

City Council Minutes  
February 11, 2014

Regular Meeting  
City Hall Council Chambers

Tuesday, February 11, 2014  
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 Vachon	-	present
Councilor Uhlenhake	-	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, Jerry Goss, Kevin O'Connell, Matthew Vachon and Beverly Uhlenhake  
MEMBERS OF THE BREWER CITY COUNCIL You are hereby notified a regular meeting of the City Council will be held on Tuesday, February 11, 2014 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

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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	A. Nickerson	Ptl.	02/07/14	5:30 pm
Matthew Vachon	C. Landes	DCC.	02/07/14	3:45 pm
Beverly Uhlenhake	A. Nickerson	Ptl.	02/07/14	5:08 pm
Jerry Goss	A. Nickerson	Ptl.	02/07/14	5:17 pm
Kevin O'Connell	C. Landes	DCC.	02/07/14	3:30 pm

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**CITY COUNCIL REGULAR MEETING**  
**Tuesday, February 11, 2014 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 January 14, 2014 Regular Meeting.** (Councilor )
- B. Awards, Petitions and Public Comments.**
  1. (2014-B006) RESOLVE, Recognize Ann Marie Boudreau, Brewer Finance Department, for Twenty-five (25) Years of Dedicated Service. (Councilor Uhlenhake)
  2. (2014-B007) RESOLVE, Recognize the Brewer Library Department for Service to the Citizens of the City of Brewer. (Mayor Goss)
  3. (2014-B008) RESOLVE, Recognize Joseph L. Ferris for Induction into the Maine Sports Hall of Fame. (Deputy Mayor Vachon, Mayor Goss and Councilors O'Connell and Uhlenhake)
  4. Presentation of FY13 Audit.
  5. Public Comments.
- IV. Recess for Public Hearing.**
  1. Proposal to Discontinue a Portion of Rudman Road.
- V. Adjourn Public Hearing and Continue with Regular Meeting.**
- C. Consent Calendar.**
  1. (2014-A016) ORDER, Authorize the Discontinuance of a Portion of Rudman Road Pursuant to Title 23 M.R.S.A. § 3026, Et Seq. (Councilor Vachon)
  2. (2014-A017) ORDER, Declare Brewer Parks & Recreation Department Vehicle Surplus Property and Authorize the City Manager, or His Designee, to Dispose of this Surplus Property. (Councilor O'Connell)
  3. (2014-A018) ORDER, Issue Release Deed to John and Pamela Zachary for Property Located at 24 Kings Court (Tax Map 25, Lot 61 ). (Councilor Ferris)
  4. (2014-A019) ORDER, Authorize the City Manager, or His Designee, to Sign a Municipal/State Agreement with the Maine Department of Transportation for the Resurfacing of State Street and Authorize the Expenditure of up to \$60,000.00 for the City's 10% Cost Share for this Project. (Councilor Uhlenhake)

5. (2014-A020) ORDER, Accept Funds in Support of the 2014 Winterfest Celebration. (Councilor Vachon)
6. (2014-A021) ORDER, Authorize City Manager to Sign Extension Agreement with Meridian Mobile Health (dba Capital Ambulance) for Ambulance Services. (Councilor O'Connell)

**D. Monthly Reports.** (Councilor Ferris)

**E. Nominations, Appointments, Elections.** (no items)

**F. Unfinished Business.**

1. (2014-C001) Amend Chapter 13 (Brewer Planning Board Ordinance), Article 1 (The Brewer Planning Board), Section 102 (Appointment), Section 102.3 and add a Section 102.6 of the City of Brewer Charter, Codes and Ordinances. (Councilor Ferris)(posted 1/15/14)

**G. New Business.**

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

**I. ADJOURN.**

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**A. Minutes of December 10, 2013 Regular Meeting.**

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

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

2014-B006

February 11, 2014

**TITLE: RESOLVE, RECOGNIZE ANN MARIE BOUDREAU, BREWER FINANCE DEPARTMENT, FOR 25 YEARS OF DEDICATED SERVICE.**

filed February 5, 2014  
by Beverly Uhlenhake

**WHEREAS**, on February 14, 2014, Ann Marie Boudreau, Utility Billing Clerk, will complete twenty-five (25) years of dedicated service as an employee for the City of Brewer; and

