

CITY COUNCIL REGULAR MEETING
Tuesday, May 9, 2017 6:00 P.M.
Brewer City Hall Council Chambers

- I. Call to Order.** (Mayor O’Connell)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America.**
(Mayor O’Connell)
- A. Minutes of March 28, 2017 Regular Meeting.** (Councilor Uhlenhake)
- B. Awards, Petitions, Public Comments.**
 - 1. (2017-B004) RESOLVE, Congratulate the Brewer Community School Jazz Band for Their Outstanding Accomplishments at the 2017 MMEA Middle School State Jazz Festival. (Mayor O’Connell, Councilors Goss, Vachon, Ferris and Uhlenhake)
 - 2. PROCLAMATION: Proclaiming May, 2017 Revive Civility Month (Mayor O’Connell)
 - 3. PROCLAMATION: Maine Composts Week. (Mayor O’Connell)
 - 4. PRESENTATION: Revision Energy – Solar Presentation (Karen Marysdaughter and James Manzer)
 - 5. Public Comments.
- C. Consent Calendar.**
 - 1. (2017-A065) ORDER, Accept Donation to the Brewer Public Library. (Councilor Vachon)
 - 2. (2017-A066) ORDER, Accept Donations to the Brewer Public Library. (Councilor Goss)
 - 3. (2017-A067) ORDER, Accept Donation to the Brewer Public Library. (Councilor Uhlenhake)
 - 4. (2017-A068) ORDER, Issue Release Deed to Wayne A. Parlee, Successor of Anna Parlee, for Property Located at 5 Soucie Lane (Tax Map 26, Lot 59). (Councilor Ferris)
 - 5. (2017-A069) ORDER, Issue Release Deed to Rustin W. Chute and Randolph W. Chute for Property Located at 25 Stone Street (Tax Map 22, Lot 104). (Councilor Vachon)
 - 6. (2017-A070) ORDER, Issue Release Deed to Brian A. Crawford for Property Located at 179 Wilson Street (Tax Map 29, Lot 105). (Councilor Goss)
 - 7. (2017-A071) ORDER, Issue Release Deed to David A. Weston and Joyce M. Weston for Property Located at 88 Elm Street (Tax Map 21, Lot 66). (Councilor Uhlenhake)
 - 8. (2017-A072) ORDER, Issue Release Deed to Joshua C. McAuliffe, Successor of Jennifer Aiguier, for Property Located at 39 Burr Street (Tax Map 28, Lot 117). (Councilor Ferris)

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9. (2017-A073) ORDER, Issue Release Deed to John H. Doherty and Joyce A. Doherty, for Property Located at 27 Chapman Street (Tax Map 34, Lot 28). (Councilor Vachon)
10. (2017-A074) ORDER, Issue Release Deed to John McClare, for Property Located at 26 Alan-A-Dale Road (Tax Map47, Lot 33). (Councilor Goss)
11. (2017-A075) ORDER, Authorize Agreement with Laureen Churchill Coutts for Payment of Tax and Sewer Liens, Past Due Sewer and Water Bills and Current and Future Taxes, Sewer and Water on Property at 64 Parkway North, Brewer, Maine (Tax Assessor's Map 40, Lot 150). (Councilor Uhlenhake)
12. (2017-A076) ORDER, Authorize Agreement with Steven D. and Kelly K. Stratton for Payment of Tax and Sewer Liens, Past Due Sewer and Water Bills and Current and Future Taxes, Sewer and Water on Property at 52 Brimmer Street, Brewer, Maine (Tax Assessor's Map 29, Lot 34). (Councilor Ferris)
13. (2017-A077) ORDER, Award Contract for Appraisal Services for the Riverwalk Trail Phase 2 Project. (Councilor Vachon)
14. (2017-A078) ORDER, Accept Donation to the Brewer Parks and Recreation Department for Special Events. (Councilor Goss)
15. (2017-A079) ORDER, Authorize Purchase of a Replacement Pickup Truck for Public Works. (Councilor Uhlenhake)
16. (2017-A080) ORDER, Authorize Purchase of Rock Salt. (Councilor Ferris)
17. (2017-A081) ORDER, Accept Properties Recently Acquired Adjacent to Hardy Street for the Purpose of Constructing a Sidewalk and Dedicate Them as an Extension of the Existing Public Way. (Councilor Vachon)
18. (2017-A082) ORDER, Declare City Property Surplus and Authorize Sale of Surplus Materials. (Councilor Goss)
19. (2017-A083) ORDER, Award 3 Year Contract for Street Line Painting Contract. (Councilor Uhlenhake)
20. (2017-B005) RESOLVE, Prescribe Registrar of Voters Hourly Schedule for the June 13, 2017 City of Brewer School Budget Approval Election and State of Maine Referendum Election. (Councilor Ferris)

D. Monthly Reports. (Councilor Goss)

E. Nominations, Appointments, Elections.

1. Consent Calendar.

- a. (2017-B006) RESOLVE, Accept Resignation of Tammy M. Smith as a Member of the City of Brewer School Committee. (Councilor Vachon)
- b. (2017-B007) RESOLVE, Confirm City Clerk's Appointment of a Deputy City Clerk. (Councilor Goss)

F. Unfinished Business.

- 1. (2017-C004) Amend Chapter 28, "Brewer Sign Ordinance", Article 5, Schedule of Fees, Section 5.5, Direction Signs, of the City of Brewer Charter, Codes and Ordinances to add Language Creating a Committee Which Will Determine Each Location Individually. (Councilor Goss)

G. New Business.

1. Consent Calendar.

- a. (2017-C005) Amend Chapter 24, Entitled "Land Use Code" of the City of Brewer Charter, Codes and Ordinances, to Nullify an Existing Contract Zone Agreement Between Husson Park Limited Partnership and the City of Brewer Pertaining to Land at 34 Abbott Street (Tax Map 27, Lot 32) and to Change a Portion of Industrial (IND) and High Density Residential (HDR) Zoning Districts to Convenience Business (CB) Zoning District for the Three Entire Properties Located on 17, 19, and 34 Abbott Street (Map 27, Lots 32, 33 and 34). (Councilor Vachon)
- b. (2017-C006) Amend Chapter 24, Entitled "Land Use Code" of the City of Brewer Charter, Codes and Ordinances, to Change a Portion of Industrial-2 (IND-2) Zoning District to Medium Density Residential-2 (MDR-2) Zoning District Off Airport Road (Tax Map 11, Lot 21A and a Portion of Lot 21B). (Councilor Goss)

- c. (2017-C007) Amend Chapter 24, Entitled “Land Use Code” of the City of Brewer Charter, Codes and Ordinances, Article 4, Performance Standards, to Add Section 439 Stormwater Management and Section 440, Erosion Control; Article 6, Site Plan Review, Section 606, Required Information, Subsection 606.1, Information For all Submissions and Subsection 606.2, Additional Information Required for Major Developments, Section 607, Standards Governing Site Plan Review, Subsection 607.3, Erosion and Subsection 607.4 Stormwater; Article 7, Subdivision Review, Section 707, Subdivision Application, Exhibits and Plans, Subsection 707.2.2, Information on Proposed Development, Section 710, Performance Standards, Subsection 710.5, Soil Erosion, Subsection 710.15, Stormwater Management and Section 711, Design Guidelines, Subsection 711.5, Stormwater Management Design Guidelines; Article 14, Definitions.
(Councilor Uhlenhake)
- d. (2017-C008) Amend Chapter 19, Entitled “Traffic Code”, Article 3, Stopping, Standing, and Parking, Section 315, Schedule C, (No Parking At Any Time), South Main Street, Items #3, of the City of Brewer Charter, Codes and Ordinances. (Councilor Ferris)
- e. (2017-C009) Amend Chapter 3, Entitled “The City Clerk”, Section 104, Annual Evaluation of the City of Brewer Charter, Codes and Ordinances. (Councilor Vachon)
- f. (2017-C010) Amend Chapter 22, Entitled “Solid Waste & Recycling Ordinance” of the City of Brewer Charter, Codes and Ordinances by Complete Substitution of the Ordinance.
(Councilor Goss)
- g. (2017-C011) Amend Chapter 36, Entitled “Purchasing” of the City of Brewer Charter, Codes and Ordinances by Complete Substitution of the Ordinance. (Councilor Uhlenhake)
- 2. (2017-A084) ORDER, Convene in Executive Session Pursuant to Title 1, M.R.S.A. §405(6)(E) on a Legal Matter.
(Councilor Goss)

H. New Items with Leave of Council.

I. ADJOURN.

A. Minutes of March 28, 2017 Regular Meeting.

ACTION: Councilor Uhlenhake moved that the minutes be accepted and placed on file. The motion was seconded and passed with 4 to 0 vote.

