

City Council Minutes
February 14, 2107

Regular Meeting
City Hall Council Chambers

February 14, 2017
6:00 p.m.

The regular meeting was called to order by Chairman Kevin O’Connell. The city clerk called the roll:

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

Chairman O’Connell declared a quorum present. City Manager Bost and City Solicitor Dearborn were also present.

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

Chairman O’Connell 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 14, 2017 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/Kevin O’Connell
Mayor and Chairman of the City Council
or _____
Majority of the City Council

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

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	Martin	Ptl.	02/10/17	1611
Matthew Vachon	R. Hogan	DCC	02/10/17	4:15 pm
Beverly Uhlenhake	Martin	Ptl.	02/10/17	1533
Jerry Goss	Wiley	Sgt.	02/10/17	1632
Kevin O’Connell	Martin	Ptl.	02/10/17	1605

CITY COUNCIL REGULAR MEETING
Tuesday, February 14, 2017 6:00 P.M.
Brewer City Hall Council Chambers

- I. Call to Order.** (Mayor O'Connell)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America.**
(Mayor O'Connell)
- A. Minutes of January 25, 2017 Regular Meeting.** (Councilor Uhlenhake)
- B. Awards, Petitions, Public Comments.**
 - 1. Presentation: FY16 Audit
 - 2. Public Comments.
- C. Consent Calendar.**
 - 1. (2017-A008) ORDER, Accept Donations to the Brewer Public Library.
(Councilor Ferris)
 - 2. (2017-A009) ORDER, Issue Release Deed to Wendell H. Dennison
Separate Property Trust Successor of Denbo, Inc.
for Property Located at 347 and 349 Wilson Street
(Tax Map 50, Lot 7). (Councilor Vachon)
 - 3. (2017-A010) ORDER, Issue Release Deed to Wendell H. Dennison
Separate Property Trust Successor of Denbo, Inc.
for Property Located at 255 North Main Street
(Tax Map 30, Lot 113). (Councilor Goss)
 - 4. (2017-A011) ORDER, Accept Bid for Municipal Swimming Pool
Repaving Project. (Councilor Uhlenhake)
 - 5. (2017-A012) ORDER, Accept the City Logo Retroactive to December 1,
2001. (Councilor Ferris)
 - 6. (2017-A013) ORDER, Authorize Purchase of Materials for Waterline
Replacement on Chamberlain Street.
(Councilor Vachon)
 - 7. (2017-A014) ORDER, Authorize a City/MDOT Municipal Partnership
Initiative Agreement for the Resurfacing of
Mill Street. (Councilor Goss)
 - 8. (2017-A015) ORDER, Accept Funds in a Forfeiture Resulting from a
Recent Court Case that the Brewer Police Made a
Substantial Contribution in the Successful
Prosecution of. (Councilor Uhlenhake)
 - 9. (2017-A016) ORDER, Authorize the Purchase of Software and Services
for City Server Upgrades. (Councilor Ferris)
 - 10. (2017-A017) ORDER, Authorize Purchase of Wachs ERV-750
Automated Valve Exerciser. (Councilor Vachon)
- D. Monthly Reports.** (Councilor Goss)
- E. Nominations, Appointments, Elections.**

F. Unfinished Business.

1. (2017-C001) Amend Chapter 19, Entitled “Traffic Code”, Article 1, Words and Phrases Defined, Section 101, Item F and Article 5, Required Obedience to Traffic Regulations, Section 505 of the City of Brewer Charter, Codes and Ordinances. (Councilor Vachon) (posted 1/26/17)

G. New Business.

1. (2017-C002) Amend Chapter 1, “The City Council”, Article 1, The City Seal, to add “City Logo” and Section 102 of the City of Brewer Charter, Codes and Ordinances to Require Advice and Consent of the City Council. (Councilor Uhlenhake)

H. New Items with Leave of Council.

I. ADJOURN.

A. Minutes of January 25, Regular Meeting.

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

B. Awards, Petitions, Public Comments.

Presentation: FY16 Audit.

Finance Director Karen Fussell introduced the Casey Leonard of the audit firm of RKO who completed the audit of Brewer’s financial statements for fiscal year ending June 30, 2016 and would do a short presentation of the results to the City Council.

Before Mr. Leonard does his presentation Mrs. Fussell read a few comments from her memorandum to the City Manager Bost on the FY2016 Audit Report. (memorandum and Mr. Leonard’s presentation attached)

PUBLIC COMMENTS.

Chairman O'Connell thanked the employees who worked in the blizzard. It was a crazy snowstorm and everyone appreciates the tireless work of those that work to clean it up.

C. Consent Calendar.

ACTION: Councilor Ferris removed order 2017-A017.

Councilor Vachon moved that the remaining orders on the consent calendar have passage.

The motion was seconded and passed by unanimous vote.

2017-A008

February 14, 2017

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PUBLIC LIBRARY.

filed February 8, 2017
by Joseph Ferris

WHEREAS, the Brewer Public Library has received a contribution of \$100.00 from David and Lynn Cabibi to supplement and support the children's programming budget at the Library; and

WHEREAS, the Brewer Public Library has received a contribution of \$25.00 from Perry and Pauline Drew to supplement and support the purchase of new books for the City of Brewer Public Library; and

WHEREAS, it is the recommendation and request of the Library Director and donors that these donations be appropriated and expended as requested by the donors;

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NOW, THEREFORE, BE IT ORDERED, that the City Council accepts these contributions totaling \$125.00 and authorizes their deposit into account 0107204-300420 (Library Contributions/Donations) and the expenditure of \$25.00 from account 0117201-502750 (Library Books) and the expenditure of \$100.00 from account 0117201-506150 (Special Events).

NOTE: The Brewer Public Library sends a letter of acknowledgement and appreciation on behalf of the City Council and the Library to all who contribute to the Library.

STATEMENT OF FACT

This order accepts contributions to the City of Brewer Public Library, and authorizes the expenditure of these contributions for the purchase of new books.

2017-A009

February 14, 2017

TITLE: ORDER, ISSUE RELEASE DEED TO WENDELL H. DENNISON SEPARATE PROPERTY TRUST SUCCESSOR OF DENBO, INC. FOR PROPERTY LOCATED AT 347 AND 349 WILSON STREET (TAX MAP 50, LOT 7).

filed February 8, 2017
by Matthew Vachon

ORDERED, that a municipal release deed be issued to Wendell H. Dennison Separate Property Trust Successor of Denbo, Inc. for property located at 347 and 349 Wilson Street releasing to him all rights, title and interest the City of Brewer may have acquired in the property located on 347 and 349 Wilson Street (City Tax Map 50, Lot 7) by virtue of City of Brewer tax or sewer liens recorded in the Penobscot County Registry of Deeds in the following volumes and pages:

Volume	Page
13887	182
14191	117

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.

STATEMENT OF FACT

A total of \$20,228.73 in principal was collected, along with \$1033.57 in interest and \$135.00 in costs. This order authorizes the City Manager to release all legal claims the City has to the property and returns it back to the owner.

2017-A010

February 14, 2017

TITLE: ORDER, ISSUE RELEASE DEED TO WENDELL H. DENNISON
SEPARATE PROPERTY TRUST SUCCESSOR OF
DENBO, INC. FOR PROPERTY LOCATED AT
255 NORTH MAIN STREET (TAX MAP 30, LOT 113).

filed February 8, 2017
by Jerry Goss

ORDERED, that a municipal release deed be issued to Wendell H. Dennison Separate Property Trust Successor of Denbo, Inc. for property located at 255 North Main Street releasing to him all rights, title and interest the City of Brewer may have acquired in the property located on 255 North Main Street (City Tax Map 30, Lot 113) by virtue of City of Brewer tax or sewer liens recorded in the Penobscot County Registry of Deeds in the following volumes and pages:

Volume	Page
13887	143
14191	75

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.

STATEMENT OF FACT

A total of \$9,759.56 in principal was collected, along with \$514.87 in interest and \$116.92 in costs. This order authorizes the City Manager to release all legal claims the City has to the property and returns it back to the owner.

2017-A011

February 14, 2017

TITLE: ORDER, ACCEPT BID FOR MUNICIPAL SWIMMING POOL
REPAVING PROJECT.

filed February 8, 2017
by Beverly Uhlenhake

WHEREAS, the municipal swimming pool rehabilitation project was approved as part of the FY2016 CIP at a level of \$100,000.00; and

WHEREAS, the Parks & Recreation Department requested bids to repave the municipal pool with a base bid for the pool only and an alternate bid for the deck area only; and

WHEREAS, five bids were opened on February 2, 2017; and

WHEREAS, KJ Dugas of Surry, Maine was the lowest responsible bidder;

NOW, THEREFORE, BE IT ORDERED, that the City Council authorizes the City Manager, or his designee to, enter into a contract with KJ Dugas in the amount of \$65,500.00; and

BE IT FURTHER ORDERED, that the costs associated with this contract shall be charged to CIP account 0510124 551432 (Pool Rehabilitation).

STATEMENT OF FACT

Bid Results:

Bidder	Base Bid (pool only)	Alternate Bid (deck only)	Total Bid
KJ Dugas	\$34,545	\$28,955	\$ 65,500
Vaughn Thibodeau	\$55,500	\$44,700	\$100,200
Roundy Paving	\$60,180	\$43,310	\$103,490
Hopkins Landscaping	\$44,465	\$60,162	\$104,627
Wellman Paving	\$95,125	\$83,685	\$178,810

2017-A012

February 14, 2017

TITLE: ORDER, ACCEPT THE CITY LOGO RETROACTIVE TO DECEMBER 1, 2001.

filed February 8, 2017
by Joseph Ferris

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, the attached copy of the City Logo has been in use since its creation on December 1, 2001 and official record of acceptance by the City Council of the City Logo cannot be found; 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

NOW, THEREFORE, BE IT ORDERED, that the attached copy of the City Logo, as amended from time to time, is officially accepted retroactive to December 1, 2001 as the official logo for the City of Brewer.

STATEMENT OF FACT

To have an official record of acceptance of the City Logo by City Council to be placed in the City records.

2017-A013

February 14, 2017

TITLE: ORDER, AUTHORIZE PURCHASE OF MATERIALS FOR WATERLINE REPLACEMENT ON CHAMBERLAIN STREET.

filed February 8, 2017
by Matthew Vachon

WHEREAS, Chamberlain Street from approximately Fawn Court to Eastern Avenue piping has not been replaced in a long time; and

WHEREAS, this section of piping has seen multiple breaks and repairs in recent years and appears to be the original piping from the 1950's; and

WHEREAS, Brewer Public Works Department will be rebuilding this section of road in 2017; and

WHEREAS, Fergusons Enterprises was the low bidder for the materials and piping quoted;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to purchase \$11,865.86 of materials as listed on bid B280043 from Fergusons Enterprises. The complete bid is on file at the Brewer Water Department; and

BE IT FURTHER ORDERED, that the costs of these materials be charged to CIP account 0571001 571010 (Chamberlain Street Replacement) as approved in the FY2017 budget.

STATEMENT OF FACT

There exists approximately 460 feet of pipe on Chamberlain Street which has not been previously replaced and is failing. Public Works Department will be reworking this section of street making it an appropriate time to combine efforts and do multiple projects limiting interruptions and unnecessary costs.

Bids received for Piping and Materials

EJ Prescott	\$12,968.12
Fergussons	\$11,865.86
Maine Water Works	\$14,863.37

2017-A014

February 14, 2017

TITLE: ORDER, AUTHORIZE A CITY/MDOT MUNICIPAL PARTNERSHIP INITIATIVE AGREEMENT FOR THE RESURFACING OF MILL STREET.

filed February 8, 2017
by Jerry Goss

WHEREAS, Mill Street has been in need of complete resurfacing for a number of years; and

WHEREAS, Mill Street is a State Aid road eligible for funding through BACTS; and

WHEREAS, the City Engineer has unsuccessfully submitted the Mill Street Resurfacing Project for BACTS funding for the last 5 years; and

WHEREAS, due to low traffic volume, Mill Street is unlikely to ever qualify for funding through BACTS due to the limited funds available to BACTS and competition from much higher volume streets in the BACTS region; and

WHEREAS, the City Engineer has applied to the MDOT for a Municipal Partnership Initiative (MPI) Grant for Resurfacing of and minor drainage improvements to Mill Street; and

WHEREAS, this MPI grant has been approved for the summer of 2018 and will reimburse the City for 50% of the estimated project costs up to 50% of \$210,000 or \$105,000 to be charged CIP account 0510113-551623 (Mill St. Resurfacing and Drainage Improvements);

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the City Manager, or his designee, to sign a Municipal Partnership Initiative Agreement with the MDOT for the completion of the Mill Street Resurfacing and Drainage Improvements Project at an estimated cost of \$210,000 which will be shared on a 50/50 basis between the City and the State; and

BE IT FURTHER ORDERED, that the Finance Director shall include an appropriate line item and appropriation request in the FY2018 and/or FY2019 CIP's for the City's anticipated \$105,000 obligation under the terms of this agreement.

STATEMENT OF FACT

This order authorizes a 50/50 cost share MDOT/City project for resurfacing and completing minor drainage improvements to Mill Street during the summer of 2018.

2017-A015

February 14, 2017

TITLE: ORDER, ACCEPT FUNDS IN A FORFEITURE RESULTING FROM A RECENT COURT CASE THAT THE BREWER POLICE MADE A SUBSTANTIAL CONTRIBUTION IN THE SUCCESSFUL PROSECUTION OF.

filed February 8, 2017
by Beverly Uhlenhake

WHEREAS, the Brewer Police Department has conducted an investigation where a sum of money was seized and forfeited by a defendant involved in the investigation; and

WHEREAS, this sum of money was offered to the City of Brewer in recognition of the Brewer Police Department’s valuable assistance in the successful completion of the investigation; and

WHEREAS, under Maine Law, Title 15 MRSA., SS 5824 (3) the City Council must take a public vote before any forfeited assets or money can be transferred to the City;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, Maine, by vote of its City Council, does herewith approve the transfer of the following sum of money and assets forfeited as a result of the recent criminal investigation cited:

Docket Number	Assets
CR-16-3545	\$1162 in US Currency

AND, FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to sign a memorandum to accept these forfeited funds on the behalf of the City of Brewer; and

FURTHER ORDERED, that these funds be deposited into the State Asset Forfeiture Receipt Account 0200101-320000 and that expenditures be hereby authorized from the appropriate State Asset Forfeiture Expense Account within this Org (0200101).

STATEMENT OF FACT

The Brewer Police Department seized \$1162 in US Currency as part of a drug investigation. A Criminal Forfeiture order was issued by the Penobscot Court, in compliance with Maine law, ordering that the funds be turned over to the Brewer Police Department

2017-A016

February 14, 2017

TITLE: ORDER, AUTHORIZE THE PURCHASE OF SOFTWARE AND SERVICES FOR CITY SERVER UPGRADES.

filed February 8, 2017
by Joseph Ferris

WHEREAS, the operating systems on the City of Brewer's primary and exchange/email servers need to be upgraded for security and efficiency; and

WHEREAS, these City servers are critical to the operations of the City Departments; and

WHEREAS, the City primary server controls the interface between computers and the network; and

WHEREAS, the City primary server stores departmentally shared documents; and

WHEREAS, the Exchange/email server controls the flow of the City's electronic mail; and

WHEREAS, this City server upgrade plan is a software, and service purchase which will include the necessary software load and configuration of the servers; and

WHEREAS, this server upgrade plan was budgeted for in the City of Brewer FY17 CIP;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the appropriation and expenditure of up to \$20,000 to fund the server upgrades described above to be executed by HCP Computers, Inc.; and

BE IT FURTHER ORDERED, that the costs of this project shall be charged to the CIP account 0510130-551004 (Computer Hardware & Software); 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 supplies and contractor services for this project.

STATEMENT OF FACT

This order authorizes the purchase of software and services to upgrade the operating systems of the City of Brewer's primary and exchange/email servers.

2017-A017

February 14, 2017

TITLE: ORDER, AUTHORIZE PURCHASE OF WACHS ERV-750
AUTOMATED VALVE EXERCISER.

filed February 8, 2017
by Matthew Vachon

WHEREAS, it is the goal of the Brewer Water Department to maintain our infrastructure in the best possible condition; and

WHEREAS, valves must be exercised to ensure the best chance of proper operation of the system when needed; and

WHEREAS, many of our valves have not been operated for many years and are currently inoperable; and

WHEREAS, after trying three valve exercising units it was discovered the Wachs unit is clearly the best choice; and

WHEREAS, the Water Department has implemented a simple 5 year rotation for valve exercising for our entire system which has in excess of 1269 main lines, hydrants and sprinkler valves; and

WHEREAS, continuous operation of these valves manually on a daily basis increases the risk of injury to personnel; and

WHEREAS, of the 3 units tested the Wachs unit and controls are far superior to the other two in freeing/exercising inoperable valves and its settable torque limits greatly reduce the chance of damaging/ breaking valve stems; and

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to purchase the Wachs ERV-750 associated data logger, mountable stand and miscellaneous parts for the purchase price of \$25,877.57; 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 contractor services for this project; and

BE IT FURTHER ORDERED, that the costs of these materials be charged to CIP account 0571003 573035 (Valve Exerciser) as approved in the FY2017 budget at \$30,000.

STATEMENT OF FACT

We have over 1269 valves which need to be periodically operated to keep in working order. We tried all of these in the field to evaluate ability and effectiveness. The Wachs unit will allow us to safely and efficiently operate these valves.

Bids received for Valve exerciser:

E.H. Wachs	\$25,877.57
Spin Doctor	\$27,270.00
Valvemaster	\$ 9, 486.94

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

Councilor Ferris said the reason he removed this order from the consent calendar was that he just wanted a little more detail from Rodney about what he was buying.

Water Superintendent Rodney Butler said that this valve exerciser would replace the T-handle tool that is used to manually turn valve. With over 1200 valves it is imperative that all the valves are working property and on a rotating schedule to to be checked in a timely manner.

The order was passed by unanimous vote.

D. Monthly Reports.

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

E. Nominations, Appointments, Elections.

There were no items.

F. Unfinished Business.

(2017-C001) Amend Chapter 19, Entitled “Traffic Code”, Article 1, Words and Phrases Defined, Section 101, Item F and Article 5, Required Obedience to Traffic Regulations, Section 505 of the City of Brewer Charter, Codes and Ordinances. (Councilor Vachon) (posted 1/26/17)

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

G. New Business.

2017-C002

February 14, 2017

TITLE: AMEND CHAPTER 1, “THE CITY COUNCIL”, ARTICLE 1, THE “CITY SEAL” TO ADD “CITY LOGO” AND SECTION 102 OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES TO REQUIRE ADVICE AND CONSENT OF THE CITY COUNCIL.

filed February 8, 2017
by Beverly Uhlenhake

Be it ordained by the City Council of Brewer in City Council assembled that Chapter 1, Article 1, The City Seal, be amended to add City Logo and Section 102 of the Charter, Codes and Ordinances of the City of Brewer entitled “The City Council” be amended to read as follows:

ARTICLE 1. THE CITY SEAL AND CITY LOGO.

SECTION 102. A person may not use or display an imitation, likeness, imprint, representation, facsimile or copy of the *City Seal and **City Logo except by written permission of the City from the City Clerk, upon advice and consent of the City Council.

(*the City Seal officially went into use in 1888)

(**the City Logo officially went into use December 1, 2001)

STATEMENT OF FACT

This amendment to Chapter 1, “The City Council”, Article 1, “The City Seal”, Section 102, would allow the City Clerk to give written permission to use the City Seal and City Logo only upon the advice and consent of the City Council.

ACTION: Councilor Uhlenhake moved that the proposed ordinance amendment be certified and filed with the city clerk for posting.

The motion was seconded and passed by unanimous vote.

H. New Items with Leave of Council.

There were no items.

Chairman O'Connell said he would accept a motion for adjournment.

ACTION: Councilor Uhlenhake moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting adjourned at 6:27 p.m.

ADJOURNED, ATTEST: _____ Pamela J. Ryan

City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine