit; and

WHEREAS, said gear cannot be sold or donated because of its age, so said turnout gear should be destroyed and disposed of to prevent it being used any longer;

City Council Minutes
October 9, 2012

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby declares the turnout gear surplus and authorizes the Fire Chief to dispose of the turnout gear as he sees fit.

2012-A204

October 9, 2012

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

filed October 3, 2012
by Joseph Ferris

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 former Water Pollution Control Facility unit 714 (a 1999 GMC Sierra 2500 pickup) and Collection System unit 703 (1995 Ford F250 pickup) surplus equipment; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to sell and finalize all sales of said surplus property by means that would be in the best interest of the City of Brewer; and

BE IT FURTHER ORDERED, that the funds received from the sale of said surplus property be deposited in revenue account number 058005-300410 (Sewer CIP Sale of Assets).

2012-A205

October 9, 2012

TITLE: ORDER, AUTHORIZE A TEMPORARY CONSTRUCTION EASEMENT TO WARD ENTERPRISES HOLDINGS LLC.

filed October 3, 2012
by Kevin O'Connell

WHEREAS, the Brewer Planning Board on October 1, 2012 approved the site plan for Ward Enterprises Holdings LLC for construction of a new commercial building on Acme Road (Map 13, Lot 43); and

WHEREAS, a condition of approval of this site plan requires the applicant to obtain a temporary construction easement on city-owned property (Map 13, Lot 44) for the purpose of completing minor grading changes associated with the new facility; and

WHEREAS, the City Engineer has reviewed the proposed grading changes and recommends the granting of this temporary construction easement;

City Council Minutes
October 9, 2012

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the City Engineer to prepare, and the City Manager, or his designee, to execute a Temporary Construction Easement to Ward Enterprises Holdings LLC for minor grading improvements on the city-owned lot on Acme Road (Map 13, Lot 44); and

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

BE IT FURTHER ORDERED, that upon execution, the Easement shall be recorded by the City Clerk at the Penobscot County Registry of Deeds.

2012-A206

October 9, 2012

TITLE: ORDER, AUTHORIZE PURCHASE OF WINTER SAND.

filed October 3, 2012
by Arthur Verow

WHEREAS, bids were solicited, received and evaluated for the purchase of up to 2,000 cubic yards of winter sand per year in FY13 and FY14; and

WHEREAS, R.F. Jordan and Sons Construction, Inc. of Ellsworth, Maine has provided the City of Brewer with the lowest bid for acceptable materials of the four (4) bids received acceptable for winter sand;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to R.F. Jordan & Sons Construction, Inc. in the amount \$18,000.00 in FY13 and \$18,000.00 in FY14 for supply and delivery of 2,000 cubic yards of winter sand per year; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to account 0116671-502540, titled, "Sand Purchases".

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

Councilor O'Connell moved that the order be amended as indicated in the above order with bidder's name and amount. The motion was seconded.

The order was passed by unanimous vote.

City Council Minutes
October 9, 2012

2012-A207

October 9, 2012

TITLE: ORDER, APPROVE THE CARRY FORWARD ENCUMBRANCE OF APPROPRIATED, BUT NOT EXPENDED, FUNDS FOR APPROVED PROJECTS.

filed October 3, 2012
by Larry T. Doughty

ORDERED, That the City Council herewith authorizes and approves the carry forward of funds in the following accounts from the end of Fiscal Year 2012 to Fiscal Year 2013 as follows:

Account #	Description	Carry Forward
0115400-501005	Legal – Assessing	\$5,000.00
0115701-501070	Economic Devel. – Misc Professional Svcs	\$45,000.00
0115911-501078	Fire – Ambulance Billing Rev Distribution	\$25,000.00
0115911-502805	Fire – Medical Supplies	\$1,425.00
0115911-503000	Fire – Minor Equipment	\$200.00
0116301-501072	Bangor Humane Society Services	\$1,104.00
0116401-502200	Human Services – Office Supplies	\$86.55
0116500-501110	Transit Operating Expense- The Bus	\$25,776.00
0116631-501040-66003	Storm Sewer Maintenance – Contracted Services	\$6,677.20
0116721-502800	Landfill – Safety Supplies	\$500.00
0116801-500860	Engineering – Training, Conferences and Mtgs	1,770.30
0117101-504000	Auditorium – Building Maintenance and Repair	\$1,600.00
0117111-502570	Parks & Cemeteries – Doyle Field	\$14,250.00
0718502-502720	Water Trans & Distr – Materials and Supplies	\$8,400.00
<u>0115601-500860</u>	<u>Technology-Training and Conferences</u>	<u>\$796.00</u>
	TOTAL	<u>\$137,585.05</u>

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

Councilor Doughty moved that the order be amended as indicated in the above order by adding the line Technology-Training and Conferences and replacing the total. The motion was seconded.

The order was passed by unanimous vote.

City Council Minutes
October 9, 2012

2012-A208

October 9, 2012

TITLE: ORDER, AUTHORIZE THE REALLOCATION OF WATER CAPITAL IMPROVEMENT FUNDS.

filed October 3, 2012
by Joseph Ferris

WHEREAS, the Water Department Capital Improvement Program fund has become cluttered with numerous project accounts with varying balances; and

WHEREAS, the new Water Superintendent has carefully reviewed the status of all the projects and determined which accounts are still needed and which can be closed out; and

WHEREAS, the Water Superintendent and Finance Director agree that the Water Department would be better served by a more streamlined and simplified capital project structure that will facilitate future capital project accounting and recordkeeping;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith authorizes the Finance Director to reallocate funds within the Water Capital Improvement Program fund according to the attached schedule.

2012-A209

October 9, 2012

TITLE: ORDER, ACCEPT INSURANCE DIVIDEND FROM MAINE MUNICIPAL ASSOCIATION.

filed October 3, 2012
by Kevin O'Connell

WHEREAS, the City has received a dividend of \$8,921 from the Maine Municipal Association's Property & Casualty Pool in recognition of the City's positive performance in FY2011; and

WHEREAS, the City finds itself faced with an unexpected expense to repair the roof of the former Library;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council hereby accepts the \$8,921 in property and casualty dividends and directs that it be deposited into the City's Miscellaneous Revenue account (0106904-300490); and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of the \$8,921 from the City Hall Infrastructure CIP account (0510120-551001) to make repairs to the former Library portion of the roof.

City Council Minutes
October 9, 2012

2012-A210

October 9, 2012

TITLE: ORDER, AUTHORIZE ISSUANCE OF GENERAL OBLIGATION BONDS TO FINANCE THE SEWER FUNDS FY13 CIP AND A TAX LEVY THEREFOR.

filed October 3, 2012
by Arthur Verow

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

THAT pursuant to 30-A M.R.S.A. §5772 and all other authority thereto enabling, there is hereby authorized the issue and sale at one time and from time to time up to Two Hundred Twenty Five Thousand Dollars (\$225,000) aggregate principal amount of general obligation bonds of the City of Brewer, the proceeds of which, including premium, if any, may be used and are hereby appropriated to finance the Sewer Fund's FY13 CIP (the "Project"), and to finance issuance costs with respect thereto.

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

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

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

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

THAT pursuant to 30 A M.R.S.A. §5772, Article VI, Section 7 of the City Charter and any other authority thereto enabling, the City Treasurer/ Finance Director is hereby authorized to issue temporary notes of the City in anticipation of the forgoing bond issue, said notes to be signed by the City Treasurer/ Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk, and otherwise to be in such form and contain such terms and provisions including, without limitation, maturities (not to exceed 3 years from the issue date), denominations, interest rate or rates, place of payment, and other details as they shall approve, their approval to be conclusively evidenced by their execution thereof.

City Council Minutes
October 9, 2012

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

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

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

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

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

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

City Council Minutes
October 9, 2012

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

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

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

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

THAT the City Treasurer/ Finance Director, Chair of the City Council, Clerk, and other proper officials of the City be, and hereby are, authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things, and to execute, deliver, file, approve, and record all such financing documents, contracts, agreements, assignments, certificates, and other documents as may be necessary or advisable, with the advice of counsel for the City, including but not limited to a bond purchase agreement, a preliminary official statement and official statement if the bonds are underwritten in a public sale or a loan agreement with the Maine Municipal Bond Bank in usual and customary form, if the bonds are issued through the Maine Municipal Bond Bank's General Resolution or State Revolving Loan Fund programs, to carry out the provisions of this Order in connection with the issuance of the Bonds, the issuance, execution, sale, and delivery by the City of the bonds and notes and the execution and delivery of the documents, as may be necessary or desirable.

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

City Council Minutes
October 9, 2012

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

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

2012-A211

October 9, 2012

TITLE: ORDER, AUTHORIZE PURCHASE OF REPLACEMENT PICKUP
FOR WATER POLLUTION CONTROL FACILITY.

filed October 3, 2012
by Larry T. Doughy

WHEREAS, bids were solicited, received and evaluated for the purchase of a pickup truck to replace Water Pollution Control Facility unit #714 (a 1999 GMC Sierra 2500); and

WHEREAS, _____ 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 _____ in the amount of \$ _____ for the purchase of a _____ pickup truck; and

BE IT FURTHER ORDERED, that the cost of this purchase shall be charged to account number 0581003-583016 (2WD Pickup-Replace #714); and

City Council Minutes
October 9, 2012

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation of \$ _____ from the Sewer General Capital Reserve account 0800000-110805 to 0581003-583016 to fund the purchase.

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

Councilor Doughty moved that the order be amended as indicated in the following order with bidder's name and amount. The motion was seconded.

The order was passed by unanimous vote.

2012-A211

October 9, 2012

TITLE: ORDER, AUTHORIZE PURCHASE OF REPLACEMENT PICKUP
FOR WATER POLLUTION CONTROL FACILITY.

filed October 3, 2012
by Larry T. Doughty

WHEREAS, bids were solicited, received and evaluated for the purchase of a pickup truck to replace Water Pollution Control Facility unit #714 (a 1999 GMC Sierra 2500); and

WHEREAS, Augusta Quirk Ford provided the City with the lowest of bids received in the amount of \$19,757 with extended warranty;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to Augusta Quirk Ford in the amount of \$19,757 for the purchase of a 2013 Ford F150XL pickup truck; and

BE IT FURTHER ORDERED, that the cost of this purchase shall be charged to account number 0581003-583016 (2WD Pickup-Replace #714); and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation of \$19,757 from the Sewer General Capital Reserve account 0800000-110805 to 0581003-583016 to fund the purchase.

City Council Minutes
October 9, 2012

2012-A212

October 9, 2012

TITLE: ORDER, AN ORDER TO ADOPT THE HIGHLAND STREET
COMMUNITY REVITALIZATION PLAN.

filed October 3, 2012
by Joseph Ferris

WHEREAS, The City of Brewer, in collaboration with the Housing Authority of the City of Brewer has initiated the development of the Highland Street Community Revitalization Plan to Promote the stabilization, revitalization and development of this area; and

WHEREAS, this Community Revitalization Plan is intended only to promote and enhance the aesthetic value of this neighborhood, strengthen the commitment to Brewer Housing Authority and promote positive outgrowth of this area; and

NOW THEREFORE BE IT ORDERED, the Brewer City Council hereby adopts the Highland Street Revitalization Plan.

2012-A213

October 9, 2012

TITLE: ORDER, AUTHORIZE THE MANAGERS OF BREWER
REDEVELOPMENT, LLC TO NEGOTIATE AN
OPTION AGREEMENT FOR REDEVELOPMENT OF THE
FORMER BREWER MIDDLE SCHOOL.

filed October 3, 2012
by Kevin O'Connell

WHEREAS, the City of Brewer is the Sole Member of Brewer Redevelopment, LLC;
and

WHEREAS, the Limited Liability Company Operating Agreement of Brewer Redevelopment, LLC require the consent of the City of Brewer in its capacity as Sole Member, in connection with any sale or contract for sale of any property owned by Brewer Redevelopment, LLC; and

WHEREAS, Brewer Redevelopment, LLC has taken title to the former Middle School located at 5 Somerset Street, and have begun work on the redevelopment of the property; and

WHEREAS, the managers of Brewer Redevelopment, LLC require authorization to begin negotiations to enter into an option agreement, as outlined in the attached summary, with Somerset Place Associates, LP, for the redevelopment of the former Middle School; and

City Council Minutes
October 9, 2012

WHEREAS, the redevelopment and reuse of the former Middle School site in the manner contemplated by the Option Agreement is of utmost importance to the City of Brewer; and

WHEREAS, the Brewer City Council on behalf of the City of Brewer, Maine, now wishes to authorize the managers of Brewer Redevelopment, LLC to negotiate an Option Agreement and any ancillary documents and agreements, and to perform their respective obligations thereunder, as their interests may appear;

NOW, THEREFORE, BE IT ORDERED, that the City Council authorizes the managers of Brewer Redevelopment, LLC, to proceed with negotiations with Somerset Place Associates, LP to execute a final option agreement.

Attachment – Summary list of option agreement negotiations

ACTION: Councilor O’Connell 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.

Councilor Doughty asked how the deal would affect the project.

D’arcy Main-Boyington explained the process and the financial issues, Somerset Place Associates will own the property.

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

2012-A214

October 9, 2012

TITLE: ORDER, AUTHORIZE CITY MANAGER, OR HIS DESIGNEE, TO SIGN NON-EXCLUSIVE LEASE FOR PARKING ON ACME ROAD DRIVEWAYS AND WALKWAY.

filed October 3, 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 become effective immediately so that construction project can proceed on schedule; and

City Council Minutes
October 9, 2012

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;

WHEREAS, Ward Enterprises Holdings LLC is in the process of developing a new indoor facility located on Map 13, Lot 43; and

WHEREAS, Ward Enterprises Holdings LLC is looking to lease 50 parking spaces from the City's public parking lot on Map 13, Lot 44; and

WHEREAS, Ward Enterprises Holdings LLC needs such a lease in order to secure permanent financing for the facility and to move forward with construction of the facility;

NOW, THEREFORE, BE IT ORDERED, that the City Council of the City of Brewer hereby authorizes the City Manager, or his designee, to sign a non-exclusive lease for fifty (50) parking spaces on Acme Road driveways and walkway with Ward Enterprises Holdings LLC for a period of twenty (20) years, with an option for Ward Enterprises Holdings LLC to extend that term for an additional twenty (20) years if needed; and

BE IT FURTHER ORDER, that the payment of the lease shall be paid for in exchange for in-kind services outline in Exhibit B of attached lease.

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

Councilor Verow moved that the order be amended by adding Exhibit A-1 Convey to the attachments of the order. The motion was seconded and passed.

Councilor Verow moved that the order be amended by adding "Driveways and Walkway" to the order's title and to the last paragraph of the order after the word "Road". The motion was seconded and passed.

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

2012-A215

October 9, 2012

TITLE: ORDER, AUTHORIZE REALLOCATION TO SUPPLEMENT
FY2013 ASSESSING BUDGET.

filed October 3, 2012
by Larry T. Doughty

WHEREAS, in the course of the search for a new Assessor for the City, it became clear that Brewer's rate of pay for this position was below average for comparable communities; and

City Council Minutes
October 9, 2012

WHEREAS, in order to attract and retain the most qualified and suitable candidate for this position, it is necessary to increase the pay rate for this position; and

WHEREAS, due to the unfortunate passing of the City's last remaining pensioner, there are funds available in the Employee Benefit group of accounts that could be reallocated to support the salary and benefit costs of a higher pay rate for this position;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith authorizes the reallocation of \$9,600 from 0117000-500820 (City Retirement) to Org Code 0115200 (Assessing Salary and Benefits) to supplement the FY13 salary and benefit budget approved by Council for the Assessing Department.

2012-A215A

October 9, 2012

TITLE: ORDER, AMEND THE COLLECTIVE BARGAINING CONTRACT BETWEEN THE CITY AND THE EMPLOYEES OF THE PUBLIC WORKS DEPARTMENT ADOPTED BY COUNCIL RESOLVE 2012-B042 ON AUGUST 14, 2012.

filed October 3, 2012
by Kevin O'Connell

WHEREAS, negotiations between the City of Brewer and Council 93 of the American Federation of State, County and Municipal Employees, Local Union No. 926-04, representing employees of the Brewer Water Pollution Control Facility, have recently been completed; and

WHEREAS, the two parties reached agreement on the terms and conditions of a contract which was ratified by the City Council on August 14, 2012 with Resolve 2012-B042;

NOW, THEREFORE, BE IT ORDERED, that the City Council, on behalf of the City of Brewer, herewith amends this collective bargaining agreement and authorizes the City Manager, or his designee, to sign said agreement on behalf of the City of Brewer.

(see attached)

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.

City Council Minutes
October 9, 2012

E. Nominations, Appointments, Elections.

2012-A216

October 9, 2012

TITLE: ORDER, APPOINT CITY ASSESSOR.

filed October 3, 2012
by Joseph Ferris

ORDERED, that Steven T. Weed of Lamoine, Maine is herewith appointed to the position of City Assessor for a term commencing October 22, 2012 and expiring October 22, 2013.

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

Councilor Verow moved that the order be amended by adding the following paragraph to the order:

FURTHER ORDERED, that the City Assessor shall be paid a salary of \$69,000 per year and a GIS stipend of \$2,5000 per year.

The motion was seconded and passed.

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

2012-B057

October 9, 2012

TITLE: RESOLVE, DECLARE RESULTS OF THE SEPTEMBER 18, 2012
CITY OF BREWER SPECIAL SCHOOL REFERENDUM
ELECTION.

filed October 3, 2012
by Arthur Verow

WHEREAS, the City of Brewer Special School Referendum Election was held on September 18, 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 Special School Referendum Election as follows:

(see attached)

City Council Minutes
October 9, 2012

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

The resolve was adopted by unanimous vote.

2012-B058

October 9, 2012

TITLE: RESOLVE, CONFIRM CITY CLERK'S APPOINTMENTS OF
WARDENS AND WARD CLERKS.

filed October 3, 2012
by Larry T. Doughty

WHEREAS, Article IV, Section 1 of the Brewer City Charter provides, in part, that the City Clerk shall appoint wardens and ward clerks to preside over elections in the City; and

WHEREAS, these appointments are for terms of two years each and are subject to confirmation by the City Council; and

WHEREAS, the City Clerk wishes to reappoint the following for two year terms effective November 12, 2012 and expiring November 10, 2014:

Wardens

Janet Cammack
46 Alan-A-Dale Road

Carolyn Lainsbury
58 Colonial Circle

Jill Bean
14 Floyd Street

Christine Cameron
105 Washington Street

Barbara Gibson
587 Eastern Avenue

Ward Clerks

Thelma Goodness
10 Hardy Street

Barry Twitchell
50 Alan-A-Dale Road

AND WHEREAS, the City Council concurs with these appointments of the City Clerk;

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk's reappointment of wardens and ward clerks is herewith confirmed by the City Council.

City Council Minutes
October 9, 2012

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

The resolve was adopted by unanimous vote.

2012-B059

October 9, 2012

TITLE: ORDER, APPOINT VOTER REGISTRATION APPEALS BOARD MEMBERS.

filed October 3, 2012
by Kevin O'Connell

WHEREAS, Title 21-A, M.R.S.A., Section 103, provides that municipalities with populations of 5000 or greater have an appointed Registration Appeals Board to hear the appeal of any person aggrieved by the decision of the Registrar of Voters to remove a name from the voting list or to refuse to place it on the voting list; and

WHEREAS, the Registration Appeals Board shall consist of 3 members appointed by the City Council as follows: one member shall be nominated by the Republican City Committee; one member shall be nominated by the Democratic City Committee and the third member, who shall serve as chairman of the board, shall be nominated by the City Clerk; and

WHEREAS, the terms of the members will expire on October 31, 2012; and

WHEREAS, the City Council has received nominations from the Republican and Democratic parties for appointments or reappointments to these two positions and a nomination from the City Clerk for appointment or reappointment for chairman of the board;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith appoints the following nominees to the Registration Appeals Board:

MEMBER

TERM

M. Harrison Clark, III
3 Whitney Court
Republican Member

November 1, 2012 – October 31, 2015

Paul Davis
27 Edgewood Drive
Democratic Member

November 1, 2012 – October 31, 2015

Robert Boober, Jr., Chairman

November 1, 2012 – October 31, 2016

City Council Minutes
October 9, 2012

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

The resolve was adopted by unanimous vote.

F. Unfinished Business.

1. (2012-C016) Amend Chapter 1, Entitled "The City Council", Article 3, Rules of Order, Section 350.1 of the Charter, Codes and Ordinances of the City of Brewer. (Councilor Doughty) (posted 8/15/12)(tabled 9/11/12)

ACTION: Councilor Doughty moved that the proposed ordinance amendment be removed from the table. The motion was seconded and passed.

Councilor Doughty moved that the proposed ordinance amendment be enacted.

The proposed ordinance amendment was enacted by unanimous vote.

2. (2012-C017) Amend Land Use Code, Chapter 24, Article 4 Performance Standards, Section 420.4, Multiple Uses on a Single Lot. (posted 9/12/12) (Councilor Verow)

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

The proposed ordinance amendment was enacted by unanimous vote.

3. (2012-C018) Amend Land Use Code, Chapter 24, Article 12 Impact Fees, Section C. (posted 9/12/12) (Councilor Doughty)

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

The proposed ordinance amendment was enacted by a 3 to 2 vote, Chairman Goss and Councilor O'Connell voting against.

City Council Minutes
October 9, 2012

G. New Business.

2012-C019

October 9, 2012

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

filed October 3, 2012
by Joseph Ferris

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:

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	99	424	114	491
1	99	424	114	491
2	100	429	131	565
3	131	563	172	741
4	148	636	201	865

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

City Council Minutes
October 9, 2012

2012-A217

October 9, 2012

TITLE: ORDER, SET TIME AND LOCATION FOR THE ANNUAL MEETING
OF THE CITY COUNCIL AND THE SCHOOL COMMITTEE.

filed October 3, 2012
by Larry T. Doughty

WHEREAS, Article II, Section 5 of the Brewer City Charter provides that the City Council shall meet and organize on the third Tuesday in November to have City Council members, elected at the annual municipal election, sworn to office and to elect a City Council Chairman or Mayor; and

WHEREAS, the location and time of this annual meeting shall be determined by vote of the City Council;

NOW, THEREFORE, BE IT ORDERED, that the annual meeting of the Brewer City Council for the year 2012 shall be held on Tuesday, November 20, 2012 at _____ p.m. at _____; and

FURTHER ORDERED, that the City Manager or the City Clerk chose an alternate site if _____ is not available on the above date and time.

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

Councilor Doughty moved that the order be amended by inserting the time of 6:00 p.m. in the first blank, Schooners Seafood and Steakhouse, 5 So. Main Street in the second blank and Brewer Auditorium in the third. The motion was seconded and passed.

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

H. New Items with Leave of Council.

Councilor Ferris mentioned that the Bicentennial Committee announced that on Thursday, October 25, 2012 at 6:00 p.m. at the new Brewer Community School representatives from the pulp/paper/brick industry would be there to discuss the history of the industry.

City Clerk Howard Kroll said that absentee balloting for the November 6, 2012 election would be available at the Brewer Auditorium beginning October 15 – November 1st (Monday through Friday from 9:00 a.m. to 4:00 p.m.).

City Council Minutes
October 9, 2012

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 7:05 p.m.

ADJOURNED, ATTEST: _____ Howard F. Kroll
City Clerk
A TRUE COPY, ATTEST: _____ Brewer, Maine