

City Council Minutes  
March 4, 2014

Regular Meeting  
City Hall Council Chambers

Tuesday, March 4, 2014  
6:00 p.m.

The regular meeting was called to order by Chairman Jerry Goss.  
The City Clerk called the roll:

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

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

Chairman Goss led members of the Council and others present in reciting the Pledge of Allegiance to the flag of The United States of America.

Chairman Goss read the notice for the regular meeting.

TO: Joseph Ferris, Jerry Goss, Kevin O'Connell, Matthew Vachon and Beverly Uhlenhake; MEMBERS OF THE BREWER CITY COUNCIL. You are hereby notified of a regular meeting of the City Council to be held on March 4, 2014 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider and act on the items on the attached agenda.

s/ Jerry Goss  
Mayor and Chairman of the City Council

Or \_\_\_\_\_  
Majority of the City Council

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

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OFFICER'S RETURN

I have on the date(s) and time(s) indicated given notice of this meeting by giving in hand or by leaving at the usual dwelling place of the within named an attested copy of this notice of meeting:

| Given/Delivered to: | by (person delivering) | Title | Date    | Time    |
|---------------------|------------------------|-------|---------|---------|
| Joseph Ferris       | Cpl. Gauvin            | Cpl   | 2/28/14 | 11:20am |
| Matthew Vachon      | C. Landes              | DC    | 2/28/14 | 3:30pm  |
| Beverly Uhlenhake   | Benjamin               | PTL   | 2/28/14 | 5:14pm  |
| Jerry Goss          | Benjamin               | PTL   | 2/28/14 | 6:18pm  |
| Kevin O'Connell     | C. Landes              | DC    | 2/28/14 | 3:35pm  |

**CITY COUNCIL REGULAR MEETING**  
**Tuesday, March 4, 2014 6:00 P.M.**  
**Brewer City Hall Council Chambers**

- I. Call to Order.** (Mayor Jerry Goss)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America. Regular Meeting**  
(Mayor Goss)
- A. Minutes of February 11, 2014 Regular Meeting.** (Councilor Vachon)
- B. Awards, Petitions and Public Comments.**
  - 1. (2014-B009) RESOLVE, Recognize the Brewer Water Department for Service to the Citizens of the City of Brewer. (Mayor Goss)
  - 2. (2014-B010) RESOLVE, Recognize Companies and Volunteers for Their Contributions to the 2014 Winterfest Celebration. (Councilor Vachon)
  - 3. Public Comments
- C. Consent Calendar.**
  - 1. (2014-A022) ORDER, Commit Water Assessment to Treasurer for Collection. (Councilor Ferris)
  - 2. (2014-A023) ORDER, Commit Sewer Assessment to Treasurer for Collection. (Councilor O’Connell)
  - 3. (2014-A024) ORDER, Award Contract for FY2014 Resurfacing of City Streets. (Councilor Uhlenhake)
  - 4. (2014-A025) ORDER, Authorize the City Manager to Accept and Use Funds for the 2014 Stream Cleanup Program. (Councilor Vachon)
  - 5. (2014-A026) ORDER, Award 3 Year Contract for Street Line Painting Contract. (Councilor Ferris)
  - 6. (2014-A027) ORDER, Authorize the City Manager, or His Designee, to Acquire Unused Cemetery Lots in City Owned Cemeteries and Accept Them for City Purposes. (Councilor O’Connell)
  - 7. (2014-A028) ORDER, Accept Funds in Support of the 2014 Winterfest Celebration. (Councilor Uhlenhake)
  - 8. (2014-A029) ORDER, Accept Insurance Refund from Maine Municipal Association. (Councilor Vachon)
  - 9. (2014-B011) RESOLVE, Amend the Rules and Regulations for Brewer Municipal Cemeteries. (Councilor Ferris)
- D. Monthly Reports.** (none)
- E. Nominations, Appointments, Elections.**
  - 1. (2014-A030) ORDER, Reappoint Inspector of Buildings. (Councilor O’Connell)
  - 2. (2014-A031) ORDER, Reappoint Inspector of Plumbing. (Councilor Uhlenhake)

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- 3. (2014-A032) ORDER, Reappoint Harbor Master. (Councilor Vachon)
- 4. (2014-B012) RESOLVE, Confirm City Manager's Appointments of Constables. (Councilor Ferris)

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

**G. New Business.** (no items)

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

**I. ADJOURN.**

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**A. Minutes of February 11, 2014 Regular Meeting**

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

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

2014-B009

March 4, 2014

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

filed February 26, 2014  
by Jerry Goss

**WHEREAS**, the Brewer Water Department was established as a City Department on September 11, 2002; and

**WHEREAS**, the department provides water for more than 3,700 residential and business customers; and

**WHEREAS**, the department produces more than 286 million gallons of drinking water annually; and

**WHEREAS**, the department also supplies regional drinking water for part of the Town of Eddington, the Town of Orrington, and the Town Holden; and

**WHEREAS**, this department ensures the City of Brewer is in full compliance with the Maine Drinking Water Program and the Environmental Protection Agency's rules and regulations for safe drinking water standards; and

**WHEREAS**, the staff serves the citizens of Brewer by providing superior quality drinking water and the department has won multiple awards for best tasting drinking water; and

**WHEREAS**, the staff services and maintains 489 fire hydrants for use by the Fire Department; and

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**WHEREAS**, the staff are diligent in their efforts to maintain its infrastructure, while being proactive in addressing future needs and growth in demands for water; and

**WHEREAS**, the staff strives to establish professional standards of conduct and service excellence, which supports and enhances the quality of life for our citizens and businesses;

**NOW, THEREFORE, BE IT RESOLVED**, that the Brewer City Council, on behalf of the Citizens of Brewer herewith recognizes and commends the Brewer Water Department and its staff for outstanding and dedicated service to the Citizens of the City of Brewer.

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

Mayor Goss read the resolve into record while presenting a plaque with the resolve on it to Water Department Superintendent Rodney Butler and his staff. Mayor Goss complimented the department on the quality and price of the water.

Rodney spoke about the dedication of his staff and that they are always available when he calls on them for obligations.

Councilor O'Connell spoke about the public speaking highly of the quality of the water.

Councilor Ferris spoke of his pride of the department and the watershed.

Councilor Uhlenhake spoke of her tour of the department and her amazement of it.

Councilor Vachon spoke of how his family used to bottle the water and take it with them when they would go somewhere.

The resolve was adopted by unanimous vote.

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2014-B010

March 4, 2014

**TITLE: RESOLVE, RECOGNIZE COMPANIES AND VOLUNTEERS  
FOR THEIR CONTRIBUTIONS TO THE 2014  
WINTERFEST CELEBRATION.**

filed February 26, 2014  
by Matthew Vachon

**WHEREAS**, the City of Brewer held the 2014 Winterfest community celebration event on Saturday, February 22, 2014; and

**WHEREAS**, the Winterfest Planning Committee, with the help of businesses, organizations and volunteers held a very successful Winterfest Celebration; and

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**WHEREAS**, Winterfest 2014 was completed at no cost to the Brewer taxpayer as a result of generous donations of valuable time, supplies and funds from local businesses, organizations and volunteers;

**NOW, THEREFORE, BE IT RESOLVED**, that the Brewer City Council herewith recognizes and commends the Winterfest Planning Committee, the volunteers and all the local businesses and organizations that contributed to the phenomenal success of the 2014 Winterfest community celebration.

**Donations:**

Brewer Federal Credit Union  
City of Brewer, Maine  
Bangor Savings Bank  
Joel A. Dearborn, Sr., Esq., P.A.  
Joseph L. Ferris, Esq.  
Green Thumb Lawn Service

**In-Kind:**

Brewer Kiwanis  
Darling's Photo Booth  
D.R. Disc Golf  
Hannaford  
Lil' Leapin' Lizard Bounce House Rentals  
Kevin J.M. O'Connell  
Penobscot Ice Arena  
Tim Horton's  
Vacationland Inn

**Winterfest Participants/Vendors**

Bangor Area Recovery Network  
Brewer Area Food Pantry/OHI  
Brewer Comprehensive Planning Committee  
Brewer Fire Department  
Brewer Historical Society  
Brewer Parks and Rec  
Brewer Police Department  
Brewer Public Library  
Brewer School Department  
Ellen Fisher (FAM/BCSC)  
Maine Republican Women  
Morgan Hill Dance Team

**Planning Committee**

Jen Brooks  
Nicole Gogan  
Jerry Goss  
T.C. Hanna  
Leeanne Hewey  
Jen Jalbert  
Gail Kelly  
Mike Legasse  
Steve Wong

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

Councilor Vachon read the resolve into the record and stated that the individuals/companies that donated have received a thank you letter. Others will receive a copy of the resolve if they choose.

Councilor O'Connell spoke about how the festival was a success for the City. He also thanked the individual departments for their involvement.

Councilor Uhlenhake spoke about how her children had a great time.

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Mayor Goss thanked all the participants and encouraged involvement for next year. He also thanked Nicole Gogan for her involvement in making sure the festival was a success.

The resolve was adopted by unanimous vote.

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**PUBLIC COMMENTS**

Sid Winchester of 42 Maple Street spoke to the Council about concerns he has over the Public Works Department. He asked why Spring cleanup no longer exists and why there is a fee every time he goes to the Transfer Station. He also had a concern about plowing, filling of pot holes, and coffee breaks of the department when equipment is left running using gas.

City Manager Bost asked Public Works Director David Cote to speak to Mr. Winchester's concerns. Each of the items were addressed by David Cote and explained why certain routines are conducted the way they are.

Mayor Goss asked if City Manager Bost and Public Works Director David Cote would meet to get any more information to Mr. Winchester if needed. City Manager Bost reminded everyone that this past winter has been very tough on the City resources and budgets were maxed out. He also stated he is aware of each department and is not concerned with his department heads decisions.

Councilor Ferris stated that the Council was the one who decided to eliminate the roadside Spring Cleanup (due to budget constraints) and that decision had nothing to do with Public Works.

Councilor O'Connell spoke of his personal experience with taking breaks at his place of employment and had no concern of how those were being done here.

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Councilor Uhlenhake stated that she was to attend the National League of Cities next week with the Director of Economic Development. She also encouraged everyone to read the recently released Federal Issues Paper on the Maine Municipal website.

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Councilor O'Connell spoke of his experience riding with the Ambulance Crew and how commendable their service to the citizens of Brewer was.

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**C. Consent Calendar.**

**ACTION:** Councilor Uhlenhake removed order 2014-A024 from the consent calendar.

Councilor Vachon moved that the orders on the consent calendar with the

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with the exception of A024 have passage and that the resolve be adopted.  
The motion was seconded and passed by unanimous vote.

2014-A022

March 4, 2014

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

filed February 26, 2014  
by Joseph Ferris

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

NOW, THEREFORE WE, the Brewer City Council, does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$577,928.47** 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 |
|---------------|---------------------|----------|
| March 2014    | \$571,836.91        |          |
| December 2013 | \$ 1,923.23         |          |
| January 2014  | \$ 1,384.27         |          |
| February 2014 | \$ 2,784.06         |          |
| Total         | <b>\$577,928.47</b> |          |

FURTHER, IT IS ORDERED, that a detailed commitment of the **\$577,928.47** 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.

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2014-A023

March 4, 2014

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

filed February 26, 2014

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by Kevin O'Connell

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 **\$509,917.64** 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

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

| EVENT         | COMMITMENT          | COMMENTS |
|---------------|---------------------|----------|
| March 2014    | \$494,238.05        |          |
| December 2013 | \$6,012.11          |          |
| January 2014  | \$2,495.88          |          |
| February 2014 | \$7,171.60          |          |
| <b>Total</b>  | <b>\$509,917.64</b> |          |

FURTHER, IT IS ORDERED, that a detailed commitment of the **\$509,917.64** 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.

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2014-A024

March 4, 2014

TITLE: ORDER, AWARD CONTRACT FOR FY2014 RESURFACING  
OF CITY STREETS.

filed February 26, 2014  
by Beverly Uhlenhake

WHEREAS, bids have been publicly solicited for Annual Paving Services for City Streets; and

WHEREAS, these bids have been received and evaluated by the City Engineer and the Public Works Director, both of whom recommend awarding the contract; and

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NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to execute a contract with \_\_\_\_\_ of \_\_\_\_\_ in an amount not to exceed \$530,000.00 for FY2014 resurfacing of City streets and to sign any and all documents required to do so; and

FURTHER ORDERED that the City Council of the City of Brewer herewith exercises its authority under Section 404 of the City's Purchasing Ordinance, Chapter 36 of the Charter, Codes and Ordinances of the City of Brewer in the purchase of contractor services for this project; and

BE IT FURTHER ORDERED, that costs for services provided pursuant to this contract shall be charged to the following FY2014 CIP accounts as appropriate:

|                |                           |              |
|----------------|---------------------------|--------------|
| 0510113-551311 | Paving                    | \$170,000.00 |
| 0510113-551310 | General Road Construction | \$ 35,000.00 |
| 0510113-551399 | Day Road Resurfacing      | \$200,000.00 |
| 0510113-551601 | Wiswell Road Overlay      | \$125,000.00 |

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

Councilor Uhlenhake moved that the blanks in the order be filled in with B & B Paving of Hermon Maine. The motion was seconded and passed by unanimous vote.

Councilor Uhlenhake moved that the order have passage as written with the blanks filled in. The motion was seconded and passed by unanimous vote.

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2014-A025

March 4, 2014

**TITLE:** ORDER, AUTHORIZE THE CITY MANAGER TO ACCEPT AND USE FUNDS FOR THE 2014 STREAM CLEANUP PROGRAM.

filed February 26, 2014  
by Matthew Vachon

WHEREAS, the City of Brewer will hold its Stream Cleanup on May 10, 2014 with a date of May 17, 2014 as the rain date; and

WHEREAS, a number of private companies and individuals have or will donate monies, materials and supplies for this event in order to make it more successful for the citizens of Brewer;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer the City of Brewer

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authorizes the City Manager and the Finance Director to accept donations in support of the City's Annual Stream Cleanup event to be held on May 10, 2014; and

FURTHER ORDERED, that any donations of funds be deposited in an account as determined by the City Finance Director and expended from that account for the purpose of such donation; and

FURTHER ORDERED, that the Director of Environmental Services, on behalf of the City Council, take appropriate steps to recognize the companies and individuals who made contributions to this event for their generosity and commitment to the quality of life of residents of the City of Brewer.

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2014-A026

March 4, 2014

TITLE: ORDER, AWARD 3 YEAR CONTRACT FOR STREET LINE  
PAINTING.

filed February 26, 2014  
by Joseph Ferris

WHEREAS, the City of Bangor has utilized their option to extend their street line painting contract for an additional three years; and

WHEREAS, Bangor's current contractor, Fine Line Pavement Striping of Hermon, Maine is willing to allow the City of Brewer to ride on the same contract; and

WHEREAS, the unit prices being offered are moderately lower than Brewer's prior two years striping contract through the same contractor; and

WHEREAS, the City is unlikely to see any better pricing through the formal bid process;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith accepts the offer from Fine Line Pavement Striping, through the City of Bangor and authorizes the City Manager, or his Designee, to authorize a purchase order and payment to Fine Line Pavement Striping the amount of \$23,528.34 per year, for the next three years for striping services; and

FURTHER ORDERED that the City Council of the City of Brewer herewith exercises its authority under Section 404 of the City's Purchasing Ordinance, Chapter 36 of the Charter, Codes and Ordinances of the City of Brewer in the purchase of contractor services for this project; and

BE IT FURTHER ORDERED, that funds for this contract shall be annually charged to account 0116611-501044 titled "Contracted Services".

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2014-A027

March 4, 2014

TITLE: ORDER, AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE,  
TO ACQUIRE UNUSED CEMETERY LOTS IN CITY OWNED  
CEMETERIES AND ACCEPT THEM FOR CITY PURPOSES.

filed February 26, 2014  
by Kevin O'Connell

WHEREAS, the City of Brewer, hereinafter referred to as the "City", owns and operates cemeteries in the City; and

WHEREAS, the City has sold lots in said cemeteries; and

WHEREAS, from time to time the City is contacted by the owners of said cemetery lots so acquired to repurchase them; and

WHEREAS, it is in the City's best interest to repurchase said cemetery lots, so that they can be used by others;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to purchase unused cemetery lots in the City's cemeteries, when he, or his designee, deem it to be in the best interest of the City of Brewer; and

FURTHER, BE IT ORDERED, that the City Manager, or his designee, may take any and all actions and sign any and all documents to acquire said cemetery lots on behalf of the City; and

FURTHER BE IT ORDERED, that the City accepts said cemetery lots so acquired for municipal purposes consistent with the laws of the State of Maine and the rules, regulations and ordinances of the City.

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2014-A028

March 4, 2014

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

filed February 26, 2014  
by Beverly Uhlenhake

WHEREAS, the City of Brewer has received donations of \$250 from Joseph Ferris in support of the 2014 Winterfest Celebration held on Saturday, February 22; and

Whereas, the City also received \$21 from the sale of Winterfest mugs;

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NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts these donations and proceeds and directs that these funds be deposited in the Winterfest Revenue account (0200000-320000-57003); and

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

FURTHER ORDERED, that the City Clerk shall work with the Winterfest Committee to ensure that letters of acknowledgement and appreciation are sent to Joseph Ferris for his generous donations to this important community event.

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2014-A029

March 4, 2014

TITLE: ORDER, ACCEPT INSURANCE REFUND FROM MAINE  
MUNICIPAL ASSOCIATION

filed February 26, 2014  
by Matthew Vachon

WHEREAS, the City has received a refund of \$14,001.00 from the Maine Municipal Association's Workers Compensation Fund in recognition of the fund's and the City's positive performance in FY2013; and

WHEREAS, historically, the City has used insurance dividends to reduce the cost of current year premiums as well as to help fund Safety and Wellness Committee activities, which are an important part of Brewer's positive workers compensation claims experience; and

WHEREAS, the City wishes to also utilize a portion of the funds to capitalize the insurance deductible reserve, which the City holds to help offset unanticipated insurance deductible payments that may be required from time to time;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council hereby accepts the \$14,001.00 in workers compensation dividends and directs that \$3,000.00 of the proceeds be deposited into the Safety and Wellness Committee Reserve Revenue account (0200700-320000), which the City Council authorizes to be expended from the Safety and Wellness Committee Reserve Expense Account (0200700-520000) to support employee safety programs and initiatives;

BE IT FURTHER ORDERED, that the City Council hereby directs \$3,000.00 of the proceeds to be deposited into the City's Insurance Deductible Reserve account (02000000-320000-62001) and authorizes the expenditure of these funds on unanticipated insurance deductible payments; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the remaining \$8,001 be applied as follows to reduce current year premium expense:

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|            |   |
|------------|---|
| \$6,705    | 0117000-500800 City Workers Compensation Insurance  |
| 670        | 0717502-500800 Water Workers Compensation Insurance |
| <u>626</u> | 0817502-500800 Sewer Workers Compensation Insurance |
| \$8,001    |   |

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2014-B011

March 4, 2014

TITLE: RESOLVE, AMEND THE RULES AND REGULATIONS FOR BREWER MUNICIPAL CEMETERIES.

filed February 26, 2014  
by Joseph Ferris

RESOLVED, that the Rules and Regulations of the Brewer Municipal Cemeteries adopted by the Brewer Board of Cemetery Trustees on May 4, 1977 and approved by the City Council on May 9, 1977 and subsequently amended by said board and City Council on several occasions be herewith amended to read as follows:

*Note: overstrikes are deletions and underlines are the new additions to the rules and regulations.*

**RULES AND REGULATIONS  
OF THE  
BREWER MUNICIPAL CEMETERIES  
BREWER, MAINE  
1977**

Adopted by the Brewer Board of Cemetery Trustees on May 4, 1977.

Approved by the Brewer City Council on May 9, 1977.

\*amendments effective 6/23/83; 2/21/86; 2/1/91

\*\*amendment effective 9/22/83

\*\*\*Revised June 8, 1999

\*\*\*\*Revised December 30, 2003

\*\*\*\*\*Revised July 14, 2009

The municipal cemeteries are under the supervision of the Brewer Parks, Recreation, and Cemeteries Department. Offices are located at the Brewer Auditorium, 318 Wilson Street, Brewer, ME. 04412

Contact: John Mackie - Parks & Cemeteries Superintendent, 989-5199  
David Hart - Parks & Cemeteries Foreman, 989-5199

**FORWARD**

It is the desire of the City to make the Brewer Municipal cemeteries a quiet, beautiful resting place for the deceased and where a sense of repose will be obtained by dignified landscape effects on a well maintained lawn. To secure these effects, the City has spent and will continue to expend considerable

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sums of money, but to preserve these effects will require the cooperation of every lot owner. Anything which would mar the general beauty and harmony of the cemeteries must be avoided. Peace and good order must prevail, and the sacredness of the place be maintained at all times. It is to this end that these rules and regulations have been made effective, and the suggestions as contained herein offered.

**PURCHASE OF LOTS**

Persons desiring to purchase a lot in the cemeteries are referred to the Cemetery Superintendent. The Superintendent will have available maps showing size and price of lots and such other information as may be required and will be pleased to render assistance to those desiring to make a lot purchase. Upon having made a lot selection, the Superintendent will issue a **deed request to the Office of Parks & Recreation** ~~lot order to the prospective purchaser, who will present such order at the office of the Cemetery department in City Hall,~~ where the lot sale will be made and deed issued **by the Director of Parks & Recreation.** The Cemetery Superintendent or his/her representative may act as the Agent of the City Treasurer whenever necessary.

**OWNERSHIP AND TITLE OF LOTS**

The terms "Lot Owner" or "Ownership" shall be construed to mean the rights to use a lot or part of a lot, as purchased from the City for a consideration for burial purposes only and under the rules and regulations as prescribed by the City for such use.

Upon full payment of the purchase price of a lot, the City will issue a Cemetery deed under its seal, and the deed will be recorded in the records of the City as evidence of ownership of the lot.

All burial rights in cemetery lots purchased from the City occupy the same position as real estate at the death of the owner. Only such persons as names appear on cemetery records of the City will be recognized as owners or part owners of the lots. In case of the death of a lot owner, when the cemetery lot is disposed of by will, a certified copy of the will **that was allowed to probate** must be delivered to the Cemetery Superintendent before the City will recognize the change in ownership. If the deceased lot owner left no will, a certified copy of the proof of heirship made in the ~~District Court~~ **Probate Court** having jurisdiction in an intestacy proceedings ~~must~~ may be presented. Lot owners in making their wills should include the cemetery lot and will it to one or more persons.

In lieu of the foregoing, the Cemetery Superintendent may accept a notarized affidavit from a person having knowledge of the family history, as to heirship and the ownership of the unused cemetery lot(s).

The title to a cemetery lot invests in the owner the right to use such lot for burial purposes only, for themselves, their heirs or for any such persons as they choose to admit, provided such admission is free of charge and without compensation and in accordance with the Cemetery Rules and Regulations.

No owner or proprietor of any lot or lots located in Brewer Cemeteries, or the representative of such an owner or proprietor as defined under the provisions of the section, shall sell, transfer and /or convey any interest in such lot or lots for any consideration without first, offering in writing to convey the same to the City of Brewer for the amount which the record of the City of Brewer shall disclose as the total consideration which the City of Brewer received for said lot or lots. If, upon the expiration of sixty days from the receipt of said offer, then in the event such sale, transfer or conveyance of said lot or lots may be made to any third party provided always that the new owner shall remain expressly subject to the Rules and Regulations of the City of Brewer now or hereafter in force and to the provisions of the Statutes of Maine now or hereafter in force.

The City of Brewer shall not recognize or accept any liability of any lot sale or transfer not duly reported to the office of the Cemetery Department with a duly notarized deed and recorded in the Penobscot County Registry of Deeds.

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**CARE OF LOTS**

All cemetery lots in the Brewer Municipal Cemeteries may be provided with perpetual or endowed care, and all future lots sales shall be made with perpetual or endowed care at the rates herein specified. Owners of lots or other interested persons may secure perpetual or endowed care of lots in the older portions of the cemeteries by payment to the City of the perpetual or endowed care charge at the rates specified herein.

The Term "Perpetual or Endowed Care" shall be construed to mean the obligation which the City assumes to expend each year the net annual income on the "Perpetual or Endowed Care" endowment set aside for the lot in furnishing such care for the lot as mowing grass and raking and cleaning lots.

It is understood that such expenditures shall be made at the discretion and under the direction of the officer of the City in charge of the Cemetery and that the City shall not be bound to make and separate investment of the sum of money set aside as the perpetual or endowed care fund of the city the proceeds there from used by the City in a manner as heretofore provides. Nothing herein shall be construed as modifying and existing contracts as to perpetual or endowed care.

~~An "Annual Care" charge as provided herein will be made by the City on those lots in the older portions of the Cemeteries which are not at present under perpetual or endowed care or when the annual care charge has not been paid in advance.~~

~~"Annual Care" includes the regular mowing of the lot, trimming around monuments and markers, fertilizing when necessary and pruning trees and shrubs, except hedges. Charges for annual care are based upon the size of the lot and are payable in advance.~~

**PRIVILEGES AND RESTRICTIONS**

No mounds shall be raised upon any grave above the general level of the lot. Mounds are difficult to maintain, as the sod grows in an unnatural position and is easily injured by heat, drought and frost. The City reserves the right at any time to remove unsightly mounds and to resod the grave at the general level of the lot.

No hedges, fences or enclosures of any kind will be permitted on or around lots. Window boxes, urns or other similar containers kill the grass and should not be used and will not be allowed after seven days following Memorial Day, at which time they will be removed without notice. Artificial decorations will be allowed only from November 1st to seven days following Memorial Day. ~~At Woodlawn Cemetery, fresh flowers in sunken vases only, will be allowed anytime.~~ At Oak Hill, Woodlawn and North Brewer Cemetery (Day Road), fresh flowers in vases are allowed anytime, as are plants in beds adjacent to upright monuments.

All general maintenance and all work on lots ~~paid by perpetual care or annual care payments~~ will be done by the City, but it is desired that each lot owner feel free to consult with the Superintendent in charge of the Cemeteries at all times. His advice and assistance will be cheerfully given (without charge) and may be of much value to those contemplating the purchase of monumental work or of making lot improvements.

The City reserves the right for its staff and those persons necessary to the performance of normal cemetery operation to enter upon and cross over any lot in the Cemeteries in the performance of such duties.

The City or its employees assume no liability for damage, or actual or mental anguish, in the performance of normal operations, or loss by vandalism or other acts beyond reasonable control.

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**RULES FOR VISITORS**

The Cemeteries will be open to visitors at all times between the hours of 7:00 a.m. and sunset. Permission to enter the cemeteries at any other time must be obtained from the Superintendent. Any person found on the grounds after dark will be considered a trespass.

Children under fourteen years of age will be admitted only when accompanied by parents or guardians.

Persons or picnic parties with refreshments will not be admitted. ~~Dogs will not be allowed in the Cemeteries.~~ Dogs are allowed in cemeteries under leash and owner is responsible for immediate pickup of all waste.

Firearms will be allowed in the Cemeteries only at military funerals and at official celebrations such as Memorial Day, Veterans Day, etc.

Snowmobiles, motorbikes, bicycles, and all off-highway vehicles will not be allowed in the Cemeteries. Visitors are required to use the walks and drives at Oak Hill and North Brewer Cemeteries. The picking of any flowers (either wild or cultivated) or injury to any shrub, tree or plant or the marring of any monument, stone or structure in any Brewer cemetery is ~~forbidden.~~ prohibited.

All persons are reminded that the grounds are sacredly devoted to the burial of the dead and that the provisions and penalties of the law, as provided by state statute, will be strictly enforced in all cases of wanton injury, disturbance and disregard of the rules.

**INTERMENTS**

All interments in lots shall be restricted to members of the family. Permission in writing from a lot owner must accompany all requests for permits to bury persons not members of the immediate family. Such permission shall not be for remuneration.

All graves shall be opened and closed by the City under the direction of the Superintendent.

A charge for opening and closing a grave and the sodding and seeding of such grave will be made as provided herein, which charges shall be paid in advance of interment.

The lot owner or funeral director shall designate the location of the grave on the lot to the Superintendent and any change of location made after the opening of the grave has begun shall be at the expense of the lot owner. The Cemetery Superintendent shall be given twenty-four hours' notice for the opening and preparation of the grave prior to the interment. An additional charge as provided herein shall be made for service on Saturday.

The interment of two bodies in a single grave space will not be allowed, except in the case of mother and infant, or twin children, or two children buried at the same time, or two cremated remains. No interment of anybody other than that of a human being will be permitted.

In all interments the casket shall be enclosed in a permanent outside container. The following are considered outside containers: Concrete boxes, concreted, copper or steel burial vaults, and sectional concrete crypts.

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The Superintendent or his representative is expected to attend every interment to see that the rules and regulations are observed.

As soon as flowers, wreathes, emblems, etc., used at funerals, or placed on graves at other times, become unsightly and faded, they will be removed and no responsibility for their protection or maintenance is assumed.

The Superintendent of Cemeteries shall have the authority to determine the date for closing all cemeteries when interments are no longer feasible in winter months. The Superintendent shall also determine spring opening date when grounds are suitable for interments.

### REMOVALS

Removal of bodies from graves in the Cemeteries will only be made by the City in Accordance with the requirements of the Statutes of the State. Charges made by the City for removal will be made in accordance with the difficulty of the work and are payable in advance.

Owners or their heirs desiring graves opened shall secure the necessary disinterment permit from the City Clerk and deliver the same to the Superintendent. All removals will be made by the City under the supervision of a licensed funeral director, with the exception of cremains where Cemetery Department staff will be present.

Any markers or monuments designating the location of an interment shall be removed at the time a disinterment is made.

### STONE AND MONUMENTAL WORK

All stone and monumental work shall be subject to the following regulations and requirements:

All memorial foundations shall be placed on solid ground not included in actual grave space except where grave liner is permanent type and of sufficient strength to support weight of foundation and memorial.

The setting of monuments, stones and markers and the transportation of all tools, materials, etc., within the Cemetery grounds shall be subject to the supervision and control of the Superintendent. Heavily loaded vehicles will not be permitted within the cemeteries when in the opinion of the Superintendent such vehicles might cause injury to the driveways.

Except when special permission is obtained, all work as outlined above shall be performed during daylight hours Monday thru Friday.

Stone or monumental work will not be permitted on a lot until the lot is fully paid for, and the City reserves the right to refuse permission to erect any monumental work not in keeping with the good appearance of the grounds.

Markers shall be placed at the head of a grave as plotted. No more than one marker shall be placed at any one grave. No marker shall embrace two or more graves unless all graves are on the same lot and owned by one person.

Oak Hill Cemetery and North Brewer Cemetery (Day Road) have unrestricted monument privileges, which permit the erection of monuments or grave markers of any selected size and design. Lots in

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Woodlawn Cemetery, sections A, B, C, and Urn Garden are restricted to flush markers only. The following stone sizes are allowed in the new section (D): 2 grave lot: 3'6" L x 1'2" W (maximum) with a maximum height of 3' (ground to top of monument); 4 grave lot: 4'6" L x 1'2" W (maximum) with a maximum height of 3" (ground to top of monument).

~~At Woodlawn Cemetery, foundations may be placed under markers but only after burial has been made. In the case of double markers, foundations may be installed only after both burials have been completed. Foundations may be installed under the direction of the Superintendent.~~

Care of the markers will be the responsibility of the lot owner. Any leveling or raising of markers will be done by the City upon written request of the lot owner to the Superintendent. Work will be done with due diligence and care. However, the City assumes no liability for damage or injury to markers while being raised or leveled.

FLUSH MARKERS: All markers shall be set so that the top is flush with the ground.

### **TREES, SHRUBS, AND FLOWERS**

All general maintenance in the Cemeteries will normally be done by the City, but lot owners may feel free at any time to consult with the Superintendent regarding matters pertaining to permissible plantings or the general care and upkeep of lots.

No person will be permitted to trim, prune or remove branches from any tree or ornamental shrub in the Cemeteries except on his own lot. All work of pruning or trimming trees and shrubs shall be done by the Superintendent or under his direction. Upon request, the Superintendent will do any pruning needed without charge.

Permission to plant trees or shrubs on lots shall in all cases be obtained from the Superintendent and the City reserves the right to remove any tree, shrub or vine, or any part thereof which may become unsightly, dangerous or not in keeping with the landscape design. Many plants, especially vines, interfere with the proper care of the lots and graves and injure the grass. Such plants will be removed when found interfering with adjacent lots. All flowerbeds will be cleaned of tender plants after the first frost in the fall.

At Oak Hill and North Brewer Cemeteries, individual lot plantings must be placed adjacent to the monument and may not exceed five percent of the total lot area or 10 square feet, whichever is less.

The Cemetery Board reserves the right to amend and modify or make additions to these rules and regulations at any time without notice.

### **FEES, CHARGES, AND PAYMENTS**

The payment of all fees and charges shall be made at the office of the ~~Cemetery Clerk in the City Hall~~ Parks & Recreation Department or to the Superintendent and receipts will be issued for all amounts paid. Checks are to be made payable to the City of Brewer.

The following schedule of fees and charges is in effect and applicable to all portions of the Brewer Municipal Cemeteries, with the exception of the new section in Woodlawn. These fees and charges are subject to change without notice at such time as the City may deem necessary. New lots are available only at Woodlawn Cemetery.

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|                                      |                |            |
|--------------------------------------|----------------|------------|
| Lot price per single grave           | Perpetual Care | Total Cost |
| \$245.00                             | \$105.00       | \$350.00   |
| Lot price in New Section of Woodlawn | Perpetual Care | Total Cost |
| \$630.00(2 graves, 1 lot)            | \$270.00       | \$900.00   |

\*Interments

The following fixed charges will be made by the City for opening all graves, which charges includes the opening of the grave, removal of excess material, refilling and sodding.

|                    | Burial on Weekdays               | Burial on Saturdays Only          |
|--------------------|----------------------------------|-----------------------------------|
| Earth burials      | \$400.00                         | <del>\$550.00</del> <u>600.00</u> |
| Burial of cremains | <del>-150.00</del> <u>175.00</u> | <del>-250.00</del> <u>275.00</u>  |

Sunday or Holiday Burials: There will be no burials on Sunday or City holidays.  
After 3 PM: Any weekday service that is scheduled after 3 PM, the weekend rates will apply.

Disinterment: Charges for opening graves to permit removal will be made in accordance with the difficulty of the work and are payable in advance. A minimum charge of ~~\$500.00~~ 550.00 will be made for full grave disinterment. Disinterment of cremains; \$175.00. Entombment: There will be no charge for residents and to those being buried in Brewer Cemeteries. ~~A charge of \$20.00 to non-residents for those buried outside of the City of Brewer Cemeteries.~~

**\*\* WOODLAWN MEMORIAL PARK  
URN GARDEN**

An Urn Garden has been established at Woodlawn Memorial Park and has lots available for the burials of cremains.

The price of these lots is ~~\$180.00~~ 200.00 per lot, ~~\$126.00~~ 140.00 to be credited to the General Fund and ~~\$54.00~~ 60.00 to be credited to the Perpetual Care Account. The size of these lots is 24" x 24".

Markers for these lots may be of bronze or granite. If bronze, they must be attached to either a 4" thick granite or a 4" thick cement slab, matching dimensions of the marker installed. If granite, it must be 4" thick.

All other rules and regulations pertaining to the City of Brewer cemeteries will prevail.

Chapter 14, Section ~~107-~~ 104.1 of the City of Brewer Charter, Codes, and Ordinances.

Notwithstanding any of the foregoing or any rules and regulations adopted by the Board of Cemetery Trustees, in ground seasonal flowers may be planted within 8 inches of any grave marker in the Woodlawn Cemetery. The city reserves the right to disturb said flowers as necessary for burials and for cemetery maintenance. The City shall not be responsible for replacement of flowers so disturbed. Any flowers that become unsightly may also be removed.

Per order of the Brewer City Council 5-12-92

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**D. Monthly Reports.**

There were no items.

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

2014-A030

March 4, 2014

TITLE: ORDER, REAPPOINT INSPECTOR OF BUILDINGS.

filed February 26, 2014  
by Kevin O'Connell

WHEREAS, Title 25 M.R.S.A. § 2351 provides that the municipal officers shall annually, by the month of April, appoint an Inspector of Buildings; and

WHEREAS, Benjamin Breadmore is the Brewer Code Enforcement Officer for the City of Brewer; and

WHEREAS, it is the sense of the Brewer City Council that the Code Enforcement Officer performs as part of his duties Inspector of Buildings;

NOW, THEREFORE, BE IT ORDERED that Benjamin Breadmore is herewith reappointed to the position of Inspector of Buildings for the City of Brewer for a term commencing April 1, 2014 and expiring March 31, 2015.

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

\*\*\*

2014-A031

March 4, 2014

TITLE: ORDER, REAPPOINT INSPECTOR OF PLUMBING.

filed February 26, 2014  
by Beverly Uhlenhake

ORDERED, that Benjamin Breadmore is herewith reappointed Inspector of Plumbing for the City of Brewer for a term of one year commencing on April 1, 2014 and expiring on March 31, 2015.

FURTHER ORDERED, that the City Clerk notify the Maine Department of Human Services of this appointment.

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

\*\*\*

2014-A032

March 4, 2014

**TITLE:** ORDER, REAPPOINT HARBOR MASTER.

filed February 26, 2014  
by Matthew Vachon

ORDERED, that Gerald Ledwith is herewith reappointed Harbor Master for the City of Brewer for a one year term commencing April 1, 2014 and expiring March 31, 2015.

*NOTE: Mr. Ledwith also serves as Bangor's Harbor Master*

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

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2014-B012

March 4, 2014

**TITLE:** RESOLVE, CONFIRM CITY MANAGER'S APPOINTMENTS OF CONSTABLES.

filed February 26, 2014  
by Joseph Ferris

RESOLVED, that the City Council herewith confirms the City Manager's appointments of the following constables for the City of Brewer for terms of one year each commencing April 1, 2014 and expiring March 31, 2015:

Public Safety Director Perry Antone  
Deputy Police Chief Jason Moffitt  
Lieutenant Chris Martin  
Cpl. Levi Sewall  
Sgt. Jay Munson  
Sgt. Nelson Feero  
Benjamin Breadmore, Code Enforcement Officer  
Dan Joy, Animal Control Officer  
Gerald Ledwith, Harbor Master

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

\*\*\*

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**F. Unfinished Business.**

There were no items.

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**G. New Business.**

There were no items.

\*\*\*

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

There were no items.

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**I. Adjourn.**

Mayor Goss said he would accept a motion for adjournment.

**ACTION:** Councilor Ferris moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting adjourned at 6:40 p.m.

**ADJOURNED, ATTEST:** \_\_\_\_\_ Christine M. Landes

Deputy City Clerk

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

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