B. Awards, Petitions, Public Comments.

2017-B004

May 9, 2017

TITLE: RESOLVE, CONGRATULATE THE BREWER COMMUNITY SCHOOL JAZZ BAND FOR THEIR OUTSTANDING ACCOMPLISHMENTS AT THE 2017 MMEA MIDDLE SCHOOL STATE JAZZ FESTIVAL.

filed May 3, 2017
by Kevin O'Connell, Jerry Goss,
Beverly Uhlenhake, Matthew Vachon
and Joseph Ferris

WHEREAS, the Brewer Community School Jazz Band competed at the 2017 MMEA State Middle School Jazz Festival on March 25, 2017 at Stearns High School in Millinocket, Maine; and

WHEREAS, the group of 21 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 earned one of only two gold awards statewide in Division II; and

WHEREAS, Michael Desjardins received an outstanding musicianship trophy for a solo on guitar; and

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

WHEREAS, only five trophies are awarded statewide, and Brewer earned two of them; and

WHEREAS, all of the soloists earned outstanding musicianship certificates at both the District and State level; 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 Community School Jazz Band for earning perfect scores in the area of improvisation and programming and presentation and receiving excellent ratings in all categories, carrying on the tradition of excellence in Brewer; and

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 outstanding performance and achievements:

Grade 8

Brenna Wright
Tyler Kahkonen
Hanna Sabbagh
Adrienne Fitts
Destiny Grover
Chris Madore
Claire Warmuth
Cassandra Knowles
Abby Stroup

Grade 7

Kaleb Silva
Logan Pelletier
Ava Brody
Mackenzie Hanson
Michael Desjardins

Grade 6

Emma Matson
Erika Morrison
Emma Look
Elaina Fitts
Landon Fitts
Isabella Tanis
Kaleb Westman

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

Councilor Goss had Mrs. Nadeau and the students present come to the front of the council chambers where he read the resolve and presented them with a plaque. He said that these jazz band students were outstanding and everyone is extremely proud of them.

Councilor Uhlenhake said that she took her two girls, 1st graders, to a concert the jazz band had at the school and that they told her that the band was amazing. Thank you for being an inspiration to younger kids.

Chairman O'Connell said thank you to Mrs. Nadeau.

The resolve was adopted by a 4 to 0 vote.

CITY OF BREWER, MAINE PROCLAMATION PROCLAIMING MAY, 2017 REVIVE CIVILITY MONTH

WHEREAS, civility reduces rudeness, ridicule, and lack of respect for the open exchange of ideas; and

WHEREAS, civility improves our well-being, restores trust, and encourages Americans to participate in building a brighter future for generations to come; and

WHEREAS, civility assists in the process of working together to create lasting solutions to our most pressing challenges, while fostering respect among opposing groups; and

WHEREAS, community members should feel comfortable and respected while exploring worldviews outside their own;

NOW, THEREFORE, I KEVIN J. M. O'CONNELL, MAYOR OF THE CITY OF BREWER, MAINE, do hereby proclaim May, 2017 to be **REVIVE CIVILITY MONTH** in the City of Brewer, and encourage all of our citizens to exercise civility and respect toward each other.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brewer to be imprinted this ninth day of May, Two Thousand Seventeen.

Signed this ninth day of May, 2017

Kevin J. M. O'Connell, Mayor

ACTION: Chairman O'Connell read the proclamation and said that it would be placed in the minutes of the meeting.

PROCLAMATION Maine Composts Week

WHEREAS, solid waste costs are a significant part of the budget for municipalities across Maine; and

WHEREAS, approximately 40% of Municipal Solid Waste (MSW) is organic in nature, with 27% of total MSW being food scraps, which are dense, heavy materials adding to transportation costs; and

WHEREAS, stalled at about 37%, Maine still falls far short of the 50% recycling goal first established in 1989; and

WHEREAS, Maine presently diverts less than 10% of its available organic materials from landfills; and

WHEREAS, while reducing food waste at the source is most preferable, feeding hungry people first and foremost, on-site composting of food waste that cannot be avoided is an efficient and environmentally beneficial approach that can lower MSW transportation and disposal costs; and

WHEREAS, when composting is not practical, anaerobic digestion of food waste and other organics can be a cost effective method of processing that can produce energy and other high value products; and

WHEREAS, a collaboration of groups and individuals around the state is sponsoring the first MAINE COMPOSTS WEEK from May 7-13, 2017, an event for all of Maine which will promote reductions in unused food, sharing unserved food with those who are food insecure, and diverting unused food to composting and anaerobic digestion facilities, thus minimizing the amount being disposed of in landfills;

NOW, THEREFORE, I, **Kevin J.M. O'Connell**, Mayor of the City of Brewer, do hereby proclaim that May 7-13, 2017 be recognized as **Maine Composts Week** in Brewer;

AND FURTHER, I do hereby encourage all citizens and businesses to educate themselves on the topic of food waste and to participate in some of the many fun and informative activities taking place locally and across the state during Maine Composts Week.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brewer to be imprinted this 9th day of May, two thousand and seventeen.

Signed this 9th day of May, 2017.

Kevin J.M. O'Connell, Mayor

ACTION: Chairman O'Connell read the proclamation and said that it would be placed in the minutes of the meeting.

PRESENTATION: Revision Energy – Solar Presentation

Karen Marysdaughter and James Manzer of Revision Energy gave a brief presentation to the City Council on the opportunities of the city investing in solar electricity.

Councilors asked questions as to what would the upfront cost of investment would be to the city, costs down the road and buyout.

It was the consensus of the Council members that more data was needed and maybe they should look to setting up a meeting with the City Manager to discuss any further options.

PUBLIC COMMENTS.

There were no public comments.

C. Consent Calendar.

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

The motion was seconded and passed by unanimous vote.

2017-A065

May 9, 2017

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

filed May 3, 2017
by Matthew Vachon

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

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

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts this contribution totaling \$100.00 and authorizes its deposit in account 0107204-300420 (Library Contributions/Donations) and expenditure from account 0117201-506150 (Special Events)

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

STATEMENT OF FACT

This order accepts a contribution to the City of Brewer Public Library, and authorizes the expenditure of this contribution to support children's programming.

2017-A066

May 9, 2017

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

filed May 3, 2017
by Jerry Goss

WHEREAS, the City of Brewer Public Library has received a contribution of \$100.00 from Sharon J. Kobritz, and a contribution of \$100.00 from David and Lynn Cabibi to supplement and support the purchase of new books for the City of Brewer Public Library; and

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

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts these contributions totaling \$200.00 and authorizes their deposit in account 0107204-300420 (Library Contributions/Donations) and expenditure from account 0117201-502750 (Library Books)

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

STATEMENT OF FACT

This order accepts a contribution to the City of Brewer Public Library, and authorizes the expenditure of this contribution to support the purchase of new books.

2017-A067

May 9, 2017

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

filed May 3, 2017
by Beverly Uhlenhake

WHEREAS, the City of Brewer Public Library has received a contribution of \$20.00 to supplement and support the purchase of new DVDs for the City of Brewer Library; and

WHEREAS, it is the recommendation and request of the Library Director that this donation be appropriated and expended as requested by the donor; and

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts this contribution totaling \$20.00 and authorizes its deposit in account 0107204-300420 (Library Contributions/Donations) and expenditure from account 0117201-502770 (Library Non-Print Materials).

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

STATEMENT OF FACT

This order accepts a contribution to the City of Brewer Public Library, and authorizes the expenditure of this contribution to support the purchase of new DVDs.

2017-A068

May 9, 2017

TITLE: ORDER, ISSUE RELEASE DEED TO WAYNE A. PARLEE,
SUCCESSOR OF ANNA PARLEE, FOR PROPERTY
LOCATED AT 5 SOUCIE LANE (TAX MAP 26, LOT 59).

filed May 3, 2017
by Joseph Ferris

ORDERED, that a municipal release deed be issued to Wayne A. Parlee, successor of Anna Parlee, for property located at 5 Soucie Lane releasing to him all rights, title and interest the City of Brewer may have acquired in the property located on 5 Soucie Lane (City Tax Map 26, Lot 59) by virtue of City of Brewer tax or sewer liens recorded in the Penobscot County Registry of Deeds in the following volumes and pages:

Volume	Page
13887	112
14191	45
13975	224
14109	265
14307	200

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

NOTE: A total of \$4,953.51 in principal was collected, along with \$272.11 in interest and \$280.59 in costs.

STATEMENT OF FACT

This order authorizes the City Manager to release all legal claims the City has to the property and returns it back to the owner(s).

2017-A069

May 9, 2017

TITLE: ORDER, ISSUE RELEASE DEED TO RUSTIN W. CHUTE AND RANDOLPH W. CHUTE FOR PROPERTY LOCATED AT 25 STONE STREET (TAX MAP 22, LOT 104).

filed May 3, 2017
by Matthew Vachon

ORDERED, that a municipal release deed be issued to Rustin W. Chute and Randolph W. Chute for property located at 25 Stone Street releasing to them all rights, title and interest the City of Brewer may have acquired in the property located on 25 Stone Street (City Tax Map 22, Lot 104) by virtue of City of Brewer tax or sewer liens recorded in the Penobscot County Registry of Deeds in the following volumes and pages:

Volume	Page
13569	46
13887	103
14191	36

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

NOTE: A total of \$9,560.01 in principal was collected, along with \$446.90 in interest and \$297.44 in costs.

STATEMENT OF FACT

This order authorizes the City Manager to release all legal claims the City has to the property and returns it back to the owner(s).

2017-A070

May 9, 2017

TITLE: ORDER, ISSUE RELEASE DEED TO BRIAN A. CRAWFORD
FOR PROPERTY LOCATED AT 179 WILSON STREET
(TAX MAP 29, LOT 105).

filed May 3, 2017
by Jerry Goss

ORDERED, that a municipal release deed be issued to Brian A. Crawford for property located at 179 Wilson Street releasing to him all rights, title and interest the City of Brewer may have acquired in the property located on 179 Wilson Street (City Tax Map 29, Lot 105) by virtue of City of Brewer tax or sewer liens recorded in the Penobscot County Registry of Deeds in the following volumes and pages:

Volume	Page
13228	66
13887	129
14191	64

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

NOTE: A total of \$4,485.31 in principal was collected, along with \$282.33 in interest and \$235.19 in costs.

STATEMENT OF FACT

This order authorizes the City Manager to release all legal claims the City has to the property and returns it back to the owner(s).

2017-A071

May 9, 2017

TITLE: ORDER, ISSUE RELEASE DEED TO DAVID A. WESTON AND
JOYCE M. WESTON FOR PROPERTY LOCATED AT
88 ELM STREET (TAX MAP 21, LOT 66).

filed May 3, 2017
by Beverly Uhlenhake

ORDERED, that a municipal release deed be issued to David A. Weston and Joyce M. Weston for property located at 88 Elm Street releasing to them all rights, title and interest the City of Brewer may have acquired in the property located on 88 Elm Street (City Tax Map 21, Lot 66) by virtue of City of Brewer tax or sewer liens recorded in the Penobscot County Registry of Deeds in the following volumes and pages:

Volume	Page
12169	107
12507	22
12847	315
13228	26
13569	33
13887	90
12408	93
12932	156
13119	270
13339	37
13490	149
13636	35
13843	282
13975	232

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

NOTE: A total of \$24,655.59 in principal was collected, along with \$777.98 in interest and \$449.57 in costs.

STATEMENT OF FACT

This order authorizes the City Manager to release all legal claims the City has to the property and returns it back to the owner(s).

2017-A072

May 9, 2017

TITLE: ORDER, ISSUE RELEASE DEED TO JOSHUA C. MCAULIFFE, SUCESSOR OF JENNIFER AIGUIER, FOR PROPERTY LOCATED AT 39 BURR STREET (TAX MAP 28, LOT 117).

filed May 3, 2017
by Joseph Ferris

ORDERED, that a municipal release deed be issued to Joshua C. McAuliffe, Successor of Jennifer Aiguier, for property located at 39 Burr Street releasing to him all rights, title and interest the City of Brewer may have acquired in the property located on 39 Burr Street (City Tax Map 28, Lot 117) by virtue of City of Brewer tax or sewer liens recorded in the Penobscot County Registry of Deeds in the following volumes and pages:

Volume	Page
13975	215
14109	254
14307	188
14457	321

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

NOTE: A total of \$2,772.02 in principal was collected, along with \$208.14 in interest and \$127.92 in costs.

STATEMENT OF FACT

This order authorizes the City Manager to release all legal claims the City has to the property and returns it back to the owner(s).

2017-A073

May 9, 2017

TITLE: ORDER, ISSUE RELEASE DEED TO JOHN J. DOHERTY AND JOYCE A. DOHERTY FOR PROPERTY LOCATED AT 27 CHAPMAN STREET (TAX MAP 34, LOT 28).

filed May 3, 2017
by Matthew Vachon

ORDERED, that a municipal release deed be issued to John J. Doherty and Joyce A. Doherty for property located at 27 Chapman Street releasing to them all rights, title and interest the City of Brewer may have acquired in the property located on 27 Chapman Street (City Tax Map 34, Lot 28) by virtue of City of Brewer tax or sewer liens recorded in the Penobscot County Registry of Deeds in the following volumes and pages:

Volume	Page
13569	107
13887	154
14191	87

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

NOTE: A total of \$8,562.21 in principal was collected, along with \$376.22 in interest and \$154.74 in costs.

STATEMENT OF FACT

This order authorizes the City Manager to release all legal claims the City has to the property and returns it back to the owner(s).

2017-A074

May 9, 2017

TITLE: ORDER, ISSUE RELEASE DEED TO JOHN MCCLARE
FOR PROPERTY LOCATED AT 26 ALAN-A-DALE
ROAD (TAX MAP 47, LOT 33).

filed May 3, 2017
by Jerry Goss

ORDERED, that a municipal release deed be issued to John McClare for property located at 36 Alan-A-Dale Road releasing to him all rights, title and interest the City of Brewer may have acquired in the property located on 36 Alan-A-Dale Road (City Tax Map 47, Lot 33) by virtue of City of Brewer tax or sewer liens recorded in the Penobscot County Registry of Deeds in the following volumes and pages:

Volume	Page
13887	178
14191	114
14109	285
14307	216
14457	343

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

NOTE: A total of \$15,426.93 in principal was collected, along with \$1,104.13 in interest and \$236.62 in costs.

STATEMENT OF FACT

This order authorizes the City Manager to release all legal claims the City has to the property and returns it back to the owner(s).

2017-A075

May 9, 2017

TITLE: ORDER, AUTHORIZE AGREEMENT WITH LAUREEN CHURCHILL
COUTTS FOR PAYMENT OF TAX AND SEWER LIENS,
PAST DUE SEWER AND WATER BILLS AND CURRENT
AND FUTURE TAXES, SEWER AND WATER ON
PROPERTY AT 64 PARKWAY NORTH, BREWER, MAINE
(TAX ASSESSOR'S MAP 40, LOT 150).

filed May 3, 2017
by Beverly Uhlenhake

ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to enter into an agreement between the City of Brewer and Lauren Churchill Coutts wherein she is permitted to reacquire the property at 64 Parkway North, which has been acquired by the City of Brewer by virtue of a foreclosing City of Brewer tax collector lien, provided she pay to the City of Brewer, among other things, all outstanding tax, sewer and water obligations relating to the property and meet certain other conditions per the terms of the repurchase agreement;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee is herewith authorized to sign this agreement on behalf of the City of Brewer.

STATEMENT OF FACT

This order authorizes a payment agreement for the owner of the above property to be able to reacquire the property.

LAUREEN CHURCHILL COUTTS **64 PARKWAY NORTH**

REPURCHASE AGREEMENT

THIS AGREEMENT made this ___ day of May 2017, by and between the **City of Brewer**, a body politic, located in the County of Penobscot, State of Maine, hereinafter referred to as "the City", and **Lauren Churchill Coutts**, County of Penobscot, State of Maine, hereinafter referred to as "Lauren Coutts."

WITNESSETH

WHEREAS, Lauren Coutts is a Tenant in Possession of Property situated at 64 Parkway North, Brewer, Maine (Tax Assessor's Map 40 Lot 150) hereinafter referred to as the "Property"; and

WHEREAS, a tax collector's lien certificate on the Property has automatically foreclosed; and

WHEREAS, the City has acquired title to the Property; and

WHEREAS, Laureen Coutts wants to reacquire title to the Property; and

WHEREAS, the City is willing to allow Laureen Coutts to reacquire title to the Property under certain terms and conditions; and

WHEREAS, Laureen Coutts is willing to accept the City's terms and conditions in the order to reacquire the Property, when the Agreement has been fully completed.

NOW THEREFORE

Based upon the foregoing and other valuable considerations, it is agreed by and between the City and Laureen Coutts as follows:

1. On the day of the signing of this agreement, Laureen Coutts shall pay to the City the amount of \$400.00, which the City shall apply to the oldest outstanding balance owed the City with interest and fees taken first.
2. By close of business on the last day of the following month and each subsequent month, or if the last day is a weekend or holiday the following business day, Laureen Coutts shall pay the City four hundred dollars (\$400.00) on the outstanding real estate taxes and outstanding water and sewer until paid in full. These payments will be applied to the oldest bill as of the date of this Agreement, with interest and fees being paid first. Fees shall include reasonable attorney's fees, if any.
3. The payments of four hundred dollars (\$400.00) shall not be comingled with other payments to the City and shall be clearly marked "Per May 2017 Payment Agreement". At this rate of payment, all past due real estate taxes, water, sewer and associated fees and interest should be repaid in full on or around December 2019. Nothing shall preclude Laureen Coutts from paying a higher monthly amount or paying the total balance due at any time.
4. Interest and fees will continue to accrue until the balance owed to the City on the Property is paid in full. These costs can be minimized by early repayment.
5. In addition to the \$400.00 monthly payments, Laureen Coutts shall pay all future amounts invoiced and/or fees billed by the City, including but not limited to, real estate taxes, water user fees and sewer user fees, by their due dates.
6. Laureen Coutts also agrees to maintain the Property in compliance with all local codes and ordinances and to keep the Property in compliance throughout the duration of this agreement.

7. Should Laureen Coutts default on Item 6 and fail to cure the default within thirty (30) days of a Notice of Default being sent to Laureen Coutts, this Agreement shall automatically become null and void.
8. The failure of Laureen Coutts to make any of the payments to the City as hereinbefore provided will automatically make this Agreement null and void. Thereafter, Laureen Coutts shall have no further rights to reacquire title to the Property under the terms and conditions of this Agreement. Laureen Coutts agrees and acknowledges that any payments made to the City pursuant to this Agreement shall be retained by the City and not refunded to Laureen Coutts under any circumstances.
9. If all payments are made on time and the conditions regarding codes and ordinances are met, the City will convey its rights, title and interest in the Property to Laureen Coutts by a Release Deed. Laureen Coutts shall be responsible for all expenses relating to the document preparation and to the conveyance of the Property to her by the City.
10. Laureen Coutts is encouraged to maintain property insurance on the Property and to list the City of Brewer as an additional insured on the policy for the duration of this Agreement. The City shall not at any time be liable for any damage to or loss of the Property.
11. Time is of the Essence.
12. Each Party represents to the other they or it has full and complete authority to enter into this Agreement.
13. The Agreement contains the complete understanding of the parties and may only be modified by the mutual written agreement of the parties.

IN WITNESS WHEREAS, the City has caused this instrument to be signed by Stephen M. Bost, its City Manager, duly authorized, and by Laureen Churchill Coutts, who have signed in their individual capacity, all on the day, month and year first above written.

CITY OF BREWER

WITNESS

By:

STEPHEN M. BOST
Its: City Manager
Duly Authorized

TENANT IN POSSESSION

WITNESS

Laureen Churchill Coutts

2017-A076

May 9, 2017

TITLE: ORDER, AUTHORIZE AGREEMENT WITH STEVEN D. AND KELLY K. STRATTON FOR PAYMENT OF TAX AND SEWER LIENS, PAST DUE SEWER AND WATER BILLS AND CURRENT AND FUTURE TAXES, SEWER AND WATER ON PROPERTY AT 52 BRIMMER STREET, BREWER, MAINE (TAX ASSESSOR'S MAP 29, LOT 34).

filed May 3, 2017
by Joseph Ferris

ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to enter into an agreement between the City of Brewer and Steven D. and Kelly K. Stratton wherein they are permitted to reacquire the property at 52 Brimmer Street, which has been acquired by the City of Brewer by virtue of a foreclosing City of Brewer tax collector lien, provided they pay to the City of Brewer, among other things, all outstanding tax, sewer and water obligations relating to the property and meet certain other conditions per the terms of the repurchase agreement;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee is herewith authorized to sign this agreement on behalf of the City of Brewer.

STATEMENT OF FACT

This order authorizes a payment agreement for the owner(s) of the above property to be able to reacquire the property.

Steven D. and Kelly K. Stratton
REPURCHASE AGREEMENT

THIS AGREEMENT made this ___ day of May 2017 by and between the **City of Brewer**, a body politic, located in the County of Penobscot, State of Maine, hereinafter referred to as the "City", and **Steven D. and Kelly K. Stratton**, of Brewer, County of Penobscot, State of Maine, hereinafter referred to as "the Strattons".

WITNESSETH

WHEREAS the Strattons are Tenant in Possession of Property situated at 52 Brimmer Street, Brewer, Maine (Tax Assessor's Map 29 Lot 34) hereinafter referred to as the "Property"; and

WHEREAS, a tax collector's lien certificate on the Property has automatically foreclosed; and

WHEREAS, the City has acquired title to Property; and

WHEREAS, the Strattons want to reacquire title to the Property; and

WHEREAS, the City is willing to allow the Strattons to reacquire title to the Property under certain terms and conditions; and

WHEREAS, the Strattons are willing to accept the City's terms and conditions in the order to reacquire the Property, when the Agreement has been fully completed.

NOW THEREFORE

Based upon the foregoing and other valuable considerations, it is agreed by and between the City and Strattons as follows:

1. The Strattons shall pay to the City two thousand two hundred fifty one dollars and 40 cents (\$2,251.40) on the day of the signing of the agreement. By close of business on last day of the following month and each subsequent month, or if the last day is a weekend or holiday the following business day, Strattons will pay the City five hundred dollars (\$500.00) on the outstanding real estate taxes and sewer bills until paid in full. These payments will be allocated to the oldest real estate property taxes and sewer as of the date of this Agreement, with interest and fees being paid first. Fees shall include reasonable attorney's fees, if any.
2. The payments of five hundred dollars (\$500.00) shall not be comingled with other payments to the City and shall be clearly marked "Per May 2017 Payment Agreement". At this rate of payment, all past due real estate taxes, associated fees and interest should be repaid in full on or around May 2018. Nothing shall preclude the Strattons from paying a higher monthly amount or paying the total balance due at any time.

3. Interest and fees will continue to accrue until the balance owed to the City on this Property is paid in full. These costs can be minimized by early repayment.
4. In addition to the \$500.00 monthly payments, the Strattons shall pay all future amounts invoiced and/or fees billed by the City, including but not limited to, real estate taxes, water user fees and sewer user fees, by their due dates.
5. The Strattons also agrees to maintain the Property in compliance with all local codes and ordinances and to keep the Property in compliance throughout the duration of this agreement.
6. Should Strattons default on Item 5 and fail to cure the default within thirty (30) days of a Notice of Default being sent to the Strattons, this Agreement shall automatically become null and void.
7. The failure of the Strattons to make any of the payments to the City as hereinbefore provided will automatically make this Agreement null and void. Thereafter, the Strattons shall have no further rights to reacquire title to the Property under the terms and conditions of this Agreement.
8. The Strattons agree and acknowledge that any payments made to the City pursuant to this Agreement shall be retained by the City and not refunded to the Strattons under any circumstances.
9. If all payments are made on time and the conditions regarding codes and ordinances are met, the City will convey its rights, title and interest in the Property to the Strattons, by a Release Deed. The Strattons shall be responsible for all expenses relating to the document preparation and to the conveyance of the Property to them by the City.
10. The Strattons are encouraged to maintain property insurance on the Property and to list the City of Brewer as an additional insured on the policy for the duration of this Agreement. The City shall not at any time be liable for any damage to or loss of the Property.
11. Time is of the Essence.
12. Each Party represents to the other they or it has full and complete authority to enter into this Agreement.

13. The Agreement contains the complete understanding of the parties and may only be modified by the mutual written agreement of the parties.

IN WITNESS WHEREAS, the City has caused this instrument to be signed by Stephen M. Bost, its City Manager, duly authorized, and by **Steven D. and Kelly K. Stratton**, who have signed in their individual capacity, all on the day, month and year first above written.

CITY OF BREWER

WITNESS

By:

STEPHEN M. BOST
Its: City Manager
Duly Authorized

TENANT IN POSSESSION

WITNESS

STEVEN D. STRATTON

TENANT IN POSSESSION

WITNESS

KELLY K. STRATTON

2017-A077

May 9, 2017

TITLE: ORDER, AWARD CONTRACT FOR APPRAISAL SERVICES
FOR THE RIVERWALK TRAIL PHASE 2 PORJECT.

filed May 3, 2017
by Matthew Vachon

WHEREAS, the City has signed a Locally Administered Project Agreement with the MDOT authorizing the City to proceed with the acquisition of the property rights necessary for the construction of the second phase of the Riverwalk Trail project under terms and conditions that provide for 80% reimbursement to the City; and

WHEREAS, the MDOT has recommended Bucklin Appraisal, LLC, to provide these services based on its availability and prior demonstrated professional experience; and

WHEREAS, Mr. Fred Bucklin of Bucklin Appraisal, LLC has submitted a proposal for providing the Appraisal Services for the Phase 2 Riverwalk Trail project which has been reviewed by the MDOT and the City Engineer and been determined to be acceptable;

NOW, THERERFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the City Manager, or his designee, to issue a purchase order to Bucklin Appraisal, LLC in the amount of \$10,500.00 for the completion of Appraisal Services associated with the Phase 2 Riverwalk Trail Project; and

BE IT FURTHER ORDERED, that the Brewer City Council herewith exercises its authority under Chapter 36, Section 404 of the City's Purchasing Ordinance for the provision of these Appraisal Services; and

BE IT FURTHER ORDERED, that all costs associated with these services shall be charged to CIP account 0510121-551102-57019 in anticipation of 80% reimbursement from the MDOT under the terms and conditions of the above referenced Locally Administered Project Agreement.

STATEMENT OF FACT

This order awards the contract for Appraisal Services for the Phase 2 Riverwalk Trail Project.

2017-A078

May 9, 2017

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PARKS AND RECREATION DEPARTMENT FOR SPECIAL EVENTS.

filed May 3, 2017
by Jerry Goss

WHEREAS, the City of Brewer has received a donation of \$200.00 from the Kiwanis Club of Brewer for the Brewer Parks and Recreation Department's Special Events;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this donation and directs that the donated funds be receipted in the Brewer Parks and Recreation budget account 0107123 300325 (Special Events Revenue); and

FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from budget account 0117121 506150 (Recreation Special Events).

NOTE: The Brewer Parks and Recreation Director sends a letter of acknowledgement and appreciation on behalf of the City Council to all those that donate to these programs.

STATEMENT OF FACT

This order accepts a donation from the Kiwanis Club of Brewer to support the Rec Department's special events such as the Easter Egg Hunt.

2017-A079

May 9, 2017

TITLE: ORDER, AUTHORIZE PURCHASE OF A REPLACEMENT
PICKUP TRUCK FOR PUBLIC WORKS.

filed May 3, 2017
by Beverly Uhlenhake

WHEREAS, bids were solicited, received and evaluated for the purchase of a pickup truck to replace Public Works unit #409 a 2008 Ford F150; and

WHEREAS, Quirk Motor City, of Augusta, Maine provided the City with the lowest of the four bids received in the amount of \$25,711.00;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to Quirk Motor City in the amount of \$25,711.00 for the purchase of a 2017, F150 Ford pickup truck; and

BE IF FURTHER ORDERED, that the funds for this purchase be charged to the FY17 CIP account #0510133-551619 titled "Ford F150 #409", approved in the FY17 CIP budget; and

BE IF FURTHER ORDERED, that the current Public Works unit #409, the 2008 Ford F150 be listed as City surplus once the replacement vehicle has been received from Quirk Motor City; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to sell and finalize the sale of said surplus property by means that would be in the best interest of the City of Brewer; and

BE IT FURTHER ORDERED, that the funds from the sale of the current unit #409 be credited back to the above mentioned FY17 CIP account to help cover the overage of this purchase.

STATEMENT OF FACT

This will replace the unit #409 that has been evaluated and determined to be the pickup truck in the poorest condition in the Public Works Department. The bids came in over the approved budget for this purchase by \$2,711.00, most part of which we hope to recapture with the sale of the old pickup unit #409.

2017-A080

May 9, 2017

TITLE: ORDER, AUTHORIZE PURCHASE OF ROCK SALT.

filed May 3, 2017
by Joseph Ferris

WHEREAS, New England Salt Company of Bangor, Maine was selected through a formal bid process in FY 2016 to supply the Cities of Brewer, Bangor and the Town of Hampden with rock salt during the 2015/2016 winter season; and

WHEREAS, New England Salt Company has offered to extend the contract with the three communities for a second year under the same terms and conditions, including price per ton, as the FY16 bid; and

WHEREAS, all Public Works Directors of their respective communities believes it is in the best interest of their communities to accept the offer from New England Salt Company to extend the contract for an additional year;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to New England Salt Company in the amount of \$112,380.00 for supplying and delivering 2000 tons of rock salt at \$56.19 per ton; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to the Public Works FY18 account 0116671-502530, titled, "Rock Salt"; and

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 the project.

STATEMENT OF FACT

This will allow the City of Brewer to once again, lock in a very favorable price per ton for rock salt for the 2017/2018 winter season without the cost of putting the contract back out for formal bid.

2017-A081

May 9, 2017

TITLE: ORDER, ACCEPT PROPERTIES RECENTLY ACQUIRED
ADJACENT TO HARDY STREET FOR THE PURPOSE OF
CONSTRUCTING A SIDEWALK AND DEDICATE THEM
AS AN EXTENSION OF THE EXISTING PUBLIC WAY.

filed May 3, 2017
by Matthew Vachon

WHEREAS, at its March 8, 2017 regular meeting the City Council authorized funding for the construction of a new sidewalk on Hardy Street (reference Order 2017-A026); and

WHEREAS, the Engineering and Economic Development Departments have negotiated and executed the purchase of additional properties needed to accommodate the construction of the new sidewalk;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith accepts the following three strip parcels and dedicates the areas encompassed by these three parcels an extension to the existing public way known as Hardy Street, as a sidewalk:

1. A 6' X 90' strip conveyed to the City by Michael and Kellie Boyd per Quitclaim Deed recorded in the Penobscot County Registry of Deeds Book 14381, Page 197.
2. A 6' X 40' strip conveyed to the City by Eleanor Bohan per Quitclaim Deed with Covenant recorded in Penobscot County Registry of Deeds Book 14390, Page 234.
3. A 6' X 100' strip conveyed to the City by Hardy Street, LLC by Quitclaim Deed with Covenant recorded in Penobscot County Registry of Deeds Book 14466, Page 350 and released to the City by Mason Brewing Company, LLC by Partial Release of Lease recorded in Penobscot County Registry of Deeds Book 14466, Page 348.

STATEMENT OF FACT

This order accepts three 6' wide strip parcels recently purchased adjacent to Hardy Street for the purpose of constructing a sidewalk and dedicates them as a public way. The Public Works Department will construct the new sidewalk this summer.

2017-A082

May 9, 2017

TITLE: ORDER, DECLARE CITY PROPERTY SURPLUS AND
AUTHORIZE SALE OF SURPLUS MATERIALS.

filed May 3, 2017
by Jerry Goss

WHEREAS, property belonging to the City of Brewer left over from several projects has been identified as no use to the City;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council declares the following items as surplus materials; 1 – whirlpool tub, 1 – tub/shower stall, 12 – windows of various sizes, 2 – doors, 3- boxes of vinyl siding, and a chain link kennel; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to sell and finalize all sales, or dispose of said surplus property by means that would be in the best interest of the City of Brewer; and

BE IT FURTHER ORDERED, that the funds received from the sale of the above mentioned items be receipted to the City's Sale of Asset account (0106904-300410).

STATEMENT OF FACT

The materials listed for surplus are from various demolition projects completed by Public Works over the last few years that have been in storage. None of them have been identified as useful to the City and they are taking up limited space in one of the Public Works storage areas. This order will allow the City to release the items and recover the storage space.

2017-A083

May 9, 2017

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

filed May 3, 2017
by Beverly Uhlenhake

WHEREAS, the City of Bangor has advertised and received formal bids for pavement striping for the next three years; and

WHEREAS, the winning bidder for Bangor's striping contract, Fine Line Pavement Striping of Hermon, Maine, is willing to allow the City of Brewer to ride on Bangor's contract; and

WHEREAS, the City of Brewer is unlikely to see any better pricing through a formal bid of our own;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith accepts the offer from Fine Line Pavement Striping, to allow the City of Brewer to ride on the City of Bangor's pavement striping contract; and

BE IT FURTHER ORDERED, that the City Manager, or his Designee, is authorize to approve and sign a purchase order to Fine Line Pavement Striping up to an amount of \$24,000.00 per year, for the next three years for striping services; and

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

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 the project.

STATEMENT OF FACT

We had intended to bid this contract with the City of Bangor from the start but it had gotten overlooked, but whereas Fine Line Pavement Striping has been the City's striping contractor since 2011 they were happy to include the City of Brewer in the contract. Accepting this order will save the City advertising cost and limit delays for getting our roadway striped.

2017-B005

May 9, 2017

TITLE: RESOLVE, PRESCRIBE REGISTRAR OF VOTERS HOURLY SCHEDULE FOR THE JUNE 13, 2017 CITY OF BREWER SCHOOL BUDGET APPROVAL ELECTION AND STATE OF MAINE REFERENDUM ELECTION.

filed May 3, 2017
by Joseph Ferris

WHEREAS, the City of Brewer School Budget Approval Election and State of Maine Referendum Election will be held on Tuesday, June 13, 2017; and

WHEREAS, Title 21-A M.R.S.A., Section 122 (6)(A)(2) provides in part, that in a municipality with a population of more than 2,500, the Registrar of Voters shall accept registrations on the last 5 business days before election day, during the hours that the city clerk's office is open (8:00 a.m. – 4:00 p.m.) and for 2 hours in the evening between 5:00 p.m. and 9:00 p.m. on at least 3 of these days; and

WHEREAS, the City of Brewer has a population greater than 2,500 according to the 2010 federal census; and

WHEREAS, Title 21-A M.R.S.A., Section 122 (8) provides that the hourly schedule may be changed by the municipal officers according to the needs of the municipality; and

WHEREAS, the Registrar of Voters suggests that the needs of the municipality are sufficiently met with the 8:00 a.m. to 4:00 p.m. daily schedule and with election day voter registration so that it is not necessary for the Registrar of Voters to hold office hours and accept registrations during evening hours between 5:00 p.m. and 9:00 p.m. on at least 3 of the days during the last 5 business day period prior to the election; and

WHEREAS, the municipal officers concur with this assessment by the Registrar of Voters;

NOW, THEREFORE, BE IT RESOLVED, that the municipal officers herewith prescribe the hours of registration as 8:00 a.m. to 4:00 p.m. on the five business days next prior to the City and State elections to be held on June 13, 2017.

STATEMENT OF FACT

The resolve provides a schedule for the Registrar of Voters to meet the needs of the voters for registration for the next city and state election in June.

D. Monthly Reports.

ACTION: Councilor Goss moved that the monthly reports received from the city departments be accepted and placed on file. The motion was seconded and passed by a 4 to 0 vote.

**E. Nominations, Appointments, Elections.
Consent Calendar.**

ACTION: Councilor Uhlenhake moved that the resolves on the consent calendar be adopted. The motion was seconded and passed by a 4 to 0 vote.

2017-B006

May 9, 2017

TITLE: RESOLVE, ACCEPT RESIGNATION OF TAMMY M. SMITH
AS A MEMBER OF THE CITY OF BREWER
SCHOOL COMMITTEE.

filed May 3, 2017
by Matthew Vachon

WHEREAS, Tammy M. Smith has submitted a letter of resignation effective April 14, 2017 as a City of Brewer School Committee Member; and

WHEREAS, the City Council must vote to accept this resignation and declare a vacancy on the City of Brewer School Committee before proceeding to fill the vacancy for the unexpired term of Tammy M. Smith;

NOW, THEREFORE, BE IT RESOLVED, that the City Council herewith accepts the resignation of Tammy M. Smith as a City of Brewer School Committee Member and declares that a vacancy will exist for the unexpired term of Tammy M. Smith until the November annual municipal election.

STATEMENT OF FACT

The unexpired term created by the resignation of Tammy M. Smith on the Brewer School Committee will be filled at the annual municipal election in November.

2017-B007

May 9, 2017

TITLE: RESOLVE, CONFIRM CITY CLERK'S APPOINTMENT
OF A DEPUTY CITY CLERK.

filed May 3, 2017
by Jerry Goss

RESOLVED, that the City Council herewith confirms the City Clerk's appointment of Ronda J. Hogan as a Deputy City Clerk of the City of Brewer effective May 15, 2017.

F. Unfinished Business.

1. (2017-C004) Amend Chapter 28, "Brewer Sign Ordinance", Article 5, Schedule of Fees, Section 5.5, Direction Signs, of the City of Brewer Charter, Codes and Ordinances to add Language Creating a Committee Which Will Determine Each Location Individually. (Councilor Goss) (posted 03/29/17)

ACTION: Councilor Goss moved that the proposed ordinance amendment be removed from the table. The motion was seconded and passed by a 4 to 0 vote.

Councilor Goss moved that the proposed ordinance amendment be amended by complete substitution with the following:

2017-C004

March 28, 2017

TITLE: AMEND CHAPTER 28, "BREWER SIGN ORDINANCE", ARTICLE 5, SCHEDULE OF FEES, SECTION 5.5, DIRECTION SIGNS, OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES TO ADD LANGUAGE CREATING A COMMITTEE WHICH WILL DETERMINE EACH LOCATION INDIVIDUALLY.

filed March 22, 2017
by Jerry Goss

Be it ordained by the City Council of Brewer in City Council assembled that Chapter 28, Article 5, Schedule of Fees, Section 5.5, Direction Signs, of the Charter, Codes and Ordinances of the City of Brewer entitled "Brewer Sign Ordinance" be amended to read as follows:

ARTICLE 9 - DIRECTIONAL SIGNS

SECTION 9.1 - Assembly

9.1 Assembly:

Directional signs shall be mounted with a maximum of three (3) directional signs per assembly. The number of directional signs per assembly and the location of said assembly shall be determined by majority agreement of a committee comprised of City representatives of the Code Office, Planning Department, Engineering Department, Public Works, and the Economic Development Office. Said representatives shall review each location on an individual basis.

STATEMENT OF FACT

The purpose of this ordinance amendment is to streamline sign placement applications and to determine how many signs can go at each location.

The motion was to amend by complete substitution was seconded and passed by a 4 to 0 vote.

Councilor Goss moves that the proposed ordinance amendment, as amended, be enacted. The motion was seconded and passed by a 4 to 0 vote.

G. New Business.

ACTION: Councilor Goss moved that the proposed ordinances amendments on the consent calendar be certified and one copy be filed with the City Clerk for posting. The motion was seconded and passed by 4 to 0 vote.

1. Consent Calendar.

2017-C005

May 9, 2017

TITLE: AMEND CHAPTER 24, ENTITLED "LAND USE CODE" OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, TO NULLIFY AN EXISTING CONTRACT ZONE AGREEMENT BETWEEN HUSSON PARK LIMITED PARTNERSHIP AND THE CITY OF BREWER PERTAINING TO LAND AT 34 ABBOTT STREET (TAX MAP 27, LOT 32) AND TO CHANGE A PORTION OF INDUSTRIAL (IND) AND HIGH DENSITY RESIDENTIAL (HDR) ZONING DISTRICT TO CONVENIENCE BUSINESS (CB) ZONING DISTRICT FOR THE THREE ENTIRE PROPERTIES LOCATED ON 17, 19, AND 34 ABBOTT STREET (MAP 27, LOTS 32, 33 AND 34).

filed May 3, 2017
by Matthew Vachon

Be it ordained by the City of Brewer in City Council assembled that Chapter 24, entitled “Land Use Code” of the City of Brewer Charter, Codes and Ordinances, be amended to nullify an existing Contract Zone Agreement between Husson Park Limited Partnership and the City of Brewer pertaining to land at 34 Abbott Street (Tax Map 27, Lot 32) and to change a portion of Industrial (IND) and High Density Residential (HDR) Zoning Districts to Convenience Business (CB) Zoning District for the three entire properties located on 17, 19, and 34 Abbott Street (Map 27, Lots 32, 33 and 34).

STATEMENT OF FACT

Please see attached memo from City of Brewer Planner Linda Johns.

2017-C006

May 9, 2017

TITLE: AMEND CHAPTER 24, ENTITLED "LAND USE CODE" OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES TO CHANGE A PORTION OF INDUSTRIAL-2 (IND-2) ZONING DISTRICT TO MEDIUM DENSITY RESIDENTIAL-2 (MDR-2) ZONING DISTRICT OFF AIRPORT ROAD (TAX MAP 11, LOT 21A AND A PORTION OF LOT 21B).

filed May 3, 2017
by Jerry Goss

Be it ordained by the City of Brewer in City Council assembled that Chapter 24, entitled "Land Use Code" of the City of Brewer Charter, Codes and Ordinances, be amended to change a portion of Industrial-2 (IND-2) Zoning District to Medium Density Residential-2 (MDR-2) Zoning District Off Airport Road (Tax Map 11, Lot 21A and a Portion of Lot 21B).

STATEMENT OF FACT

Please see attached memo from City of Brewer Planner Linda Johns.

2017-C007

May 9, 2017

TITLE: AMEND CHAPTER 24, ENTITLED "LAND USE CODE" OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ARTICLE 4, PERFORMANCE STANDARDS, TO ADD SECTION 439, STORMWATER MANAGEMENT AND SECTION 440, EROSION CONTROL; ARTICLE 6, SITE PLAN REVIEW, SECTION 606, REQUIRED INFORMATION, SUBSECTION 606.1, INFORMATION FOR ALL SUBMISSIONS AND SUBSECTION 606.2, ADDITIONAL INFORMATION REQUIRED FOR MAJOR DEVELOPMENTS, SECTION 607, STANDARDS GOVERNING SITE PLAN REVIEW, SUBSECTION 607.3 EROSION AND SUBSECTION 607.4 STORMWATER; ARTICLE 7, SUBDIVISION REVIEW, SECTION 707, SUBDIVISION APPLICATION, EXHIBITS AND PLANS, SUBSECTION 707.22 INFORMATION ON PROPOSED DEVELOPMENT, SECTION 710, PERFORMANCE STANDARDS, SUBSECTION 710.5, SOIL EROSION, SUBSECTION 710.15, STORMWATER MANAGEMENT AND SECTION 711, DESIGN GUIDELINES, SUBSECTION 711.5, STORMWATER MANAGEMENT DESIGN GUIDELINES; ARTICLE 14, DEFINITIONS.

filed May 3, 2017
by Beverly Uhlenhake

Be it ordained by the City of Brewer in City Council assembled that Chapter 24 of the Charter, Codes and Ordinances of the City of Brewer entitled "Land Use Code be amended as follows:

Article 4 Performance Standards, Section 439 Stormwater Management

1. Adequate provision must be made for the collection and disposal of stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system, which must not have adverse impacts on abutting or downstream properties.
2. To the extent possible, the drainage system must retain stormwater on the site using the natural features of the site.
3. The applicant must demonstrate that on and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding and erosion of areas, or that he/she will be responsible for whatever improvements are needed to provide the required increase in capacity and/or mitigation.
4. All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review system.

5. The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.
6. The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.
7. Non-stormwater discharges to the City's storm drainage system are prohibited as detailed in Chapter 31, Article 6-B, Sections 605 A, B, and C of the City of Brewer's Charter, Codes and Ordinances.
8. Developments disturbing over 1 acre of area are required to provide a continuing stormwater management plan with annual inspections and reporting per Chapter 31, Article 6-C of the City of Brewer's Charter, Codes and Ordinances.

Article 4 Performance Standards, Section 440 Erosion Control

1. The proposed site plan shall have a soil erosion and sediment control plan that will effectively prevent soil erosion from leaving the site and entering the City stormwater system, water bodies of Maine, wetlands, and adjacent properties.
2. All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible such that filling; excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites should be terraced to avoid undue cut and fill, and/or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.
3. Soil erosion and sedimentation of water courses and water bodies will be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Best Management Practices (BMPs) Manual for Designers and Engineers, October 2016 published by the Maine Department of Environmental Protection.
4. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.

Article 6 Site Plan Review, section 606 Required Information

606.1 INFORMATION FOR ALL SUBMISSIONS (#2)(#4)

15. Location of existing natural drainage ways, critical areas and proposed storm drainage facilities, including size, material and elevations culverts, pipes, etc. Where channels are used, the depth, slope, grade and type of channel covering of lining shall be shown. Where subsurface drainage is employed, the layout of the system and the disposition of the flow shall be shown.

30. Stormwater drainage provisions showing existing and proposed methods of handling stormwater runoff and directional arrows showing the flow.
31. An erosion and sedimentation control plan detailing the methods of controlling erosion and sedimentation during and after construction.
32. For projects proposing to disturb 1 (one) acre or more, a stormwater management plan will be required to meet the requirements of Chapter 31, Article 6-C of the City of Brewer's Charter, Codes and Ordinances. This section refers to post construction stormwater monitoring and maintenance requirements for all persons discharging into the City storm sewer system.

606.2 ADDITIONAL INFORMATION REQUIRED FOR MAJOR DEVELOPMENTS (#2)

1. A stormwater management plan, prepared by a Maine licensed professional ~~traffic~~ engineer with supporting storm drainage calculations based on a 25 ~~10~~ year storm, unless stipulated higher by the City Engineer, and a separate map of the drainage area(s) using either the rational method TR-20 or the TR-55, "Urban Hydrology" method.

Article 6 Site Plan Review, section 607 Standards governing site plan review

607.3 EROSION

Adequate provisions must be made for minimizing erosion and controlling sedimentation.

1. For all projects, Performance Standards set forth in Article 4, Section 440 Erosion Control of this Land Use Code shall be met.
2. Whenever State or Federal permits are required for a proposed site plan application, whichever standard between City, State, or Federal standards is more strict shall govern.

~~All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites should be terraced to avoid undue cut and fill, and/or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.~~

~~Soil erosion and sedimentation of water courses and water bodies will be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March, 1991.~~

607.4 STORM WATER

Adequate provision must be made for the collection and disposal of stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

1. For all projects, Performance Standards set forth in Article 4, Section 439 Stormwater Management of this Land Use Code shall be met. ~~To the extent possible, the plan must retain stormwater on the site using the natural features of the site.~~
2. Unless the discharge is directly to the Penobscot River, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.
3. ~~The applicant must demonstrate that on and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding and erosion of areas, or that he/she will be responsible for whatever improvements are needed to provide the required increase in capacity and/or mitigation.~~
4. ~~All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review system.~~
5. ~~The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.~~
6. ~~The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.~~
3. The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required.
4. The use of dry ponds, rain gardens, and stormwater management chamber systems are encouraged in lieu of traditional wet ponds. If space is limited, other stormwater treatment systems, such as tree boxes, should be considered.
5. Whenever State or Federal permits are required for a proposed site plan application, whichever standard between City, State, or Federal standards is more strict shall govern.

Article 7 Subdivision Review, section 707 Subdivision application, exhibits, and plans

707.2.2 INFORMATION ON PROPOSED DEVELOPMENT

16. For all projects, Performance Standards set forth in Article 4, Section 439 Stormwater Management of this Land Use Code shall be met. A stormwater management plan, prepared by a Maine Licensed Professional Engineer, in accordance with the Maine Stormwater Management Design Manual - Volume 1, March 2016 ~~Stormwater Management for Maine: Best Management Practices~~, published by the Maine Department of Environmental Protection ~~(1995)~~, in accordance with the Maine Stormwater Management Law, Title 38 M.R.S.A. 420D, and in accordance with Brewer Codes and Ordinances. The Board may not waive submission of the stormwater management plan unless the subdivision is not in the watershed of a great pond, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

17. An erosion and sedimentation control ~~plan~~ ~~pan~~ prepared in accordance with the Maine Erosion and Sediment Control Best Management Practices (BMPs) Manual for Designers and Engineers, October 2016 ~~Maine Erosion and Sedimentation Control Handbook or Construction: Best Management Practices~~, published by the ~~Cumberland County Soil and Water Conservation District and the~~ Maine Department of Environmental Protection, ~~March 1991~~. The Board may not waive submission of the erosion and sedimentation control plan unless the subdivision is not in the watershed of a great pond, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

Article 7 Subdivision Review, section 710 Performance Standards

710.5 SOIL EROSION

1. For all projects, Performance Standards set forth in Article 4, Section 440 Erosion Control of this Land Use Code shall be met.

2. Whenever State or Federal permits are required for a proposed subdivision plan application, whichever standard between City, State, or Federal standards is more strict shall govern.

- ~~1. The proposed subdivision shall prevent soil erosion from entering water bodies, wetlands, and adjacent properties.~~

- ~~2. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.~~

- ~~3. Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.~~

710.15 STORM WATER MANAGEMENT (#4)

1. Adequate provision shall be made for the management of the quantity and quality of all storm water generated within the subdivision, and any drained ground water through a management system of swales, culverts, underdrains, storm drains and best management practices equivalent to those described in the Maine Erosion and Sediment Control Best Management Practices (BMPs) Manual for Designers and Engineers, October 2016 ~~latest version of the Erosion and Sedimentation Control: Best Management Practices~~, published by the Maine Department of Environmental Protection, ~~Bureau of Land and Water Quality, the current version being dated March 2003~~, in conformance with the policies of the comprehensive plan. The storm water management system shall be designed to meet the following standards:

- A. Quantity. Peak post-development discharge rates shall be limited to the pre-development levels for the 2-year, 10-year, and 25-year frequency, 24-hour duration storm unless storm water from the subdivision will drain directly into a major water body such as a great pond or the ocean.

~~B. Quality.~~

- ~~1) Major Subdivisions. Storm water run-off in major subdivisions must be treated by the use of best management practices equivalent to those described in the latest version of the Erosion and Sedimentation Control: Best Management Practices, published by the Maine Department of Environmental Protection, Bureau of Land and Water Quality, the current version being dated March 2003, to achieve, by design, 40% reduction in total suspended solids.~~
- ~~2) Minor Subdivisions. Storm water run-off in minor subdivisions must be treated by the use of best management practices equivalent to those described in the latest version of the Erosion and Sedimentation Control: Best Management Practices, published by the Maine Department of Environmental Protection, Bureau of Land and Water Quality, the most current version being dated March 2003, to achieve, by design, 15% reduction in total suspended solids.~~

2. Where necessary to achieve the above standards, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided as necessary. A Homeowners Association shall be created to own and maintain all stormwater infrastructure that is not within the public right of way. All stormwater infrastructure that is not within the public right of way will not be maintained by the City. If the City is required to perform maintenance to infrastructure owned by the Homeowners Association all expenses that are incurred will be charged to the Homeowners Association for reimbursement, including labor by City Staff.
3. The stormwater management plan will be required to meet the requirements of Chapter 31, Articles 6-B, and 6-C of the City of Brewer's Charter, Codes and Ordinances. These sections refer to post construction stormwater monitoring and maintenance requirements for all persons discharging into the City storm sewer system.
4. Whenever State or Federal permits are required for a proposed subdivision plan application, whichever standard between City, State, or Federal standards is more strict shall govern.

Article 7 Subdivision Review, section 711 Design Guidelines

711.5 STORM WATER MANAGEMENT DESIGN GUIDELINES

1. Design of best management practices shall be substantially equivalent to those described in the Maine Erosion and Sediment Control Best Management Practices (BMPs) Manual for Designers and Engineers, October 2016 ~~latest version of the Erosion and Sedimentation Control: Best Management Practices~~, published by the Maine Department of Environmental Protection, ~~Bureau of Land and Water Quality, the most current version being dated March 2003.~~
2. Drainage easements for existing water courses or proposed drainage ways shall be provided at least 30 feet wide, conforming substantially with the lines of existing natural drainage.
3. The minimum pipe size for any storm drainage pipe shall be 15 inches for driveway entrances and eighteen inches for cross culverts. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be bedded in a fine granular material, containing no stones larger than three inches, lumps of clay, or organic matter, reaching a minimum of six inches below the bottom of the pipe extending to a minimum of twelve inches above the top of the driveway pipe and eighteen inches above the cross culvert.

4. Catch basins shall be installed where necessary and when located within a street shall be located at the curb line.

5. Storm Drainage Construction Standards

A. Materials.

1) Storm drainage pipes shall conform to the requirements of Maine Department of Transportation materials specifications Section 706 for non-metallic pipe ~~and Section 707 for metallic pipe~~. Plastic (polyethylene) pipes shall not be installed except in closed systems such as street underdrains. Bituminous-coated steel pipes shall not be used.

2) Where the storm drainage pipe is to be covered by ten feet or more of fill material, pipe material with a fifty year life shall be used. These materials include concrete pipe, polyvinyl-chloride (PVC) pipe, polyethylene (PE) pipe, and corrugated aluminum alloy pipe. Manufacturer's guidelines should be followed for proper installation techniques and recommendations.

3) Where storm drainage pipe may come into contact with salt water, corrugated aluminum alloy or HDPE plastic pipes shall be used.

B. Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board, after consultation with the municipal engineer.

C. Manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of 300 foot intervals.

D. Upon completion, each catch basin or manhole shall be cleaned of all accumulation of silt, debris or foreign matter and shall be kept clean until final acceptance.

Article 14 Definitions

Best Management Practices (BMP) - “Best Management Practices” or BMPs” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Homeowners Association – An incorporated nonprofit organization operating under recorded land agreements through which (a) each lot and/or homeowner in a planned unit or other described land area is automatically a member; (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization’s activities, such as maintaining common property; and (c) the charge if unpaid becomes a lien against the property.

Stormwater - “Stormwater” means any stormwater runoff, snowmelt runoff, and surface runoff and drainage; “Stormwater” has the same meaning as “Storm Water”.

Stormwater Management Facilities and/or Systems - “Stormwater Management Facilities and/or Systems” means any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures and/or systems that are part of the stormwater management plan for a new development or redevelopment.

Stormwater Management Plan - “Stormwater Management Plan” means BMPs and post stormwater management facilities and/or systems employed by a new Development or Redevelopment to meet the stormwater standards of Chapter 24, Land Use, of the City of Brewer’s Charter, Codes and Ordinances and approved by the Municipal Permitting Authority.

Watershed- “Watershed” means the area of land that catches rain and snow that eventually drains or seeps into a marsh, stream, river, lake or groundwater.

STATEMENT OF FACT

Please see attached memo from City of Brewer Planner Linda Johns.

2017-C008

May 9, 2017

TITLE: AMEND CHAPTER 19, ENTITLED "TRAFFIC CODE", ARTICLE 3, STOPPING, STANDING AND PARKING, SECTION 315, SCHEDULE C, (NO PARKING AT ANY TIME), SOUTH MAIN STREET, ITEM #3, OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES.

filed May 3, 2017
by Joseph Ferris

Be it ordained by the City Council of Brewer in City Council assembled that Chapter 19, Article 3, Stopping, Standing and Parking, Section 315, Schedule C, (No Parking at Any Time), South Main Street, Items #3, of the Charter, Codes and Ordinances of the City of Brewer entitled "Traffic Code" be amended to read as follows:

ARTICLE 3 STOPPING, STANDING AND PARKING

SCHEDULE C

No person in charge of a vehicle shall stand, park or leave the same at any time in the following streets:

SOUTH MAIN STREET

- (3) On the generally northerly side of South Main Street, beginning at ~~a point north of the centerline of Hardy Street~~ and ending at a point two hundred (200') feet northeasterly of the centerline of Hardy Street and also from a point four hundred eighty (480') feet northeasterly from the centerline of Hardy Street to a point six hundred and five (605') feet northeasterly of the centerline of Hardy Street.

STATEMENT OF FACT

This ordinance amendment modifies parking restrictions on the river side of South Main Street between Hardy Street and The Big Apple. Parking will now be allowed on a 280' long portion of this area. Historically parking was prohibited here because it interfered with fire trucks entering and exiting the old fire station.

2017-C009

May 9, 2017

TITLE: AMEND CHAPTER 3, ENTITLED "THE CITY CLERK", SECTION 104, ANNUAL EVALUATION, OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES.

filed May 3, 2017
by Matthew Vachon

Be it ordained by the City Council of Brewer in City Council assembled that Chapter 3, Section 104, Annual Evaluation, of the Charter, Codes and Ordinances of the City of Brewer entitled "The City Clerk" be amended to read as follows:

SECTION 104. ANNUAL EVALUATION.

At least once annually the City ~~Council~~ Manager shall evaluate the City Clerk and issue to the City Clerk a written report of the evaluation.

STATEMENT OF FACT

To correct an overlooked amendment that was done to Chapter 3 in July of 2014 naming the City Manager as the official to do the City Clerk's annual evaluation.

2017-C010

May 9, 2017

TITLE: AMEND CHAPTER 22, ENTITLED "SOLID WASTE & RECYCLING ORDINANCE", OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES BY COMPLETE SUBSTITUTION OF THE ORDINANCE.

filed May 3, 2017
by Jerry Goss

Be it ordained by the City Council of Brewer in City Council assembled that Chapter 22, of the Charter, Codes and Ordinances of the City of Brewer entitled "Solid Waste & Recycling Ordinance" be amended by complete substitution as follows:

(Please see attached language)

STATEMENT OF FACT

Changes to update the ordinance and that the changes will go into effect after April 1, 2018 or the date on which the Fiberight Facility begins to accept municipal Solid Waste pursuant to the Master Waste Supply Agreement between Fiberight and the MRC dated January 1, 2016, as such agreement may be amended or replaced.

2017-C011

May 9, 2017

TITLE: AMEND CHAPTER 36, ENTITLED "PURCHASING", OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES BY COMPLETE SUBSTITUTION OF THE ORDINANCE.

filed May 3, 2017
by Beverly Uhlenhake

Be it ordained by the City Council of Brewer in City Council assembled that Chapter 36, of the Charter, Codes and Ordinances of the City of Brewer entitled "Purchasing" be amended by complete substitution as follows:

(Please see attached language)

STATEMENT OF FACT

Most of the updates are necessary to meet new federal funding related to administrative requirements and to update the purchasing thresholds which have not been done in over fifteen years.

Chairman O'Connell asks the City Clerk to poll the Council members to see if they will take up "New Items with Leave of Council" out of order before convening for an Executive Session.

The City Clerk polled the Council members and it was a 4 to 0 vote take up "New Items with Leave of Council" at this time.

H. New Items with Leave of Council.

ACTION: Chairman O'Connell introduces resolve 2017-B008 "Accept Resignation of Albert Gibson as a Member of the Housing Authority of the City of Brewer" under suspension of the rules.

Chairman O'Connell asks the City Clerk to poll the Council to see if there is unanimous consent to take this order up.

The Council members vote 4 to 0 unanimous consent to take up resolve 2017-B008 under suspension of the rules.

2017-B008

May 9, 2017

TITLE: RESOLVE, ACCEPT RESIGNATION OF ALBERT GIBSON
AS A MEMBER OF THE HOUSING AUTHORITY OF
THE CITY OF BREWER.

filed May 8, 2017
(after the deadline)
by Matthew Vachon and
Jerry Goss

WHEREAS, Albert Gibson has submitted a letter of resignation effective May 5, 2017 as a member of the Housing Authority of the City of Brewer; and

WHEREAS, the City Council must vote to accept this resignation and declare a vacancy on the Housing Authority of the City of Brewer before proceeding to fill the vacancy for the unexpired term of Albert Gibson;

NOW, THEREFORE, BE IT RESOLVED, that the City Council herewith accepts the resignation of Albert Gibson as a member of the Housing Authority of the City of Brewer and declares that a vacancy will exist for the unexpired term of Albert Gibson until a new member is appointed.

STATEMENT OF FACT

The unexpired term created by the resignation of Albert Gibson on the Housing Authority of the City of Brewer will be filled in a timely manner.

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

The resolve was adopted by a 4 to 0 vote.

Chairman O'Connell also said he was going to call for a Special Council Meeting on Tuesday, May 30, 2017 at 6:00 p.m. in the Council Chambers at Brewer City Hall to introduce the draft budget for the City and Schools for the FY2018 year.

Chairman O'Connell said the Council would now take up the last item on New Business.

G. New Business.

2017-A084

May 9, 2017

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

filed May 3, 2017
by Jerry Goss

ORDERED, that the City Council convene in executive session pursuant to Title1, M.R.S.A. §405(6)(E) on a legal matter.

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

The order was passed by a 4 to 0 vote.

Chairman O'Connell said that the meeting would be recessed for an executive session with the following in attendance: City Council members, City Manager, City Solicitor, and the Finance Director.

Chairman O'Connell said that the regular meeting would resume after the Executive Session and take up no other items except to adjourn.

The meeting recessed at 6:40 p.m. to go into Executive Session.

Chairman O'Connell called the meeting back to order at 8:03 p.m.

The City Clerk called the roll noting that all Council members were present.

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

City Council Minutes
May 9, 2017

ACTION: Councilor Uhlenhake moved that the meeting be adjourned. The motion was seconded and passed by a 4 to 0 vote. The meeting adjourned at 8:05 p.m.

ADJOURNED, ATTEST: _____ Pamela J. Ryan
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine