

City Council Minutes  
July 12, 2016

Regular Meeting  
City Hall Council Chambers

Tuesday, July 14, 2016  
6:00 p.m.

The regular meeting was called to order by Chairman Beverly Uhlenhake with Jaeden, a cub scout attending the meeting as part of earning a badge, using the gavel to help Mayor Uhlenhake get the audience's attention.

The city clerk called the roll:

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

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

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

Chairman Uhlenhake 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, July 12, 2016 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/Beverly Uhlenhake  
Mayor and Chairman of the City Council  
or  
Majority of the City Council

a true copy, attest: s/Pamela J. Ryan  
Deputy 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	P. Rancourt	Ptl.	07/08/16	1503
Matthew Vachon	R. Hogan	ACC	07/08/16	4:15 pm
Beverly Uhlenhake	P. Rancourt	Ptl.	07/08/16	1455
Jerry Goss	D. Martin	Ptl.	07/08/16	1734
Kevin O'Connell	R. Hogan	ACC	07/08/16	3:45 pm

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**CITY COUNCIL REGULAR MEETING**  
**Tuesday, July 12, 2016 6:00 P.M.**  
**Brewer City Hall Council Chambers**

- I. Call to Order.** (Mayor Uhlenhake)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America.** (Mayor Uhlenhake)
- A. Minutes of June 7, 2016 Regular Meeting.** (Councilor Goss)
- B. Awards, Petitions and Public Comments.**
  - 1. Swearing in Ceremony: Brewer Police Patrol Officer Dustin Martin.
  - 2. Public Comments
- C. Consent Calendar.**
  - 1. (2016-A114) ORDER, Commit Water Assessment to Treasurer for Collection. (Councilor Vachon)
  - 2. (2016-A115) ORDER, Commit Sewer Assessment to Treasurer for Collection. (Councilor Ferris)
  - 3. (2016-A116) ORDER, Accept Donations to the Brewer Parks and Recreation Department for the Annual Brewer Days Celebration. (Councilor O’Connell)
  - 4. (2016-A117) ORDER, Extending the Time Period for the City to Accept Undeveloped Subdivision Streets (“So-Called Paper Streets”) for an Additional Twenty (20) Years From September 23, 2017 Pursuant to Title 23 M.R.S.A. Section 3032 (2). (Councilor Goss)
  - 5. (2016-A118) ORDER, Accept a Permanent Drainage Easement from Ruth M. Whitten for Drainage Improvements at 221 Parkway South. (Councilor Ferris)
  - 6. (2016-A119) ORDER, Accept Byrne JAG 2016 Grant Award. (Councilor O’Connell)
  - 7. (2016-A120) ORDER, Authorize Purchase of in Car Radios for the Police Department. (Councilor Goss)
  - 8. (2016-A121) ORDER, Authorize Purchase of Two Replacement Vehicles for the Police Department. (Councilor Vachon)
  - 9. (2016-A122) ORDER, Authorizing Issuance of the City’s General Obligation Bonds to Finance the City’s FY2017 Capital Improvement Plan and a Tax Levy Therefor. (Councilor Ferris)
  - 10. (2016-A123) ORDER, Award Bid for Repaving of Outdoor Basketball Courts. (Councilor O’Connell)
  - 11. (2016-A124) ORDER, Award Bid for Commercial Riding Mower With Attached Grass Catcher Unit. (Councilor Goss)

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12. (2016-A125) ORDER, Authorize City Manager, or His Designee, to Convey a Portion of City Owned Land (Tax Map 51, Lot 4) Located at the Site of the Former Fire Training Area and Adjacent to the City of Brewer Wastewater Treatment Facility, to B. Calvin Bubar, His Heirs, Successors and Assigns. (Councilor Vachon)
13. (2016-A126) ORDER, Authorize City Manager, or His Designee, to Convey Two (2) Parcels of City Owned Land to the Owners Meghan A. Black and Joseph W. Black d/b/a Humble Comfort Food & Spirits, Their Heirs, Successors and Assigns. (Councilor Ferris)

**D. Monthly Reports.** (Councilor O’Connell)

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

1. Consent Calendar.
- a. (2016-A127) ORDER, Reappoint Animal Control Officer. (Councilor Goss)
- b. (2016-B025) RESOLVE, Declare Results of the June 14, 2016 City of Brewer School Budget Approval Election and State of Maine Primary Election. (Councilor Vachon)
- c. (2016-B026) RESOLVE, Confirm City Manager’s Appointment of Jason J. Moffitt as Director of Public Safety for the City of Brewer and Christopher Martin as Deputy Police Chief for the City of Brewer. (Councilor Ferris)

**F. Unfinished Business.** (no items)

**G. New Business.**

1. (2016-C005) Amend Chapter 28, Entitled “Brewer Sign Ordinance”, Article 6, Sign Standards, Section 6.6 Temporary Non-Permanent Signs, Subsection 6.6.1 Sandwich Board Signs and to Add a Section 6.17 Municipal Wayfinding Signs of the City of Brewer Charter, Codes and Ordinances. (Councilor O’Connell)
2. (2016-A128) ORDER, Convene in Executive Session Pursuant to Title 1, M.R.S.A. § 405(6)(A) on a Personnel Matter. (Councilor Goss)

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

**I. ADJOURN.**

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**A. Minutes of June 7, 2016 Regular Meeting.**

**ACTION:** Councilor Goss 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.**

**Swearing in Ceremony: Brewer Police Patrol Officer Dustin Martin.**

The City Clerk swore in Patrol Officer Dustin Martin as a new member of the Brewer Police Department.

Public Safety Director Jason Moffitt said Officer Martin had attended Husson College and the Maine Criminal Justice Academy. He also was a Lieutenant in the army. Officer Martin resides in Brewer.

City Manager Bost welcomed Public Safety Director Jason Moffitt and his family as Brewer residents. They recently purchased a home in Brewer.

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**PUBLIC COMMENTS.**

Mayor Uhlenhake introduced Emma Nymona who is a fellow from the Mandela Institute and is attending a leadership program at the University of Maine. Emma resides in Nigeria. Mayor Uhlenhake has been Emma's mentor for the past couple of weeks during her stay in Maine.

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**C. Consent Calendar.**

**ACTION:** Councilor Ferris removed order 2016-A0125 from the consent calendar.

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

The motion was seconded and passed by unanimous vote.

2016-A114

July 12, 2016

**TITLE: ORDER, COMMIT WATER ASSESSMENT TO TREASURER  
FOR COLLECTION.**

filed July 6, 2016  
by Matthew Vachon

WHEREAS, under Chapter 40 of the Water Department Ordinance of the City of Brewer, a water charge is assessed to water users;

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NOW, THEREFORE WE, the Brewer City Council, does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$588,425.52** at the established rate, as provided by Maine Law and as such sections may be amended from time to time; and

FURTHER, IT IS ORDERED, that said charges are due and payable on the date of this commitment; and

EVENT	COMMITMENT	COMMENTS
June 2016	\$581,134.00	
March 2016	\$ 3,412.17	
April 2016	\$ 3,282.56	
May 2016	\$ 596.79	
Total	<b>\$588,425.52</b>	

FURTHER, IT IS ORDERED, that a detailed commitment of the **\$588,425.52** is on file in the City Clerk's office and incorporated into this order; and

FURTHER, IT IS ORDERED, that a majority of the City Council shall sign the detailed commitment on file in the City Clerk's office; and

FURTHER, IT IS ORDERED, that the City Clerk shall deliver the signed commitment to the City Treasurer, as agent for the City Council.

**STATEMENT OF FACT**

This is a quarterly housekeeping order that is approved and the commitment signed by Council.

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2016-A115

July 12, 2016

TITLE: ORDER, COMMIT SEWER ASSESSMENT TO TREASURER  
FOR COLLECTION.

filed July 6, 2016  
by Joseph Ferris

WHEREAS, under Chapter 31 of the Sewer and Pre-treatment Ordinance of the City of Brewer, a sewer charge is assessed to sewer users;

NOW, THEREFORE WE, the Brewer City Council, does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$504,787.72** at the established rate, as provided by Title 30A M.R.S.A. § 3406 and Title 38 M.R.S.A. § 1208 and as such sections may be amended from time to time; and

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FURTHER, IT IS ORDERED, that said charges are due and payable on the date of this commitment; and

EVENT	COMMITMENT	COMMENTS
June 2016	\$498,572.50	
March 2016	\$3,452.90	
April 2016	\$1,662.21	
May 2016	\$1,100.11	
<b>Total</b>	<b>\$504,787.72</b>	

FURTHER, IT IS ORDERED, that a detailed commitment of the **\$504,787.72** is on file in the City Clerk's office and incorporated into this order; and

FURTHER, IT IS ORDERED, that a majority of the City Council shall sign the detailed commitment on file in the City Clerk's office; and

FURTHER, IT IS ORDERED, that the City Clerk shall deliver the signed commitment to the City Treasurer, as agent for the City Council.

**STATEMENT OF FACT**

This is a quarterly housekeeping order that is approved and the commitment signed by Council.

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2016-A116

July 12, 2016

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

filed July 6, 2016  
by Kevin O'Connell

WHEREAS, the City of Brewer has received donations of \$2500.00 from Machias Savings Bank, Marden's Inc., Brewer Federal Credit Union for support of this year's Brewer Days Celebration;

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 receipted 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).

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*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.*

**STATEMENT OF FACT**

This is an order that accepts donations for the support of Brewer Days Celebration events.

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2016-A117

July 12, 2016

TITLE: ORDER, EXTENDING THE TIME PERIOD FOR THE CITY TO ACCEPT UNDEVELOPED SUBDIVISION STREETS (“SO-CALLED PAPER STREETS”) FOR AND ADDITIONAL TWENTY (20) YEARS FROM SEPTEMBER 23, 2017 PURSUANT TO TITLE 23 M.R.S.A. SECTION 3032 (2)

filed July 6, 2016  
by Jerry Goss

WHEREAS, the Brewer City Council passed City Council Order A0997–14 on September 23, 1997 that extends the time period for the City to accept undeveloped subdivision streets (so-called “Paper Streets”) pursuant to Title 23 M.R.S.A. – Section 3032; and

WHEREAS, City Council Order A0997–14 is recorded in the Penobscot County Registry of Deeds in Volume 6497, Page 351; and

WHEREAS, the City staff has reviewed a request to extend the period of time for the City to accept two (2) undeveloped subdivision streets for an additional twenty (20) years from September 23, 2017 pursuant to Title 23 M.R.S.A. Section 3032(2); and

WHEREAS, the City Council is willing to extend the time period to consider accepting the undeveloped subdivision streets shown on the subdivision plan recorded in the Penobscot County Registry of Deeds as Phase 2 of the Riverview Heights Subdivision in Plan File D116–89 between Lots 77 and 78 and Lots 79 and 80. Said unaccepted streets are also shown on the City of Brewer’s Tax Assessor’s Map 17 between Lots 77 and 78 and Lots 79 and 80;

NOW, THEREFORE, BE, IT ORDERED, the Brewer City Council extends the period of time that the City can accept undeveloped streets on the subdivision plan recorded in the Penobscot County Registry of Deeds as Phase 2 of the Riverview Heights Subdivision in Plan File D116 – 89 between Lots 77 and 78 and Lots 79 and 80. Said unaccepted streets are also shown on the City of Brewer’s Tax Assessor’s Map 17 between Lots 77 and 78 and Lots 79 and 80, pursuant to Title 23 M.R.S.A. Section 3032(2) for an additional twenty (20) years from September 23, 2017; and

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FURTHER BE IT ORDERED, the City Clerk shall attest a copy of this City Council Order and record it in the Penobscot County Registry of Deeds, as soon as it goes into effect; and

FURTHER BE IT ORDERED, that this City Council Order shall not preclude the extension of time to accept other undeveloped subdivision streets in accordance with Title 23 M.R.S.A. Section 3032(2).

**STATEMENT OF FACT**

This order extends for 20 years the period of time during which two stub paper streets in the Hillside Subdivision may be constructed to City standards and accepted as public ways. One stub is at the end of the constructed portion of Hillside Blvd. between lot 79 & 80 and the other is off the south side of Camden Court between lots 77 & 78. Without this extension, the ownership of these two paper streets will revert to the abutters on September 23, 2017.

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2016-A118

July 12, 2016

TITLE: ORDER, ACCEPT A PERMANENT DRAINAGE EASEMENT FROM RUTH M. WHITTEN FOR DRAINAGE IMPROVEMENTS AT 221 PARKWAY SOUTH.

filed July 6, 2016  
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 easement needs to be filed and recorded at the Penobscot Registry of Deeds before work may begin on these improvements; 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, as part of the Parkway South Resurfacing Project, an existing deteriorated 48" culvert crossing Parkway South is scheduled to be replaced; and

WHEREAS, a portion of the existing culvert extends beyond the right of way on to the property of Ruth M. Whitten at 221 Parkway South (Tax Map 20, Lot 2); and

WHEREAS, no permanent easements exists for the existing culvert; and



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WHEREAS, Ms. Whitten has agreed to grant the City of Brewer a permanent drainage easement for the area encroached upon by the existing culvert and has signed a permanent easement document, written by the City Engineer, so granting;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith accepts the permanent drainage easement referenced above and directs the City Clerk to have said easement recorded at the Penobscot County Registry of Deeds.

**STATEMENT OF FACT**

This order accepts a permanent easement giving access to a culvert that needs repair and extends beyond the right of way on to Ms. Whitten's property.

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2016-A119

July 12, 2016

TITLE: ORDER, ACCEPT BYRNE JAG 2016 GRANT AWARD.

filed July 6, 2016  
by Kevin O'Connell

WHEREAS, the City of Brewer has received a grant from the Edward Byrne Memorial Justice Assistance (JAG) Grant Program in the amount of \$2109.00. This grant program allows state and local governments to support a broad range of activities to prevent and control crime and improve the criminal justice system; and

WHEREAS, the Brewer Police Department will use these funds to purchase body armor; and

WHEREAS, the cost of the body armor is \$2164.00; and

WHEREAS, the grant application was filed jointly with the other police agencies in Penobscot County and the Penobscot County Sheriff's Office has agreed to administer the grant;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts these grant funds and directs that these funds be deposited to 0600058-360000-58036 (Byrne JAG Body Armor Grant Rev) and expended from 0600058-560000-58036 (Byrne JAG Body Armor Grant Expense) for the purchase of body armor; and

BE IT FURTHER ORDERED, that the Council hereby authorizes the expenditure of \$55.00 in asset forfeiture funds to fund the portion of body armor costs not covered by the grant.

**STATEMENT OF FACT**

This order authorizes the Brewer Police Department to purchase \$2,164.00 in body armor to be funded by a grant in the amount of \$2109 from the Edward Byrne Memorial Justice Grant and \$55.00 in local funds.

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2016-A120

July 12, 2016

TITLE: ORDER, AUTHORIZE PURCHASE OF IN CAR RADIOS FOR  
THE POLICE DEPARTMENT.

filed July 6, 2016  
by Jerry Goss

WHEREAS, the Police Department is in the process of upgrading our radio communication system from solely analog to digital encryption capable through a radio repeater upgrade and with an annual upgrades to in-car 2 way radios as police vehicles are being replaced; and

WHEREAS, this radio upgrade will make our radio communications more secure and reliable and will be in alignment with future analog to digital communications upgrades other area agencies are making; and

WHEREAS, the Police Department began converting its in car 2 way radios in FY16 in two marked Police vehicles;

WHEREAS, by applying additional money in FY17 to upgrading the Police Department's in-car 2 way radios, this process will be completed in two years as opposed to five to six years; and

WHEREAS, due to favorable pricing received on replacement vehicles, the CIP Police Vehicles account has surplus funds available that could be applied to this purpose;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the reallocation of \$4,350.00 in surplus funds from account 0510132-511200 (CIP Police Vehicles) to account 0510132-551225 (CIP Police In Car Radios); and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of \$4,350.00 from CIP account 0510132-551225 (CIP Police In Car Radios) to upgrade the Police Department's in car 2 way radios.

**STATEMENT OF FACT**

This order reallocates \$4,350.00 in surplus funds from the Police Vehicle CIP account to the Police In Car Radio account and authorizes those fund to be spent to upgrade the department's 2 way radios.

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2016-A121

July 12, 2016

TITLE: ORDER, AUTHORIZE PURCHASE OF TWO REPLACEMENT VEHICLES FOR THE POLICE DEPARTMENT.

filed July 6, 2016  
by Matthew Vachon

WHEREAS, the FY17 approved Capital Improvement Program included funding for replacement of two Police vehicles: one for primary patrol use and one for unmarked police use; and

WHEREAS, bids were solicited and the best option bid was received from Darling's Ford in Bangor; and

WHEREAS, the bid consisted of one 2016 Utility Police Interceptor Sport Utility AWD with a lighting and siren package, at a cost of \$29,710.00 and one 2016 Ford Explorer XLT 4X4 at a cost of \$30,346.00; and

WHEREAS, Darling's Ford in Bangor has offered a trade in allowance for the two Police vehicles that are being replaced totaling \$12,816.00: a 2005 Chevy Tahoe 4WD with a trade in allowance of \$5,558.00, and a 2011 Chevy Tahoe Police Pursuit Vehicle with a trade in allowance of \$7,258.00; and

WHEREAS, the bid price does not include the cost to paint and equip the vehicles, estimated to be an additional \$10,500.00 for the marked unit and \$3,000.00 for the unmarked unit;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the City Manager, or his designee, to sign a purchase order with Darling's Ford of Bangor for the amount of its bid price for each vehicle and authorizes the appropriation and expenditure of \$34,650.00 from capital account 0510132-511200 (CIP - Police Vehicles) and \$26,000.00 from CIP account 0510132-511205 (CIP – Police Vehicle Other) to fund the purchase, painting and equipping of the two units as described above; and

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BE IT FURTHER ORDERED, the City Council hereby declares the Police Department's 2005 Chevy Tahoe 4WD (VIN 1GNEK13Z35J229586) and 2011 Chevy Tahoe PPV (VIN 1GNLC2E04BR318301) surplus and authorizes the City Manager, or his designee, to dispose of the vehicles by allowing for trade in to offset the purchase price of the two new Police vehicles; 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 goods and supplies for this project.

**STATEMENT OF FACT**

This order authorizes the purchase and equipping of two replacement vehicles for the Police Department: a marked 2016 Utility Police Interceptor Sport Utility AWD unit for \$34,650.00 and an unmarked 2016 Ford Explorer XLT 4X4 unit for \$26,000.00. The funding for this was approved as part of the FY2017 CIP.

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2016-A122

July 12, 2016

TITLE: ORDER, AUTHORIZING ISSUANCE OF THE CITY'S GENERAL OBLIGATION BONDS TO FINANCE THE CITY'S FY2017 CAPITAL IMPROVEMENT PLAN AND TAX LEVY THEREFOR..

filed July 6, 2016  
by Joseph Ferris

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

THAT the City Treasurer/ Finance Director be and hereby is authorized, in the name of and on behalf of the City, to borrow up to Two Million One Hundred Twenty-five Thousand Dollars (\$2,125,000) to finance costs related to the City's FY2017 Capital Improvement Plan as more specifically listed on Attachment A hereto (the "Projects").

THAT pursuant to 30-A M.R.S.A. §5772 and all other authority thereto enabling, to evidence such borrowing, there is hereby authorized the issue and sale of the City's general obligation bonds at one time and from time to time in an amount not to exceed Two Million One Hundred Twenty-five Thousand Dollars (\$2,125,000) aggregate principal amount, the proceeds of which, including premium, if any, and investment earnings thereon, may be used and are hereby appropriated to pay the costs of the Projects.

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.

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THAT said bonds and notes 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.

THAT 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 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 the City Treasurer/ Finance Director shall determine the form, date(s), maturities (not to exceed the maximum term permitted by law), denominations, interest rate or rates, place of payment, and other details of said bonds and notes, including the timing and provision for their sale and award, her approval to be conclusively evidenced by the execution thereof.

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 year, and the principal of such bonds maturing in such year.

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 or notes for and participate in the Depository Trust Company Book-Entry Only System.

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THAT the City Treasurer/ Finance Director be and hereby is authorized and directed to covenant and certify in the name of and 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 "private activity bonds" or "arbitrage bonds" within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986, as amended (the "Code").

THAT the City Treasurer/ Finance Director be and hereby is authorized to covenant and agree, in the name of and 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.

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 City Treasurer/ Finance Director be and hereby is authorized to covenant, certify, and agree, in the name of and 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 term "cost" or "costs" as used herein and applied to the Projects, or any portion thereof, includes, but is not limited to: (1) the cost to design, construct, renovate, refurbish, improve, acquire, replace, furnish and equip the Projects; (2) the cost of land, easements and other real property interests, landscaping and site preparation, utility extensions, all appurtenances and other fixtures, facilities, buildings and structures either on, above, or under the ground which are used or usable in connection with the Projects; (3) the cost of feasibility studies, surveys, environmental studies and assessments, engineering, plans and specifications, legal and other professional services associated with the Projects; (4) issuance costs, including premiums for insurance, capitalized interest and other financing charges, fees and expenses relating to the financing transaction.

THAT the investment earnings on the proceeds of the bonds and notes, if any, and the excess proceeds of the bonds and notes (including premium), if any, be and hereby are appropriated for the following purposes, to be selected by the City Treasurer/ Finance Director:

1. To any costs of the Projects listed on Attachment A;
2. If the bonds or notes 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 or notes including, to the extent permitted thereunder, to the City's General Fund;

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3. To pay debt service on the bonds or notes.

THAT if the actual cost of any Project differs from the estimated cost on Attachment A, whether due to completion, delay or abandonment of the Project for any other reason, the City Treasurer/ Finance Director is authorized, in her discretion to reallocate proceeds of the bonds or notes to any other listed Project or to any other project or improvement that the City Council has approved or may in the future approve as part of the City's annual capital improvement plan.

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 in the name of and on behalf of the City to do or cause to be done all such acts and things, and to execute, deliver, such contracts, agreements, certificates, instruments 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 or notes are underwritten in a public sale or a loan agreement with the Maine Municipal Bond Bank in usual and customary form, if the bonds or notes are issued to or through the Maine Municipal Bond Bank, to carry out the provisions of this Order in connection with the issuance of the bonds or notes, 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 notes 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.

THAT if any of the officers or officials of the City who have signed or sealed the bonds or 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 in the name of and 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 if, following issuance of some but less than all of the bonds authorized hereby, the City Treasurer/ Finance Director determines, in her sole discretion, that the remaining authorized but unissued bonds will not be issued in furtherance of the Projects, then the City Treasurer/ Finance Director may so note on the financial books and records of the City, in the form and manner as she shall determine to be appropriate, that such authorized but unissued bonds will not be issued following which notation the remaining unissued bonds shall not thereafter be issued and the authority established pursuant to this Order to issue such remaining unissued bonds shall be extinguished and of no further force and effect.

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THAT during the term any of the bonds are outstanding, the City Treasurer/ Finance Director is hereby authorized, in the name and in the name of 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.

Attachment A

<b>FY2016 Capital Improvement Program</b>	
Building Renovations and Improvements	\$ 702,500
Infrastructure and Road Improvements, Paving & Construction	631,000
Vehicles & Equipment	781,500
Other – Issuance Costs	10,000
<b>Total</b>	<b>\$2,125,000</b>

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2016-A123

July 12, 2016

TITLE: ORDER, AWARD BID FOR REPAVING OF OUTDOOR BASKETBALL COURTS.

filed July 6, 2016  
by Kevin O’Connell

WHEREAS, bids were solicited, received and evaluated for the repaving of the Parkway South outdoor basketball courts, where funds were approved in the FY 2016 CIP budget; and

WHEREAS, Hopkins Landscaping of Hermon, Maine provided the City with the lower of two bids received in the amount of \$11,000.00;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to Hopkins Landscaping in the amount of \$11,000.00; and

BE IT FURTHER ORDERED, that the funds for this purchase shall be charged to the FY2016 CIP account 0510124-551450 titled “Repave Sunset BB Courts”.



**STATEMENT OF FACT**

The outdoor basketball courts, constructed in 1994, need to be repaved due to cracking in the pavement in the playing areas. The only other bid, submitted by Eaton Paving, was in the amount of \$12,920.00.

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2016-A124

July 12, 2016

TITLE: ORDER, AWARD BID FOR REPLACEMENT RIDING MOWER  
FOR THE PARKS AND RECREATION DEPARTMENT.

filed July 6, 2016  
by Jerry Goss

WHEREAS, proposals were solicited, received and evaluated for the replacement of a 2006 72" riding mower, where funds were approved in the FY 2017 CIP budget;

WHEREAS, Bradstreet Lawn & Garden, of Brewer, Maine provided the City with the lower of two proposals at \$14,266.15;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to Bradstreet Lawn & Garden in the amount of \$14,266.15; and

BE IT FURTHER ORDERED, that the funds for this purchase shall be charged to the FY2017 CIP account 0510134 551429 titled "72" Riding Mower Replacement".

**STATEMENT OF FACT**

The current riding mower that we are replacing is 10 years old. We try to replace every 8 -9 years. This newer unit will have a detachable grass bagger that will allow us to do a neater job. Funds for this purchase are in the FY 2017 CIP Budget.

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2016-A125

July 12, 2016

TITLE: ORDER, AUTHORIZE CITY MANAGER, OR HIS DESIGNEE, TO CONVEY A PORTION OF CITY OWNED LAND (TAX MAP 51, LOT 4) LOCATED AT THE SITE OF THE FORMER FIRE TRAINING AREA AND ADJACENT TO THE CITY OF BREWER WASTEWATER TREATMENT FACILITY, TO B. CALVIN BUBAR, HIS HEIRS, SUCCESSORS AND ASSIGNS.

filed July 6, 2016  
by Matthew Vachon

**WHEREAS**, the Owner of 447 South Main Street (Map 26, Lot 11), B. Calvin Bubar, would like to acquire a small portion of city owned land, not to exceed .5 acres, adjacent to the rear of his property for new residential development; and

**WHEREAS**, the portion of land in question is not currently being utilized by the City of Brewer, as is, because of its steep and undevelopable grade; and

**WHEREAS**, Mr. Bubar has plans to level out this undeveloped area that is adjacent to 447 South Main Street so he can add additional residential units to the property; and

**WHEREAS**, this area is of no value to the City of Brewer and should be sold to Mr. Bubar for the price of one dollar (\$1.00); and

**WHEREAS**, prior to transfer, Mr. Bubar is responsible for any and all legal and surveying costs associated with the transfer of the property;

**NOW, THEREFORE, BE IT ORDERED** that the City of Brewer, by vote of its City Council, declares the .5 acres the City owns and to be conveyed to B. Calvin Bubar, his heirs, successors and assigns, declared as surplus property; and

**THEREFORE, BE IT ORDERED**, that the City Council authorizes the City Manager, or his designee, to sell the agreed upon .5 acres of city owned land, located on Tax Map 51, Lot 4 to B. Calvin Bubar by Municipal Quitclaim Deed, for the sum of one dollar (\$1.00), with B. Calvin Bubar to pay for all associated legal and surveying costs; and

**FURTHER BE IT ORDERED**, that the City Solicitor, or some other attorney on behalf of the City, shall approve the conveying documents as to form, and further be it ordered the City Manager, or his designee, shall have authority to take any and all actions and sign all documents to effectuate this conveyance.

**STATEMENT OF FACT**

This order authorizes the sale of a portion of city owned property, not to exceed 0.5 acres, located at Tax Map 51, Lot 4 for the price of \$1.00 and any costs associated with the sale of the property will be assumed by the new owner, B. Calvin Bubar.

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

Councilor Ferris said he removed the order from the consent calendar because he was going to abstain from voting on it.

The order was passed by 4 to 0 vote (Councilor Ferris abstaining).

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2016-A126

July 12, 2016

**TITLE:** ORDER, AUTHORIZE CITY MANAGER, OR HIS DESIGNEE, TO CONVEY TWO (2) PARCELS OF CITY OWNED LAND TO THE OWNERS MEGHAN A. BLACK AND JOSEPH W. BLACK D/B/A HUMBLE COMFORT FOOD & SPIRITS, THEIR HEIRS, SUCCESSORS AND ASSIGNS.

filed July 6, 2016  
by Joseph Ferris

**WHEREAS**, the Owners, Meghan A. Black and Joseph W. Black d/b/a Humble Comfort Food & Spirits, located at 518 South Main Street (Tax Map 22, Lot 18) wish to expand the restaurant basement area for additional storage and to create an outside seating area; and

**WHEREAS**, in order to make these changes they need to acquire a portion of the discontinued railroad track (Tax Map 22, Lot 164) as well as two very small triangular parcels of city owned land (Tax Map 22, Lot 19A) measuring 0.02 acres; and

**WHEREAS**, this area is of no value to the City of Brewer and should be sold to Meghan A. and Joseph W. Black d/b/a Humble Comfort Food & Spirits for the price of one dollar (\$1.00); and

**WHEREAS**, at the time of closing, Meghan A. and Joseph W. Black d/b/a Humble Comfort Food & Spirits are responsible for any and all legal and surveying costs associated with the transfer of the property;

**NOW, THEREFORE, BE IT ORDERED** that the City of Brewer, by vote of its City Council, declares the 0.02 acres the City owns be conveyed to Meghan A. and Joseph W. Black, their heirs, successors and assigns, declared as surplus property; and

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**THEREFORE, BE IT ORDERED** and hereby the City Council authorizes the City Manager, or his designee, to sell the land located at Tax Map 22, Lot 19A to Meghan A. and Joseph W. Black of Humble Comfort Food & Spirits by Municipal Quitclaim Deed, for the sum of one dollar (\$1.00), with the Meghan A. and Joseph W. Black pay for all associated legal and surveying costs; and

**FURTHER BE IT ORDERED** the City Solicitor, or some other attorney, on behalf of the City, shall approve the conveying documents as to form, and further be it ordered the City Manager or his designee shall have authority to take any and all actions and sign all documents to effectuate this conveyance.

**STATEMENT OF FACT**

This order authorizes the sale of the 0.02 acre City owned property located at Tax Map 22, Lot 19A for the price of \$1.00 and any costs associated with the sale of the property will be assumed by the new owners, Meghan A. and Joseph W. Black.

\*\*\*

**D. Monthly Reports.**

**ACTION:** Councilor O'Connell 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.**

1. Consent Calendar.

**ACTION:** Councilor O'Connell moved that the order on the consent calendar have passage and the two resolves be adopted.

The motion was seconded and passed by unanimous vote.

2016-A127

July 12, 2016

TITLE: ORDER, REAPPOINT ANIMAL CONTROL OFFICER.

Filed July 6, 2016  
by Jerry Goss

ORDERED, that Daniel Joy of Bucksport, Maine is herewith reappointed as the City of Brewer's primary Animal Control Officer for a term commencing August 1, 2016 and expiring July 31, 2017.

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2016-B025

July 12, 2016

TITLE: RESOLVE, DECLARE RESULTS OF THE JUNE 14, 2016  
CITY OF BREWER SCHOOL BUDGET APPROVAL  
ELECTION AND STATE OF MAINE PRIMARY  
ELECTION.

Filed July 6, 2016  
by Matthew Vachon

WHEREAS, the City of Brewer School Budget Approval Election and State of Maine Primary Election was held on June 14, 2016; 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 School Budget Approval Election and State of Maine Primary Election as follows:

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2016-B026

July 12, 2016

TITLE: RESOLVE, CONFIRM CITY MANAGER'S APPOINTMENT OF JASON J. MOFFITT AS DIRECTOR OF PUBLIC SAFETY FOR THE CITY OF BREWER AND CHRISTOPHER MARTIN AS DEPUTY POLICE CHIEF FOR THE CITY OF BREWER.

filed July 6, 2016  
by Joseph Ferris

WHEREAS, under Chapter 10, Section 101.1 and 101.2 entitled "The Police Department" of the City of Brewer Charter, Codes and Ordinances authorizes the City Manager to make appointments to the positions of Director of Public Safety and Deputy Police Chief; and

WHEREAS, such appointments are subject to confirmation by the City Council; and

WHEREAS, the City Manager appoints Jason J. Moffitt as Director of Public Safety; and

WHEREAS, the City Manager appoints Christopher Martin as Deputy Police Chief;

NOW, THEREFORE, BE IT RESOLVED, that the City Council herewith confirms the appointment of Jason J. Moffitt as the Director of Public Safety and Christopher Martin as the Deputy Police Chief for the City of Brewer.

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**F. Unfinished Business.**

There were no items.

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**G. New Business.**

2016-C005

July 12, 2016

TITLE: AMEND CHAPTER 28 ENTITLED "BREWER SIGN ORDINANCE", ARTICLE 6, SIGN STANDARDS, SECTION 6.6 TEMPORARY NON-PERMANENT SIGNS, SUBSECTION 6.6.1 SANDWICH BOARD SIGNS AND TO ADD A SECTION 6.17 MUNICIPAL WAYFINDING SIGNS OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES.

Filed July 6, 2016  
by Kevin O'Connell

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 28, Article 6, Sign Standards, Section 6.6 Temporary Non-Permanent Signs, Subsection 6.6.1 Sandwich Board Signs and add a Section 6.17 Municipal Wayfinding Signs of the Charter, Codes and Ordinances of the City of Brewer entitled “Brewer Sign Ordinance” be amended as follows:

**Amend:**

**6.6 Temporary Non-Permanent Signs:**

Business may have the use of temporary non-permanent signs as defined in the below categories, so long as the business seeking the sign meets all standards and requirements for regulation. Failure to comply with the requirements governing the use of temporary non-permanent signs will result in the following:

- First Violation – Written warning to business
- Second Violation – Revocation of sign for 1 year
- Third Violation – Revocation of sign for 3 years

**6.6.1 Sandwich Board Signs:**

Businesses located in the Downtown Development, Professional Business, Commercial Business and General Business Zones may be authorized the use of one (1) sandwich board sign with the following regulations:

1. Must be placed outside during business hours only and must be brought inside during all times the business is closed; and
2. Must be anchored or ballasted to prevent movement due to wind ~~Must not be placed on any public sidewalk or public roadway~~; and
3. Must not be placed in such a way as to interfere with the free movement of pedestrians or vehicles; and
4. Must be professionally manufactured; and
5. Must not exceed 12 square feet per side, and must not exceed 4 feet in height; and
6. In multi-tenanted buildings, sandwich boards must be located in front of their business premise; and
7. All sandwich board signs must be well maintained and not weather worn, damaged or broken.

**Add:**

**6.17 Municipal Wayfinding Signs:**

Municipal Wayfinding signs are considered directional signs for public locations and businesses located on dead-end roads or other locations needing directional assistance. The procedures and allowed locations for Municipal Wayfinding signs are contained in the Municipal Wayfinding Sign Standards and Procedures Policy. The Brewer Economic Development Office shall be responsible for implementation and administration of the Municipal Wayfinding Signs and policy and procedures.

**STATEMENT OF FACT**

When the Downtown Development District was created a few years ago, Section 6.6.1 Sandwich Board Signs was not updated to include the new zone. It also clarifies the new regulations.

New Section 6.17 was created at the request of the Brewer Economic Development office to allow for directional signage to public spaces and to businesses which are not readily visible to motorists.

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

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2016-A128

July 12, 2016

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

filed July 6, 2016  
by Jerry Goss

ORDERED, that the Brewer City Council convene in executive session pursuant to Title 1, Maine Revised Statutes Annotated, § 405(6)(A) on a personnel matter.

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

The order was passed by unanimous vote.

Mayor Uhlenhake said the executive session on a personnel matter would include City Council members and the City Manager.

Mayor Uhlenhake said the regular meeting would resume after the executive session and take up the rest of the items on the agenda..

The regular meeting adjourned at 6:16 p.m. for City Council members to go into executive session.

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The regular meeting was called back to order by Mayor Uhlenhake.

The city clerk called the roll:

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

H. New Items with Leave of Council.

Mayor Uhlenhake introduced order 2016-A129 under suspension of the rules. She asked the city Clerk to poll the council to see if there was unanimous consent to take up this order. The City Clerk polled the council and unanimous consent of the council members present was obtained to take up this order.

2016-A129

July 12, 2016

TITLE: ORDER, EXTEND THE CITY MANAGER'S EMPLOYMENT CONTRACT.

filed July 6, 2016  
by Matthew Vachon  
and Jerry Goss

WHEREAS, the City Council has done a performance evaluation of the City Manager, Stephen M. Bost; and

WHEREAS, the City Council believes it is in the best interest of the citizens, businesses, employees and staff of the City of Brewer to extend the term of the City Manager's Employment Contract;

NOW, THEREFORE, BE IT ORDERED, that Section 2(A) of the Employment Contract of the City Manager, Stephen M. Bost, is amended to provide for an expiration date of June 30, 2020, and in all other respects the Employment Contract will remain in full force and effect.

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

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Chairman Uhlenhake said she 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 6:37 p.m.

**ADJOURNED, ATTEST:** \_\_\_\_\_ Pamela J. Ryan  
City Clerk  
**A TRUE COPY, ATTEST:** \_\_\_\_\_ Brewer, Maine