

CITY COUNCIL REGULAR MEETING
Tuesday, June 7, 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 May 31, 2016 Regular Meeting.** (Councilor Ferris)
- B. Awards, Petitions and Public Comments.**
 - 1. Proclamation: Juneteenth Celebration Day. (Mayor Uhlenhake, Councilors O’Connell, Ferris, Goss and Vachon)
 - 2. Public Comments
- C. Consent Calendar.**
 - 1. (2016-B018) RESOLVE, Approve School Budget Appropriation for Fiscal Year 2017. (Councilor Goss)
 - 2. (2016-B019) RESOLVE, Approve City and School Budgets for Fiscal Year 2017. (Councilor O’Connell)
 - 3. (2016-B020) RESOLVE, Approve Regional Vocational High School Operating Budget. (Councilor Ferris)
 - 4. (2016-B021) RESOLVE, Approve Regional Vocational High School Budget on Adult Education. (Councilor Vachon)
 - 5. (2016-B022) RESOLVE, Approve Water Pollution Control Facility Budget for Fiscal Year 2017. (Councilor Goss)
 - 6. (2016-B023) RESOLVE, Approve Water Department Budget for Fiscal Year 2017. (Councilor O’Connell)
 - 7. (2016-A092) ORDER, Authorize the Brewer School Department to Expend Such Other Funds That May be Received from Federal or State Grants or Programs. (Councilor Ferris)
 - 8. (2016-A093) ORDER, Set Tax Due Date and Interest Rate. (Councilor Vachon)
 - 9. (2016-A094) ORDER, Accept Advance Payments on FY2018 Taxes. (Councilor Goss)
 - 10. (2016-A095) ORDER, Set Fiscal Year 2017 Interest Rate for Late Payment of Sewer Bills. (Councilor O’Connell)
 - 11. (2016-A096) ORDER, Set Interest Rate Paid on Abatements and Overpayments of Taxes. (Councilor Ferris)
 - 12. (2016-A097) ORDER, Authorize Set Off Against Unpaid Taxes. (Councilor Vachon)
 - 13. (2016-A098) ORDER, Authorize Application of Interest Earnings to Reserve Account. (Councilor Goss)
 - 14. (2016-A099) ORDER, Authorize Funding of Abatement Expense. (Councilor O’Connell)

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15. (2016-A100) ORDER, Accept Donation to the Brewer Public Library. (Councilor Ferris)
16. (2016-A101) ORDER, Grant Approval to Fraternal Order of Eagles #3177 to Allow Patrons to Consume Alcohol at Special Outdoor Events on the Organization's Property. (Councilor Vachon)
17. (2016-A102) ORDER, Grant Approval to R M B & G d/b/a Brewster's Fine Food & Drink to Allow Patrons to Consume Alcohol at a Special Outdoor Event on the Establishment's Property. (Councilor Goss)
18. (2016-A103) ORDER, Grant Approval to Delano G. Merritt d/b/a Cap's Tavern to Allow Patrons to Consume Alcohol at a Special Outdoor Event on the Establishment's Property. (Councilor O'Connell)
19. (2016-A104) ORDER, Authorize Write-Off of Uncollectable Water Department Accounts Receivable (Councilor Ferris)
20. (2016-A105) ORDER, Authorize Write-off of Uncollectable Accounts Receivable (Councilor Vachon)
21. (2016-A106) ORDER, Allocate Funds for Repairs to Ladder Truck #305 and Engine Pumper #301 (Councilor Goss)
22. (2016-A107) ORDER, Authorize Use of Asset Forfeiture Funds to Support Enhancements to the Use of Force Simulator Training Facility (Councilor O'Connell)
23. (2016-A108) ORDER, Authorize Establishment of an Academy Buyout Reserve Fund (Councilor Ferris)
24. (2016-A109) ORDER, Authorize City Manager to Request an Additional Liquor License Within the City of Brewer
25. (2016-A110) ORDER, Authorize the City Manager, or His Designee, to Sign a Memorandum to Accept Forfeited Funds
26. (2016-A111) ORDER, Award Contract for the Eastern Avenue/Felts Brook Culvert Replacement Project

D. Monthly Reports. (Councilor Vachon)

E. Nominations, Appointments, Elections.

F. Unfinished Business.

1. (2016-B017) RESOLVE, Confirm Support for the City of Bangor's Proposed ACOE Application for a Modification of the Designated Federal Navigational Channel in the Bangor/Brewer Harbor. (Mayor Uhlenhake, Councilors O'Connell, Ferris, Goss and Vachon)

G. New Business.

H. New Items with Leave of Council.

I. ADJOURN.

A. Minutes of May 31, 2016 Regular Meeting.

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

B. Awards, Petitions and Public Comments.

Mayor Uhlenhake introduced resolve 2016-B024 under suspension of the rules. She asked the Deputy City Clerk to poll the council to see if there was unanimous consent to take up this order. The Deputy City Clerk polled the council and unanimous consent was obtained to take up this order.

2016-B024

June 7, 2016

TITLE: RESOLVE, CONGRATULATE THE BREWER COMMUNITY SCHOOL JAZZ BAND FOR EARNING FIRST PLACE AT THE 2016 MAINE MUSIC EDUCATORS STATE MIDDLE SCHOOL JAZZ FESTIVAL

filed June 5, 2016
by Mayor Uhlenhake, Councilors Goss,
O'Connell, Ferris, Vachon

WHEREAS, the Brewer Community School Jazz Band competed at the 2016 MMEA State Middle School Jazz Festival at Nokomis High School; and

WHEREAS, the group of 19 middle school band members played pieces of contrasting styles which showed the diverse talents of the jazz band; and

WHEREAS, the Brewer Community School Jazz Band received the gold award and first place in the Division 2 State Championship; and

WHEREAS, Hanna Sabbagh won one of five individual outstanding musicianship trophies; and

WHEREAS, Hanna Sabbagh won an outstanding musicianship certificate for a solo on the trumpet and flugelhorn; and

WHEREAS, Matt Mousseau won an outstanding musicianship certificate for a solo on the on the trombone; and

WHEREAS, Zoe Vittum won an outstanding musicianship certificate for a solo on the on the tenor sax and bass; and

WHEREAS, Adrienne Fitts won an outstanding musicianship certificate for a solo on the on the tenor sax and bass; and

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council on behalf of the Citizens of the City of Brewer, Maine, herewith recognizes and congratulates the Brewer Middle School Jazz Band for earning this first place award.

BE IT FURTHER RESOLVED, that the Brewer City Council on behalf of the Citizens of the City of Brewer, Maine, herewith recognizes and congratulates the following list of students on their individual performance personal achievements:

Breanna Wright – Alto Sax
Olivia Mellott-Cyr – Alto Sax
Kaleb Silva – Alto Sax (tenor)
Zoe Vittum – Tenor Sax (bass)
Jon Basile – Tenor Sax
Hannah Nilsson – Bari Sax
Hanna Sabbagh - Trumpet
Adrienne Fitts – Trumpet
Ian Reid – Trumpet
Mackenzie Hanson – Trumpet
Matthew Mousseau – Trombone
Sydney Blain – Trombone
Tyler Kahkonen – Trombone
Ava Brody – Trombone
Daniel Zaehring – Piano
Audra Espling – Piano
Michael Desjardins – Guitar
Claire Warmuth – Bass (piano)
Nolan Winslow – Drums

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

Councilor Goss read the resolve into the record and presented the resolve to Lanissa Nadeau and members of the Jazz band.

The resolve was adopted by unanimous vote.

PROCLAMATION Juneteenth Celebration Day

WHEREAS, On June 19, 1865, the Union soldiers finally arrived in Galveston, Texas with the news that the war had ended and that slaves were now free, a declaration that took nearly two and a half years after the Emancipation Proclamation to reach Texas; and

WHEREAS, The Emancipation Proclamation declared “that all persons held as slaves” within the rebellious states “are, and henceforward shall be free”; and

WHEREAS, Juneteenth is a celebration of the spirit of self-empowerment, and a commemoration of the long, and arduous fight for freedom by African- Americans in the United States; and

WHEREAS, During Juneteenth, people of all cultures from Brewer, Penobscot County and the United States take time to truthfully acknowledge a period in our history that still shapes our country today; honor the diversity of our great country; and learn more about African-American heritage, contributions and customs.

NOW, THEREFORE, I, BEVERLY UHLENHAKE, Mayor of the City of Brewer, do hereby proclaim the nineteenth day of June, two thousand sixteen as

JUNETEENTH CELEBRATION DAY

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brewer to be imprinted this seventh day of June Two thousand and sixteen.

Signed this seventh day of June, 2016

Beverly Uhlenhake, Mayor

Mayor Uhlenhake read the proclamation.

The Deputy City Clerk said the ceremony for Juneteenth Day will be held on June 17, 2015 at the Joshua Chamberlain Park from 12 noon to 1:30 p.m.

Mayor Uhlenhake asked that resolve 2016-B017 under Unfinished Business be taken up at this time. She asked the Deputy City Clerk to poll the council to see if there was unanimous consent to take up this resolve. The Deputy City Clerk polled the council and unanimous consent was obtained to take up this resolve.

2016-B017

May 31, 2016

TITLE: RESOLVE, CONFIRM SUPPORT FOR THE CITY OF BANGOR'S PROPOSED ACOE APPLICATION FOR A MODIFICATION OF THE DESIGNATED FEDERAL NAVIGATIONAL CHANNEL IN THE BANGOR/BREWER HARBOR.

filed May 25, 2016
by Beverly Uhlenhake,
Kevin O'Connell, Joseph Ferris,
Jerry Goss and Matthew Vachon

WHEREAS, the City of Bangor has proposed a minor modification to the Designated Federal Navigational Channel in the harbor area between the Bangor and Brewer waterfronts; and

WHEREAS, the revised channel will allow for the installation of new moorings which are expected to attract new commercial and recreational boaters to the greater Bangor/Brewer area; and

WHEREAS, the Brewer City Council recognizes the regional economic and social values of enhancements to the Bangor/Brewer Harbor;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council herewith expresses its support for the City of Bangor's application to the US Army Corps of Engineers for a re-designation of the Federal Navigational Channel in the Bangor/Brewer Harbor for the purpose of permitting the installation of new seasonal moorings for public use.

STATEMENT OF FACT

This resolve expresses support for Bangor's application to re-designate the Federal Navigational Channel so that new moorings can be installed in the Bangor/Brewer Harbor.

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

Councilor O'Connell read the resolve into the record.

Mayor Uhlenhake thanked Bangor officials who gave a brief presentation/informational update on this effort.

The resolve was adopted by unanimous vote.

PUBLIC COMMENTS.

There were no public comments.

C. Consent Calendar.

ACTION: Councilor Goss moved that the orders on the consent calendar have passage and the resolves be adopted.

The motion was seconded and passed by unanimous vote.

2016-B018

June 7, 2016

TITLE: RESOLVE, APPROVE SCHOOL BUDGET APPROPRIATION FOR FISCAL YEAR 2017.

filed June 2, 2016
by Jerry Goss

BE IT RESOLVED, that the following school budget articles be adopted and approved for fiscal year 2017:

1. That **\$8,262,246** be authorized to be expended for Regular Instruction.
2. That **\$3,018,485** be authorized to be expended for Special Education.
3. That **\$181,000** be authorized to be expended for Career and Technical Education.
4. That **\$984,406** be authorized to be expended for Other Instruction.
5. That **\$1,415,230** be authorized to be expended for Student and Staff Support.
6. That **\$564,222** be authorized to be expended for System Administration.
7. That **\$916,445** be authorized to be expended for School Administration.
8. That **\$505,765** be authorized to be expended for Transportation and Buses.
9. That **\$1,763,884** be authorized to be expended for Facilities Maintenance.
10. That **\$3,157,534** be authorized to be expended for Debt Service and Other Commitments.
11. That **\$10,924** be authorized to be expended for All Other Expenditures.; and

BE IT FURTHER RESOLVED, that **\$15,788,988** be appropriated for the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that **\$5,918,315** be raised as the municipality's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, M.R.S.A. Section §15688; and

Explanation: The school administrative unit's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

BE IT FURTHER RESOLVED, that **\$246,974** be raised and appropriated for the annual payments on debt service previously approved by the municipality's legislative body for non-state-funded school construction projects, or non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the municipality's contribution to the total cost of funding public education from pre-kindergarten to grade 12; and

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the municipality's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.

BE IT FURTHER RESOLVED, that **\$1,004,047** be raised and appropriated in additional local funds for school purposes under Maine Revised Statutes, Title 20-A §15671-A. The school committee recommends **\$1,004,047** for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by **\$682,179**: The Essential Programs and Services funding model does not fully fund a number of educational costs in the school administrative unit such as special education needs, extra and co-curricular costs and local voter approved debt service, including the recent \$8.1m high school renovation project; and

Explanation: The additional local funds are those locally raised funds over and above the school administrative unit's local contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the (municipality/district) budget for educational programs.

BE IT FURTHER RESOLVED, that the school committee be authorized to expend **\$20,780,341** for the fiscal year beginning July 1, 2016 and ending June 30, 2017 from the municipality's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section §15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools; and

BE IT FURTHER RESOLVED, that the school committee be authorized to accept and expend any and all categories of funds as provided by the Maine State Legislature or the United States Congress (Examples of some of these funds and estimated amounts based on funds received last year are listed below)

<u>Category</u>	<u>Estimated Amounts</u>
Title IA	267,000
Title IIA	75,000
Local Entitlement	355,000
School Lunch Subsidy	220,000

AND BE IT FURTHER RESOLVED, that the Regional Vocational Budget as approved by the Cooperative Board for the year July 1, 2016 to June 30, 2017 be approved in the amount of **\$2,878,978**; and

BE IT FURTHER RESOLVED, that the City will appropriate **\$4,953** for adult education at the United Technologies Center and raise **\$4,953** as the local share; with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program.

2016-B019

June 7, 2016

TITLE: RESOLVE, APPROVE CITY AND SCHOOL BUDGETS
APPROPRIATION FOR FISCAL YEAR 2017.

filed June 2, 2016
by Kevin O'Connell

RESOLVED, that the sum of **\$16,319,827** which sum constitutes the estimated requirements of the City for the fiscal year 2017 (commencing July 1, 2016 and terminating June 30, 2017) based upon the budget submitted by the City Manager as provided by the City Charter, be raised by assessments upon the estates of the Inhabitants of the City of Brewer and upon the estates of the non-resident proprietors within the City for the present municipal year and the sum is hereby appropriated, in addition sums otherwise provided, the amount for each purpose being specified in the schedule hereto attached:

Statement of Fact: This annual order authorizes the levy of \$16,319,827 in property taxes in support of the FY 2017 City and School budgets and authorizes expenditures for FY 2017 as outlined in the accompanying schedules. It also approves non property tax funding to support those expenditures.

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2016-B020

June 7, 2016

TITLE: RESOLVE, APPROVE REGIONAL VOCATIONAL HIGH SCHOOL
OPERATING BUDGET.

filed June 2, 2016
by Joe Ferris

RESOLVED, that the Brewer City Council herewith approves the regional vocational high school budget, as approved by the cooperative board, for the year July 1, 2016 – June 30, 2017 in the amount of **\$2,669,300**.

Statement of Fact: The budget for 2015-2016 was \$2,687,777.

2016-B021

June 7, 2016

TITLE: RESOLVE, APPROVE REGIONAL VOCATIONAL HIGH SCHOOL
BUDGET ON ADULT EDUCATION.

filed June 2, 2016
by Matthew Vachon

RESOLVED, that the Brewer City Council herewith approves the regional vocational high school budget for adult education, as approved by the cooperative board, in the amount of **\$209,678** for the year July 1, 2016 – June 30, 2017.

Statement of Fact: The budget for 2015-2016 was \$207,587.

2016-B022

June 7, 2016

TITLE: RESOLVE, APPROVE WATER POLLUTION CONTROL FACILITY
BUDGET FOR FISCAL YEAR 2017.

filed June 2, 2016
by Jerry Goss

RESOLVED, that the City Council herewith approves the Brewer Water Pollution Control Facility budget for City Fiscal Year of July 1, 2016 through June 30, 2017, as follows:

Total Cash Operating Expenses	\$ 1,820,861
Total Debt Service	\$ 896,117
Total Depreciation	\$ 705,000

Statement of Fact: This annual order authorizes the Water Department expenditures for FY2017 and approves funding to support those expenditures.

2016-A092

June 7, 2016

TITLE: ORDER, AUTHORIZE THE BREWER SCHOOL DEPARTMENT TO EXPEND SUCH OTHER FUNDS THAT MAY BE RECEIVED FROM FEDERAL OR STATE GRANTS OR PROGRAMS.

filed June 2, 2016
by Joe Ferris

ORDERED, that the City Council authorizes the Brewer School Department to expend such other sums as may be received from federal or state grants or programs or other sources during the 2017 fiscal year for school purposes provided such grants, programs or other sources do not require the expenditure of other funds not previously appropriated.

2016-A093

June 7, 2016

TITLE: ORDER, SET TAX DUE DATE AND INTEREST RATE.

filed June 2, 2016
by Matthew Vachon

ORDERED, that taxes for the municipal year commencing July 1, 2016 and which shall expire on June 30, 2017 are due and payable semi-annually on the following dates:

A. 1/2 of total taxes due
and payable on or before September 13, 2016

and if the same are not paid on or before September 13, 2016 they shall bear interest at the rate of 7.0% per annum from September 14, 2016 until paid.

B. 1/2 of the total taxes due
and payable on or before March 14, 2017

and if the same are not paid on or before March 14, 2017 they shall bear interest at the rate of 7.0% per annum from March 15, 2017 until paid.

Statement of Fact: This is an annual order. Taxes are always due on the second Tuesday of September and March. The City uses the maximum rate of interest that can be charged per Title 36, M.R.S.A. Section 505.4. This rate is set annually by the Office of the State Treasurer.

2016-A094

June 7, 2016

TITLE: ORDER, ACCEPT ADVANCE PAYMENTS ON FY2018 TAXES.

filed June 2, 2016
by Jerry Goss

ORDERED, that the Brewer Tax Collector and Treasurer be permitted to accept payments in advance when offered at 0% interest, to be applied to FY2018 taxes which have not been committed or billed.

Statement of Fact: In accordance with Title 36 MRSA §506-A, Municipalities should vote annually on the acceptance of advance payments.

2016-A095

June 7, 2016

TITLE: ORDER, SET FY2017 INTEREST RATE FOR LATE PAYMENT OF SEWER BILLS.

Filed June 2, 2016
by Kevin O'Connell

ORDERED, that in accordance with City of Brewer Charter, Codes and Ordinance, Chapter 31, Section 1208, the interest rate on unpaid sewer bills is set at seven percent (7.0%) per annum for Fiscal Year 2017.

Statement of Fact: This is an annual order.

2016-A096

June 7, 2016

TITLE: ORDER, SET INTEREST RATE PAID ON ABATEMENTS AND OVERPAYMENTS OF TAXES.

filed June 2, 2016
by Joe Ferris

ORDERED, that pursuant to Title 36 MRSA §506-A, interest on previously paid taxes that are abated, or which have been overpaid, for Fiscal Year 2017 shall be paid at the rate of three percent (3.0%) per annum from the date of payment by the taxpayer to the date of abatement or refund by the City.

Statement of Fact: This is an annual order.

2016-A097

June 7, 2016

TITLE: ORDER, AUTHORIZE SET OFF AGAINST UNPAID TAXES.

filed June 2, 2016
by Matthew Vachon

WHEREAS, Title 36, M.R.S.A., Section §905, requires the governing body to specifically authorize the Treasurer and other disbursing officers to withhold payment of any money due a taxpayer whose taxes are due and wholly or partially unpaid;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the Finance Director/Treasurer and Deputy Finance Director to withhold monies, excluding the payroll check of any employee, due and payable by the City of Brewer to any taxpayer to an amount not in excess of the unpaid taxes together with interest and costs.

Statement of Fact: This is an annual order.

2016-A098

June 7, 2016

TITLE: ORDER, AUTHORIZE APPLICATION OF INTEREST EARNINGS TO RESERVE FUND.

filed June 2, 2016
by Jerry Goss

WHEREAS, in keeping with PUC regulations, the City maintains a dedicated reserve account for the Water fund –the Standpipe Maintenance and Repair Reserve account; and

WHEREAS, this reserve fund earns interest but this interest has not been taken into account when determining the level of reserve account funding each year;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the appropriation and expenditure of these interest earnings to supplement the regular annual funding of this reserve account.

Statement of Fact: This is an annual order.

2016-A099

June 7, 2016

TITLE: ORDER, AUTHORIZE FUNDING OF ABATEMENT EXPENSE.

filed June 2, 2016
by Kevin O'Connell

WHEREAS, state law requires the governing body to specifically authorize the use of overlay funds, even in the case of tax abatements; and

WHEREAS, tax abatements to date total approximately \$6,641;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the appropriation and expenditure of \$6,641 from the tax abatement account (0100100-300004) to be funded by the budgeted FY2016 overlay funds (0119901-509810).

Statement of Fact: This annual order appropriates overlay dollars to fund expenses associated with FY2016 tax abatements, as required by State law.

2016-A100

June 7, 2016

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

filed June 2, 2016
by Joe Ferris

WHEREAS, the City of Brewer Public Library received a donation of a scaled four-foot model of a sharpie schooner from Eugene W. More, Jr.; and

WHEREAS, Mr. More is a Brewer artist who, despite being legally blind, has built and donated several other beautiful displays to the Brewer Public Library, including a to-scale model of the Bon Ton III ferry; and

WHEREAS, it is the recommendation and request of the Library Director that this schooner model be displayed in the children's area of the Library for patrons' enjoyment and education;

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts the donation of this schooner model from Eugene W. More, Jr.; and

FURTHER, ORDERED, that the City Council hereby authorizes the Library Director to display the model within the Library.

Statement of Fact: This order accepts the donation of a sharpie schooner model from Eugene W. More, Jr. to the City of Brewer and authorizes the display of the item.

2016-A101

June 7, 2016

TITLE: ORDER, GRANT APPROVAL TO FRATERNAL ORDER OF EAGLES #3177 TO ALLOW PATRONS TO CONSUME ALCOHOL AT A SPECIAL OUTDOOR EVENT ON THE ORGANIZATION'S PROPERTY.

filed June 2, 2016
by Matthew Vachon

WHEREAS, The Fraternal Order of Eagles #3177, is licensed by the State of Maine, Bureau of Alcoholic Beverages, to sell liquor within the confines of its establishment at 22 Atlantic Avenue; and

WHEREAS, The Fraternal Order of Eagles #3177 has submitted a request to the City Council for approval to allow consumption of alcohol in an outdoor area on its premises at 22 Atlantic Avenue on Saturday, July 23, 2016 for a Street Dance with a live band from 12:00 noon to 11:59 p.m.; and

WHEREAS, it is the understanding of the City Council that the Bureau of Alcoholic Beverages may permit patrons of The Fraternal Order of Eagles #3177 to consume alcohol in an outdoor area if the City Council approves of such activity; and

WHEREAS, it is the sense of the Brewer City Council that permitting patrons of The Fraternal Order of Eagles #3177 to consume alcohol in an outdoor area at 22 Atlantic Avenue under conditions established by the Bureau of Alcoholic Beverages will not be detrimental to the peace, health and safety of the citizens of the City of Brewer;

NOW, THEREFORE, BE IT ORDERED, That the Brewer City Council herewith approves The Fraternal Order of Eagles #3177 request for permission to sell and allow patrons to consume alcohol in an enclosed and designated area at 22 Atlantic Avenue on Saturday, July 23 2016 for a Street Dance with a live band from 12:00 noon to 11:59 p.m.; and

FURTHER, ORDERED, that the City Clerk inform the Bureau of Alcoholic Beverages of this approval of the Brewer City Council.

2016-A102

June 7, 2016

TITLE: ORDER, GRANT APPROVAL TO R M B & G INC. D/B/A BREWSTER'S FINE FOOD & DRINK TO ALLOW PATRONS TO CONSUME ALCOHOL AT A SPECIAL OUTDOOR EVENT ON THE ESTABLISHMENT'S PROPERTY.

filed June 2, 2016
by Jerry Goss

WHEREAS, R M B & G Inc. d/b/a Brewster's Fine Food and Drink, is licensed by the State of Maine, Bureau of Alcoholic Beverages, to sell liquor within the confines of its establishment at 359 Wilson Street; and

WHEREAS, Brewster's Fine Food and Drink has submitted a request to the City Council for approval to allow consumption of alcohol in an outdoor area on its premises at 359 Wilson Street on Saturday, July 23, 2016 for Brewster's 19th Anniversary Party from 10:00 a.m. to 11:59 p.m.; and

WHEREAS, it is the understanding of the City Council that the Bureau of Alcoholic Beverages may permit patrons of Brewster's Fine Food and Drink to consume alcohol in an outdoor area if the City Council approves of such activity; and

WHEREAS, it is the sense of the Brewer City Council that permitting patrons of Brewster's Fine Food and Drink to consume alcohol in an outdoor area at 359 Wilson Street under conditions established by the Bureau of Alcoholic Beverages will not be detrimental to the peace, health and safety of the citizens of the City of Brewer;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith approves R M B & G Inc. d/b/a Brewster's Fine Food and Drink request for permission to sell and allow patrons to consume alcohol in an enclosed and designated area at 359 Wilson Street from 10:00 a.m. to 11:59 p.m. Saturday, July 23, 2016 for Brewster's 19th Anniversary Party; and

FURTHER, ORDERED, that the City Clerk inform the Bureau of Alcoholic Beverages of this approval of the Brewer City Council.

2016-A103

June 7, 2016

TITLE: ORDER, GRANT APPROVAL TO DELANO G. MERRITT D/B/ A
CAP'S TAVERN TO ALLOW PATRONS TO
CONSUME ALCOHOL AT A SPECIAL OUTDOOR
EVENT ON THE ESTABLISHMENT'S PROPERTY.

filed June 2, 2016
by Kevin O'Connell

WHEREAS, Delano G. Merritt d/b/a Cap's Tavern, is licensed by the State of Maine, Bureau of Alcoholic Beverages, to sell liquor within the confines of its establishment at 494 South Main Street; and

WHEREAS, Cap's Tavern has submitted a request to the City Council for approval to allow consumption of alcohol in an outdoor area on its premises at 494 South Main Street on Sunday, July 24, 2016 for an outdoor event from 12:00 noon to 10:00 p.m. with a live band; and

WHEREAS, it is the understanding of the City Council that the Bureau of Alcoholic Beverages may permit patrons of Cap's Tavern to consume alcohol in an outdoor area if the City Council approves of such activity; and

WHEREAS, it is the sense of the Brewer City Council that permitting patrons of Cap's Tavern to consume alcohol in an outdoor area at 494 South Main Street under conditions established by the Bureau of Alcoholic Beverages will not be detrimental to the peace, health and safety of the citizens of the City of Brewer;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith approves Delano G. Merritt d/b/a Cap's Tavern's request for permission to sell and allow patrons to consume alcohol in an enclosed and designated area at 494 South Main Street from 12:00 noon to 10:00 p.m. Sunday, July 24, 2016 for an outdoor event with a live band; and

FURTHER, ORDERED, that the City Clerk inform the Bureau of Alcoholic Beverages of this approval of the Brewer City Council.

2016-A104

June 7, 2016

TITLE: ORDER, AUTHORIZE WRITE-OFF OF UNCOLLECTABLE
WATER DEPARTEMENT ACCOUNTS RECEIVABLE.

filed June 2, 2016
by Joe Ferris

WHEREAS, efforts to collect these past due debts through collection letters and a collection agency have failed; and

WHEREAS, our contracted debt collector, Affiliated Collections, has notified us that these debts are uncollectable; and

WHEREAS, City staff concurs with the opinion of our debt collector, that these delinquent accounts are in fact uncollectable;

NOW, THEREFORE, BE IT ORDERED, the City Council deems these debts to be uncollectible, and orders them to be written off; and

FURTHER, ORDERED, the City Council hereby authorizes the write-off of \$6,285.97 in account 0717502-509880 (Water Allowance for Bad Debt).

Statement of Fact: Authorizes the write-off of multiple accounts, totaling \$6,285.97 in accounts receivable (see attached ledger) as these debts are uncollectable.

2016-A105

June 7, 2016

TITLE: ORDER, AUTHORIZE WRITE-OFF OF UNCOLLECTABLE
ACCOUNTS RECEIVABLE.

filed June 2, 2016
by Matthew Vachon

WHEREAS, the City has been working for some time to collect past due amounts from two vendors using repeated and varied attempts to compel payment, including barring access to the facility where one of the fees is due and in the case of the larger amount, legal action through the courts; and

WHEREAS, the City has exhausted its efforts and has deemed the accounts uncollectable and seeks approval to write these receivables off;

NOW, THEREFORE, BE IT ORDERED, the City Council hereby authorizes the write-off of the following amounts to account 0116900-509890 (Adjustments/Write-off) to be funded by \$3,460.50 in available Overlay from account 0119901-509810.

Statement of Fact: Authorizes the write-off of a total of \$3,640.50 in accounts receivable owed by Brian Parent and AD Foundations that have been deemed uncollectable.

2016-A106

June 7, 2016

TITLE: ORDER, ALLOCATE FUNDS FOR REPAIRS TO LADDER TRUCK #305 AND ENGINE PUMPER #301.

filed June 2, 2016
by Jerry Goss

WHEREAS; in January order 2016-A011, Council authorized the resurfacing of the frames for Ladder Truck #305 and Engine Pumper #301 to extend the lives of these critical pieces of equipment; and

WHEREAS; the work performed by the vendor was unacceptable and did not meet the need to extend the useful life of these apparatus; and

WHEREAS; to complete the work satisfactorily by another vendor it will cost substantially more than the \$15,000 Council originally appropriated; and

WHEREAS; in March 2016, the City received \$10,000 from the exercise of an option on a parcel of land in the proposed new business and industrial park and these funds would be available and appropriate to use to support this Fire Department vehicle expense;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer by vote of its City Council, does hereby authorize the appropriation and expenditure of an additional \$10,000 total from 0510132-551224 (Fire Unit 305 Refurbishing) and 0510132-551223 (Fire Unit 301 Refurbishing) on the frame repairs for trucks #305 and #301, which shall be funded by option proceeds received in March 2016 and deposited into 0500100-300410 (CIP Sales of Assets).

BE IT 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.

Statement of Fact: This order appropriates the \$10,000 proposed business and industrial park option payment received in March to the Fire truck frame repair originally authorized in January. The City is researching alternatives but it is clear that a solution that meets the need of extending the useful life of the apparatus will require additional funds.

2016-A107

June 7, 2016

TITLE: ORDER, AUTHORIZE ESTABLISHMENT OF AN ACADEMY BUYOUT RESERVE FUND.

filed June 2, 2016
by Kevin O'Connell

WHEREAS, the Brewer Police Department is finding it increasingly difficult to recruit and attract eligible candidates, particularly academy trained ones; and

WHEREAS, an increasingly common and useful tool is recruitment of academy trained officers from other agencies; and

WHEREAS, the Maine Criminal Justice Academy Board of Trustees has established mandatory reimbursement rates for the BLETP Academy Training to be paid to the employing agency who put the officer through the BLETP, and these reimbursement rate can be as high as \$30,000 for officers recently out of training; and

WHEREAS, establishment of a reserve fund to help pay for this sort of large but infrequent expense would provide the City an additional tool and resource for filling vacant positions and limit the potential loss of a top candidate for lack of funding to cover an academy buyout; and

WHEREAS, the City will receive additional revenue sharing funds this fiscal year and these excess funds could be allocated to seed fund an academy buyout reserve fund;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the establishment of a Police Academy Buyout Reserve fund to be used to help offset costs associated with required training reimbursement payments to other agencies;

FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of \$30,000 in unanticipated state revenue sharing funds (0106902-300200) to provide initial funding for the Police Academy Buyout Reserve.

Statement of Fact: This order establishes a Police Academy Buyout Reserve Fund to be used in cases where the City is required to reimburse an agency for academy training costs of a newly hired officer. The order proposes to initially fund the reserve with \$30,000 in unanticipated state revenue sharing funds.

2016-A108

June 7, 2016

TITLE: ORDER, AUTHORIZE USE OF ASSET FORFEITURE FUNDS
TO SUPPORT ENHANCEMENTS TO THE USE OF
FORCE SIMULATOR TRAINING FACILITY.

filed June 2, 2016
by Joe Ferris

WHEREAS, the Use of Force Simulator purchased earlier this year with Penobscot County Emergency Management Agency Homeland Security Grant funds has already proven to be a valuable training tool for the Brewer Police Department as well as organizations across the region; and

WHEREAS, with an eye toward future growth, the room in which the simulator is located was minimally finished at the time of the Public Safety Building's construction; and

WHEREAS, with the installation of the simulator and the increased use of the room, it has become apparent that finishes including sun darkening window coverings and durable carpet are needed to maximize the training experience and ensure the health and wellbeing of city staff and guest agencies; and

WHEREAS, the Police Department has Asset Forfeiture proceeds available to fund the estimated additional \$10,000 cost for these finishes and other smaller accessories;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the expenditure of \$10,000 from account 0600058-560000-58033 COUNTY EMA15-SIMULATR GRNT EXP for the purchase of finishes and accessories to support the development of the City's Use of Force Simulator training facility and further authorizes the appropriation and expenditure of \$10,000 in Treasury Asset Forfeiture proceeds from Org 0200102 to fund this expense.

Statement of Fact: This order appropriates \$10,000 in Treasury Asset Forfeiture funds to support purchase of curtains, carpet and other accessories to help complete development of the Use of Force Simulator training facility at the Public Safety Building.

2016-A109

June 7, 2016

TITLE: ORDER, AUTHORIZE CITY MANAGER TO REQUEST AN
ADDITIONAL LIQUOR LICENSE WITHIN THE CITY
OF BREWER.

filed June , 2016
by Matthew Vachon

WHEREAS, the summer months bring an increase in tourist traffic due to the Waterfront Concert Series, the American Folk Festival, the Cross Insurance Center, and tourists heading to the Downeast and Bar Harbor regions via the City of Brewer; and

WHEREAS, in addition to the increased seasonal traffic, there is the normal influx of daily visitors and employees to the City of Brewer, often tripling the residential population during the day; and

WHEREAS, this daily influx of traffic creates a much higher demand for products and services than would typically be expected for a community of 9,482 residents; and

WHEREAS, the City would like to provide more opportunity for small, local businesses to compete to receive an agency liquor license; and

WHEREAS, the City of Brewer is currently eligible by the State of Maine for only four (4) agency liquor store licenses all of which are already being used by big box and large regional businesses; and

WHEREAS, the State of Maine Division of Liquor Licensing and Enforcement allows communities to request one additional license based on seasonal tourism and/or other market conditions, and realizing that a request does not guarantee that another license will be awarded;

NOW, THEREFORE, BE IT ORDERED that the City of Brewer, by vote of its City Council, authorizes the City Manager, or his designee, to write a letter to the Maine Division of Liquor Licensing and Enforcement requesting one additional agency liquor license be authorized in the City of Brewer.

Statement of Fact: This order authorizes a letter to be sent to the Maine Division of Liquor Licensing and Enforcement requesting one additional agency liquor license in the City of Brewer.

2016-A110

June 7, 2016

TITLE: ORDER, AUTHORIZE THE CITY MANAGER, OR HIS
DESIGNEE, TO SIGN A MEMORANDUM TO ACCEPT
FORFEITED FUNDS.

filed June 2, 2016
by Jerry Goss

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., § 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:

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Docket Number	Assets
CR-15-2873	\$2,781

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 account 0200101-320000 (State Asset Forfeiture Receipts) and that the expenditure of these funds is authorized from an appropriate State Asset Forfeiture Expense Account with an Organization account number of 0200101.

Statement of Fact: The Brewer Police Department conducted an investigation where a sum of money was seized and forfeited by the defendant. Under Maine Law, the City Council must take a public vote before any forfeited assets or money can be transferred to the City.

2016-A111

June 7, 2016

TITLE: ORDER, AWARD CONTRACT FOR THE EASTERN AVENUE/FELTS BROOK CULVERT REPLACEMENT PROJECT.

filed June 2, 2016
by Kevin O'Connell

WHEREAS, a project has been approved in the FY 2017 CIP for the replacement of the culvert where Eastern Avenue crosses Felts Brook; and

WHEREAS; the Engineering Department has prepared plans and specifications for the project; and

WHEREAS; competitive bids have been received and reviewed for the completion of this project;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to execute a contract with Lou Silver, Inc. of Veazie, Maine (the low bidder) in the amount of \$264,000 (plus 10% for unanticipated contingencies) for the completion of the Eastern Avenue/Felts Brook Culvert Replacement project; and

FURTHER ORDERED, that all costs associated with this contract shall be charged to the Capital Improvement account (0510113-551339).

Statement of Fact: This order authorizes the award of the construction contract for the replacement of the Eastern Avenue/Felts Brook culvert.

D. Monthly Reports.

ACTION: Councilor Vachon 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.

No items.

F. Unfinished Business.

Item taken up out of order under suspension of the rules.

G. New Business.

H. New Items with Leave of Council.

Mayor Uhlenhake introduced orders 2016-A112 and 2016-A113 under suspension of the rules. She asked the Deputy City Clerk to poll the council to see if there was unanimous consent to take up these orders. The Deputy City Clerk polled the council and unanimous consent was obtained to take up these orders under suspension of the rules.

2016-A112

June 7, 2016

TITLE: ORDER, AWARD CONTRACT TO REPAIR CLAY SEWER LINE
ON THE OAK GROVE INTERCEPTOR SEWER.

filed June 6, 2016
(under suspension of the rules)
by Kevin O'Connell and
Matthew Vachon

WHEREAS, on May 10, 2016 Council approved order 2016-A085 authorizing the repair of a section of the Oak Grove sewer line, and

WHEREAS, the following bids were received:

Lou Silver, Inc.	\$77,100
Ranger	\$83,732
Sunset Development	\$86,500
Sargent	\$91,443

WHEREAS, loan funds from USDA Rural Development for sewer system improvement are available to cover the cost of the \$77,100 low bid received from Lou Silver, Inc. (which slightly exceeds the \$60,000 estimate authorized in the order approved in May);

NOW, THEREFORE, BE IT ORDERED, that the City Manager or his designee, is authorized to award the contract in the amount of \$77,100 to repair the Oak Grove sewer to Lou Silver, Inc.; and

BE IT FURTHER ORDERED, that the cost of the repair be funded by the USDA Rural Development loan and the work shall be charged to account number 0680702-530030 (Oak Grove Sewer Repair).

Statement of Fact

This order awards a contract for \$77,100 to low bidder Lou Silver, Inc. to repair a section of sewer on the Oak Grove interceptor line, work authorized by Council in May order 2016-A085. The project will be funded by a USDA Rural Development loan.

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

The order was passed by unanimous vote.

2016-A113

June 7, 2016

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

filed June 7, 2016
(under suspension of the rules)
by Jerry Goss and Joseph Ferris

ORDERED, that the City Council convene in executive session pursuant to Title 1, M.R.S.A. §405(6)(A) on personnel matters.

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, the City Manager and the City Solicitor.

Mayor Uhlenhake said the regular meeting would resume after the executive session and take up no more business except to adjourn.

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The regular meeting adjourned at 6:20 p.m. for City Council members to go into executive session.

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			

Mayor 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 7:06 p.m.

ADJOURNED, ATTEST: _____ James Smith
Deputy City Clerk
A TRUE COPY, ATTEST: _____ Brewer, Maine