**WHEREAS**, Ms. Boudreau on February 14, 1989, began working for the Brewer Finance Department as a Tax Office Clerk and served in that position for 1 year and 5 months; and

**WHEREAS**, Ms. Boudreau on July 1, 1990, moved to become the Utility Billing Clerk and served ably in that capacity for 14 years and 6 months; and

**WHEREAS**, Ms. Boudreau in January 2005, returned to the position of Tax Office Clerk and has served in that capacity with efficiency and effectiveness for 9 years and 1 month; and

**WHEREAS**, her distinguished career as a public servant is recognized by her peers, her fellow employees and the general public that she serves so well; and

**WHEREAS**, the Citizens of Brewer admire her for her honesty and knowledge on matters of utility billing, tax collection, vehicle registrations and other services provided by the Tax Office; and

**WHEREAS**, Ann Marie has provided outstanding service to the City of Brewer residents, and her dedication is greatly appreciated; and

**WHEREAS**, on the occasion of her completing twenty-five (25) of service, the Brewer City Council wishes to publicly recognize her distinguished service as an employee of the City of Brewer;

**NOW, THEREFORE, BE IT RESOLVED**, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith expresses its deep appreciation to Ann Marie Boudreau for serving the community in a caring and professional manner for the past twenty-five (25) years.

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

Councilor Uhlenhake read the resolve into the record while presenting a plaque with the resolve on it to Ann.

Finance Director Karen Fussell said that Ann and Sharon were the backbone of the tax office. Each has been with the City for twenty-five years collecting tax payments, registering vehicles, payments for water and sewer and a variety of other duties.

Mayor Goss said that the Council recognizes people that make us (City of Brewer) what we are. He thanked Ann for her dedicated service.

The resolve was adopted by unanimous vote.

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2014-B007

February 11, 2014

**TITLE: RESOLVE, RECOGNIZE THE BREWER LIBRARY DEPARTMENT FOR SERVICE TO THE CITIZENS OF THE CITY OF BREWER.**

filed February 5, 2014  
by Jerry Goss

**WHEREAS**, the Brewer Library Department became a full time Department of the City of Brewer, January 1, 1975; and

**WHEREAS**, the staff of the Department has diligently served the citizens of Brewer by seeking to provide a welcoming and safe environment for everyone. As a resource center, the staff offers helpful service and access to technology as well as provides many other opportunities for a lifelong love of books and learning; and

**WHEREAS**, since the Department has grown over the years, in 2007 the library moved to its current location at 100 South Main Street which offers handicap accessibility, convenient parking, public access to computers, a playground area and more than 40,000 volumes. The completed Brewer Research Room in honor of John and Millie Goodness, houses artifacts from the Eastern Fine Manufacturing Corporation and this room is dedicated to genealogists and history researchers; and

**WHEREAS**, the Brewer Library Department and its staff look forward to continuing to grow and evolve to improve services to the Brewer library community through programming, eBooks and informational services;

**NOW, THEREFORE, BE IT RESOLVED**, that the Brewer City Council, on behalf of the Citizens of Brewer herewith recognizes and commends the Brewer Library Department and its staff for outstanding and dedicated service 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 while presenting a plaque with the resolve on it to Library Director Donna Rasche and her staff.

Donna said that her staff is always helpful and friendly with all the patrons of the Library. The programs offered are always well attended and a record number of books are being taken out.

Councilor O'Connell said that the library staff always treats the people with so much caring and kindness.

Mayor Goss said that the programs and new technology make the library a popular place to spend time.

The resolve was adopted by unanimous vote.

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2014-B008

February 11, 2014

**TITLE: RESOLVE, RECOGNIZE JOSEPH L. FERRIS FOR INDUCTION INTO THE MAINE SPORTS HALL OF FAME.**

filed February 5, 2014  
by Matthew Vachon  
Jerry Goss, Kevin O'Connell  
and Bev Uhlenhake

**WHEREAS**, Joseph L. Ferris is a Brewer native who began his organized baseball career in the Brewer Parks and Recreation Department under Rock Pooler in the early 50's and thereafter in 1955 as an 11 year old with the Brewer Little League; and

**WHEREAS**, Joe progressed through the Brewer baseball program as a pitcher in the Babe Ruth League then continuing on to Brewer High School, being coached by Charlie Hederrig, who believed in positive reinforcement and instilled great confidence in his players; and

**WHEREAS**, Joe went on to play at the University of Maine for Coach Jack Butterfield, where he helped lead the University of Maine baseball team to the 1964 College World Series Championship round. Ferris had wins over Seton Hall, Southern Cal and a save against Arizona State and was named the Series Most Outstanding Player; and

**WHEREAS**, Joe was also named the 1964 Maine Athlete of the Year and received this recognition from Governor John Reed; and

**WHEREAS**, Joe was elected to the University of Maine Hall of Fame in 1988 and the Maine Baseball Hall of Fame in 1991; and

**WHEREAS**, Joe's records include the top 10 all-time College World Series ERA at 0.89, and still holds the University of Maine's record for a winning percentage in a single season, 9-0 and the best winning percentage in a career at 16-3;

**NOW, THEREFORE, BE IT RESOLVED**, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith congratulates Joseph L. Ferris on his many accomplishments in Maine Baseball and his positive contributions to the image and reputation of the great City of Brewer.

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

Councilor Vachon read the resolve into the record while presenting a plaque with the resolve on it to Councilor Joseph Ferris.

Mayor Goss said that Joe had been honored in his hometown of Brewer as a great pitcher for Brewer as well as the other accomplishments mentioned in the above resolve.

The resolve was adopted by unanimous vote.

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**PRESENTATION OF FY2013 AUDIT.**

(see attached statement from Finance Director Karen Fussell and statement and charts from Casey Leonard of Runyon Kersteen Ouellette.

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**PUBLIC COMMENTS.**

Mayor Goss announced that the March 11, 2014 regular meeting of the City Council was going to be moved to Tuesday, March 4, 2014.

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**IV. Recess for Public Hearing.**

1. Proposal to Discontinue a Portion of Rudman Road.

The public hearing was called to order by Mayor Jerry Goss.  
The city clerk called the roll:

Chairman Goss	-	present	Councilor Vachon	-	present
Councilor O'Connell	-	present	Councilor Ferris	-	present
Councilor Uhlenhake	-	present			

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

**CITY OF BREWER  
PUBLIC NOTICE**

Notice is hereby given that the Brewer City Council will hold a public hearing pursuant to Title 23 M.R.S.A. § 3026 on a proposal to discontinue a portion of Rudman Road as described on Exhibit A\* and shown on Exhibit B\*, both of which are attached hereto and made a part hereof. The City of Brewer will reserve a public easement in the discontinued portion of Rudman Road.

<u>Abutting Property Owners of Record</u>	<u>Amount of Damages</u>
Spain Enterprises, LLC	\$0
Bangor-Brewer Bowling Lanes	\$0

The public hearing will be held on Tuesday, February 11, 2014, at 6:00 P.M. in the Council Chambers at Brewer City Hall.

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

Pamela J. Ryan  
City Clerk

\*Exhibits on file at the City Clerk's Office

There were no questions or public comments from the City Council or the people present in the audience..

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

Public Hearing adjourned at 6:48 p.m.

The City Clerk called the roll and all were present.

Mayor Goss said the regular meeting would resume.

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**C. Consent Calendar.**

**ACTION:** Councilor Uhlenhake removed order 2014-A019 from the consent calendar.

Councilor Vachon moved that the orders on the consent calendar with the exception of A019 have passage. The motion was seconded and passed by unanimous vote.

2014-A016

February 11, 2014

**TITLE:** ORDER, AUTHORIZE THE DISCONTINUANCE OF A PORTION  
OF RUDMAN ROAD PURSUANT TO TITLE 23  
M.R.S.A. § 3026, ET SEQ.

filed February 5, 2014  
by Matthew Vachon

WHEREAS, the City has received a request to discontinue a portion of Rudman Road from the only abutters; and

WHEREAS, there is no public purpose being served to continue to maintain Rudman Road as a city street; and

WHEREAS, the City and others have utilities that lie within that portion of Rudman Road that is to be discontinued and they wish to reserve a public easement pursuant to Title 23 M.R.S.A. § 3026, et seq.; and

WHEREAS, notices have been given to all abutters of that portion of Rudman Road to be discontinued, to the members and alternate members of the City of Brewer's Planning Board and to the City of Brewer's Planner; and

WHEREAS, the City Council has had the City of Brewer's Assessor prepare and submit evidence on the issue of damages to the abutters due to the discontinuance; and

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WHEREAS, the abutters have provided the City with Waivers of Damages as the result of the closing of a portion of Rudman Road; and

WHEREAS, the City Council has held a public hearing and provided the public with an opportunity to be heard;

NOW, THEREFORE, BASED UPON ALL OF THE FOREGOING, IT IS ORDERED, that the City Council finds the abutters to that portion of Rudman Road to be discontinued are:

Spain Enterprises, LLC	671 North Main Street, Brewer, Maine 04412
Bangor-Brewer Bowling Lanes	554 Wilson Street, Brewer, Maine 04412; and

FURTHER BE IT ORDERED, that after receiving public comments and reviewing the evidence presented, the City Council finds the damages to the abutters to be as follows:

<u>Abutter</u>	<u>Amount of Damages</u>
Spain Enterprises, LLC	0
Bangor-Brewer Bowling Lanes	0

and

FURTHER BE IT ORDERED, that a portion of Rudman Road is hereby discontinued and is more fully described on Exhibit A and shown on Exhibit B, both of which are attached hereto and a made a part hereof.

The City of Brewer reserves a public easement in relation to that portion of Rudman Road above described that is being discontinued pursuant to Title 23 M.R.S.A. § 3026, et seq.

The City Clerk shall cause an attested copy of this Order to be sent to the abutters and to be recorded in the Penobscot County Registry of Deeds.

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2014-A017

February 11, 2014

TITLE: ORDER, DECLARE BREWER PARKS & RECREATION  
DEPARTMENT VEHICLE SURPLUS PROPERTY AND  
AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE,  
TO DISPOSE OF THIS SURPLUS PROPERTY.

filed February 5, 2014  
by Kevin O'Connell

WHEREAS, the Brewer Parks & Recreation Department has now taken possession of a replacement vehicle, as authorized through the budget process; and

WHEREAS, this new vehicle replaces the 2002 GMC Sierra, VIN  
2GTEC19V521246390; and

WHEREAS, the 2002 GMC Sierra has reached the condition where it no longer serves the Brewer Parks & Recreation Department's need;

NOW, THEREFORE, BE IT ORDERED, that the Brewer Parks & Recreation Department's 2002 GMC Sierra is declared surplus property; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to dispose of said vehicle by auction, sale or trade in.

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2014-A018

February 11, 2014

TITLE: ORDER, ISSUE RELEASE DEED TO JOHN AND PAMELA ZACHARY  
FOR PROPERTY LOCATED AT 24 KINGS COURT  
(TAX MAP 25, LOT 61).

filed February 5, 2014  
by Joseph Ferris

ORDERED, that a municipal release deed be issued to John and Pamela Zachary, for property located at 24 Kings Court releasing to them all rights, title and interest the City of Brewer may have acquired in the property located on 24 Kings Court (City Tax Map 25, Lot 61) by virtue of City of Brewer tax or sewer liens recorded in the Penobscot County Registry of Deeds in the following volumes and pages:

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Volume	Page
12584	269
12747	165
12932	150
13119	264
13228	48
12847	330

AND FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to execute the said municipal release deed on behalf of the City of Brewer, Maine.

NOTE: A total of \$6,778.19 in principal was collected, along with \$357.22 in interest and \$361.03 in costs.

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2014-A019

February 11, 2014

TITLE: ORDER, AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN A MUNICIPAL/STATE AGREEMENT WITH THE MAINE DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF STATE STREET AND AUTHORIZE THE EXPENDITURE OF UP TO \$60,000.00 FOR THE CITY'S 10% COST SHARE FOR THIS PROJECT.

filed February 5, 2014  
by Beverly Uhlenhake

WHEREAS, the Maine Department of Transportation is planning to complete a BACTS funded project to resurface State Street this spring from the Penobscot Bridge to Eastern Avenue (MDOT PIN 23094); and

WHEREAS, in order to complete this project the parties must execute an agreement establishing the financial terms for this project; and

WHEREAS, the City will have a 10% cost share for this project; and

WHEREAS, the latest CIP approved by City Council anticipates an FY2015 expenditure of up to \$60,000.00 for the City's 10% cost share for this project;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to execute a Municipal/State agreement with the Maine Department of Transportation for the completion of the State Street Resurfacing Project (MDOT PIN 23094); and

BE IT FURTHER ORDERED, that funding for this project shall be included in the FY2015 CIP to be approved by Council in June 2014 and costs charged to 0510113-551602.

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

Councilor Uhlenhake asked that City Engineer Frank Higgins step up to the microphone to answer a couple of questions.

Councilor Uhlenhake asked if the \$60,000.00, which is the City's 10% share would be enough and did we have the money for it. Also what was an estimated start and finish date of the project.

Frank said that that 10% City share was in the FY2015 CIP budget. Estimated project start date was in May and completed sometime in June.

The order was passed by unanimous vote.

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2014-A020

February 11, 2014

TITLE: ORDER, ACCEPT FUNDS IN SUPPORT OF THE 2014  
WINTERFEST CELEBRATION.

filed February 5, 2014  
by Matthew Vachon

WHEREAS, the City of Brewer has received donations from the following businesses in support of the 2014 Winterfest Celebration to be held on Saturday, February 22:

\$2,500.00	Brewer Federal Credit Union
500.00	Bangor Savings Bank
250.00	Joel A. Dearborn, Esq. PA
<u>250.00</u>	Green Thumb Lawn Service
\$3,500.00	Total

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 Winterfest Revenue account (0200000-320000-57003); and

FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from the Winterfest Expense account (0200000-520000-57003);

FURTHER ORDERED, that the City Clerk shall work with the Winterfest Committee to ensure that letters of acknowledgement and appreciation are sent to the Brewer Federal Credit Union, Bangor Savings Bank, Joel Dearborn, Esq. PA and Green Thumb Lawn Services for their generous donations to this important community event.

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2014-A021

February 11, 2014

TITLE: ORDER, AUTHORIZE CITY MANAGER, OR HIS DESIGNEE, TO SIGN EXTENSION AGREEMENT WITH MERIDIAN MOBILE HEALTH (DBA CAPITAL AMBULANCE) FOR AMBULANCE SERVICES.

filed February 5, 2014  
by Kevin O'Connell

WHEREAS, in 1999 the City entered into a Cooperative Ambulance Agreement with Median Mobile Health, LLC (dba Capital Ambulance) and has since signed multiple extension agreements, most recently in February 2010; and

WHEREAS, the City wishes to continue this relationship, which benefits both the City, which receives annual revenue that helps offset Fire Department personnel costs, and its residents, who receive ready access to efficient and effective emergency medical and transport services;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the City Manager, or his designee, to negotiate in the best interests of the City and its residents a Cooperative Ambulance Extension Agreement to cover services through December 2016 and to sign any and all necessary documents to enter into this agreement for ambulance services; and

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 these services.

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**D. Monthly Reports.**

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

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

There were no items.

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**F. Unfinished Business.**

2014-C001

January 14, 2013

**TITLE:** AMEND CHAPTER 13 (BREWER PLANNING BOARD ORDINANCE),  
ARTICLE 1 (THE BREWER PLANNING BOARD), SECTION 102  
(APPOINTMENT), SECTION 102.3 AND ADD A SECTION 102.6 OF THE  
CITY OF BREWER CHARTER, CODES AND ORDINANCES.

**ACTION:** Councilor Ferris moved that proposed ordinance amendment be enacted.  
The motion was seconded and passed by unanimous vote.

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**G. New Business.**

There were no items.

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

Mayor Goss mentioned that Winterfest will be held on February 22, 2014 with activities at the  
Brewer Auditorium and Vacationland Inn

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**I. ADJOURN.**

Mayor 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 7:01 pm.

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

City Clerk

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