

**CITY COUNCIL REGULAR MEETING**  
**Tuesday, October 11, 2016 6:00 P.M.**  
**Brewer City Hall Council Chambers**

- I. Call to Order.** (Mayor Uhlenhake)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America.** (Mayor Uhlenhake)
  - A. Minutes of September 19, 2016 Regular Meeting.** (Councilor Goss)
  - B. Awards, Petitions and Public Comments.**
    - 1. (2016-B034) RESOLUTION OF RESPECT for Wallace C. Robbins.  
(Councilor Ferris)
    - 2. (2016-B035) RESOLVE, Recognize Samuel Gardner for Earning the Rank of Eagle Scout. (Councilor Goss)
    - 3. Presentation: Update on MRC/Fiberight Project. (Finance Director Karen Fussell)
    - 4. Public Comments.
- IV. Recess for Public Hearing.**
  - 1. General Assistance Ordinance Revision Amendment.
- V. Adjourn Public Hearing and Continue with Regular Meeting.**
  - C. Consent Calendar.**
    - 1. (2016-A162) ORDER, Accept Donation to the Brewer Parks and Recreation Department for the Upkeep of the Brewer Cemeteries. (Councilor Vachon)
    - 2. (2016-A163) ORDER, Accept Homeland Security Police Training Grant. (Councilor Goss)
    - 3. (2016-A164) ORDER, Authorize Purchase of Replacement Dump Trucks/Plows for Public Works. (Councilor O’Connell)
    - 4. (2016-A165) ORDER, Authorize Purchase of a Replacement 1 Ton Dump Truck for Public Works. (Councilor Ferris)
    - 5. (2016-A166) ORDER, Authorize Change Orders to the Lou Silver, Inc. Contract for the Felts Brook Culvert Replacement Project. (Councilor Vachon)
    - 6. (2016-A167) ORDER, Authorize the Sale of Property Located at the Intersection of the Day Road and the Lambert Road in Brewer (Generally Shown on the City of Brewer Tax Assessor’s Map 4, Lot 19). (Councilor Goss)
    - 7. (2016-A168) ORDER, Award Contract to Complete the 2016 Infrastructure Improvement Projects. (Councilor O’Connell)

8. (2016-A169) ORDER, Authorize Agreement with Christine D. Willette, Personal Representative for the Estate of Marie L. McDonough, for Payment of Tax and Sewer Liens, Past Due Sewer and Water Bills and Current and Future Taxes, Sewer and Water on Properties Located at 7 Madison Avenue and Washington Street. (Councilor Ferris)
9. (2016-A170) ORDER, Appropriate Reserve Funds to Pay Police Academy Buyout Cost. (Councilor Vachon)
10. (2016-A171) ORDER, Authorize Writeoff of Uncollectible Taxes. (Councilor Goss)
11. (2016-A172) ORDER, Reallocate Debt Service Budget to Support FY17 Capital Projects in Accordance with Approved FY17 CIP. (Councilor O'Connell)
12. (2016-A173) ORDER, Accept Stephen & Tabitha King Foundation Grant for Thermal Imaging Camera. (Councilor Ferris)
13. (2016-A174) ORDER, Accept Homeland Security Grant for Thermal Imaging Camera. (Councilor Vachon)
14. (2016-A175) ORDER Authorize Purchase of Portable Radios for the Fire Department. (Councilor Goss)

**D. Monthly Reports.** (Councilor Ferris)

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

**F. Unfinished Business.**

1. (2016-C011) Enact and Add Chapter 47 Entitled "City of Brewer Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Social Clubs" to the City of Brewer Charter, Codes and Ordinances. (Councilor O'Connell)(posted 9/20/2016)

**G. New Business.**

1. Consent Calendar.
  - a. (2016-C012) Amend the General Assistance Ordinance to Incorporate Changes In Maximum Benefits. (Councilor Vachon)
  - b. (2016-C013) Amend Chapter 28, Entitled "Brewer Sign Ordinance", Article 3, Administration and Enforcement, Section 3.2, Unsafe or Unlawful Signs, Section 3.3 Non-Functional Signs and Section 3.5, Penalty, of the City of Brewer Charter, Codes and Ordinances. (Councilor Goss)
  - c. (2016-C014) Amend Chapter 15, Article 7, Safe Zones, Section 702, Safe Zones of the City of Brewer Charter, Codes and Ordinances, Entitled "Parks, Conservation and Recreation" To Add Items K and L. (Councilor O'Connell)

2. (2016-A176) ORDER, Set Time and Location for Annual Meeting of the City Council and the School Committee.  
(Councilor Ferris)
3. (2016-A177) ORDER, Convene in Executive Session Pursuant to Title 1, M.R.S.A. §405(6)(E) on a Legal Matter.  
(Councilor Vachon)

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

**I. ADJOURN.**

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2016-B034

October 11, 2016

**TITLE: RESOLUTION OF RESPECT FOR WALLACE C. ROBBINS.**

filed October 5, 2016  
by Joseph Ferris

**WHEREAS**, on the 21<sup>st</sup> day of July, 2016, death brought to a close the full and active life of Wallace C. Robbins of Brewer; and

**WHEREAS**, Wallace was raised on the Robbins farm in East Vassalboro and graduated from the Colburn Classical Institute and went on to enlist in the Army Air Corp. He served from 1946 – 1949 as cryptographic technician working with coded signals and regularly used as an “Enigma Cipher Machine”; and

**WHEREAS**, Wallace and his wife Beverly moved to a house in Brewer in 1959 which Wallace built himself. Wallace worked as a professional forester and licensed surveyor for Eastern Fine Paper Company in Brewer for 11 years and then was a dedicated instructor teaching forest management skills at the University of Maine; and

**WHEREAS**, Wallace was a devoted husband, father and grandfather. He was a member of the Columbia Street Baptist Church in Bangor for 50 years serving as a deacon for more than half of that time. Wallace was a founding member of the Brewer Housing Authority, he volunteered on the 2000 Brewer Economic Development Committee and served as a ballot clerk for many elections;

**NOW, THEREFORE BE IT RESOLVED**, that the Brewer City Council does by this resolution and public pronouncement, recognize the positive influence of Wallace C. Robbins, to the well-being and development of the community in which he lived and earned the deep respect of all who knew him; and

**FURTHER, RESOLVED**, that this resolution be spread upon the permanent records of the City of Brewer and that copies thereof be distributed to members of his family in testimony to the high esteem held for Wallace C. Robbins by the citizens and officials of the City of Brewer, Maine.

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2016-B035

October 11, 2016

**TITLE: RESOLVE, RECOGNIZE SAMUEL GARDNER FOR  
EARNING THE RANK OF EAGLE SCOUT.**

filed October 5, 2016  
by Jerry Goss

**WHEREAS**, Samuel Gardner, a member of Boy Scout Troop 15, recently completed all of the requirements to earn the rank of Eagle Scout, the Boy Scouts of America's highest award; and

**WHEREAS**, at a Boy Scouts of America Court of Honor held on Sunday, September 18, 2016, Samuel Gardner was officially awarded the rank of Eagle Scout; and

**WHEREAS**, as part of the required Service Project for the Eagle Scout Award, Samuel rebuilt the split rail fence at the Chamberlain Freedom Park in Brewer; and

**WHEREAS**, it is the sense of the Brewer City Council that Samuel's project will contribute greatly to the preservation of the history of the Chamberlain Freedom Park;

**NOW, THEREFORE, BE IT RESOLVED**, that the Brewer City Council, on behalf of the Citizens of Brewer, herewith extends its congratulations to Samuel Gardner for earning the rank of Eagle Scout and recognizes and appreciates his outstanding community project.

**CITY OF BREWER  
PUBLIC HEARING**

Notice is hereby given that the City Council of the City of Brewer will hold a public hearing on proposed amendments to Chapter 11, Sub-Chapter 1, General Assistance Ordinance, of the City of Brewer Codes and Ordinances to incorporate changes in maximum benefits on Tuesday, October 11, 2016 at 6:00 p.m. in the Council Chambers at Brewer City Hall, 80 No. Main Street, Brewer, Maine.

The proposed revisions are on file in the office of the Brewer City Clerk for inspection during normal business hours of 8:00 a.m. through 4:00 p.m., Monday through Friday, except legal holidays.

Written comments on these proposed amendments may also be submitted. The deadline for submission of written comments is 4:00 p.m. on the date of the public hearing. Written comments should be addressed to the Brewer City Council, c/o City Clerk, 80 North Main Street, Brewer, Maine 04412.

Pamela J. Ryan  
Brewer City Clerk

Published in the Bangor Daily News October 3, 2016  
Posted September 30, 2016 at Brewer City Hall

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2016-A162

October 11, 2016

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PARKS AND RECREATION DEPARTMENT FOR THE UPKEEP OF THE BREWER CEMETERIES.

filed October 5, 2016  
by Mathew Vachon

WHEREAS, the Brewer Parks and Recreation Department has received a donation of \$100.00 for the upkeep of the Brewer Cemeteries;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this generous donation and directs that the donated funds be receipted to account 00107113 300323 (Cemetery Fees and Lot Sales); and

FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0117111 502155 (Agricultural Supplies).

*NOTE: The Brewer Parks and Recreation Director sends a letter of acknowledgement and appreciation on behalf of the City Council to all donors for their generous donations.*

**STATEMENT OF FACT**

This is an order that accepts a donation to buy supplies for upkeep of the cemeteries.

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2016-A163

October 11, 2016

TITLE: ORDER, ACCEPT HOMELAND SECURITY POLICE TRAINING  
GRANT.

filed October 5, 2016  
by Jerry Goss

WHEREAS, the city has received a grant from the US Department of Homeland Security to enhance regional training by adding equipment to the use of force simulator and funding additional training; and

WHEREAS, the Brewer Police Department has been awarded a total of \$15,220.00 through the Penobscot County Emergency Management Agency under the State of Maine's FY2016 Homeland Security Grant; and

WHEREAS, \$8,570.00 has been awarded to buy additional equipment for the regional use of force simulator and \$6,650.00 to offset the cost of 3 regional training classes; and

WHEREAS, this grant program is intended to improve preparedness and response capabilities for Homeland Security related events in the State of Maine;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts these grant funds and directs that these funds be deposited in Account 0600058-360000-58040 (MEMA Simulator Grant Revenue); and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditures of these funds from Account 0600058-560000-58040 (MEMA Simulator Grant Expense) to further enhance the use of force simulator and related regional training opportunities.

**STATEMENT OF FACT**

The Brewer Police Department received \$15,220.00 through the Penobscot County Emergency Management Agency under the State of Maine's FY2016 Homeland Security Grant program. This grant is for purchasing use of force simulator equipment and enhanced response training.



# CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2016-A164

October 11, 2016

TITLE: ORDER, AUTHORIZE PURCHASE OF REPLACEMENT DUMP  
TRUCKS/PLOWS FOR PUBLIC WORKS.

filed October 5, 2016  
by Kevin O'Connell

WHEREAS, bids were solicited, received and evaluated for the purchase of two dump trucks/snowplows to replace Public Works unit #437 and #431, a 2007 Sterling dump truck/plow and a 2006 Sterling dump truck/plow which is also equipped for catch basin cleaning, whose replacements were included in the approved FY17 CIP ; and

WHEREAS, Freightliner of Maine, of Bangor, ME provided the City with the lowest acceptable bids of the four bids received on each truck, totaling \$312,939.00, which includes a total trade-in deduction of \$29,500 allotted for the Public Works unit #433 and #431; and

WHEREAS, the bid for the unit #437 replacement came in \$10,253.00 under its approved budget and the bid for unit #431 came in \$13,192.00 over budget; and

WHEREAS, there sufficient funds in the FY16 Sweeper account to cover the \$13,192.00 overage due to the Sweeper bids coming substantially under budget this past spring;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to Freightliner of Maine, in the amount of \$312,939.00 for the purchase of two 2017, Freightliner dump trucks with plow and wing, one of which will also be equipped with a boom and bucket for cleaning catch basins; and

BE IT FURTHER ORDERED, that the current Public Works unit numbered 433 and 431, a 2001 and 2006 Sterling dump truck, with a plow and wing, be declared surplus property and be released and transfer ownership to Freightliner of Maine once the replacement trucks have been delivered to the City of Brewer; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to the following FY17 CIP accounts, \$119,747 to 0510133-551621 titled "Sterling Plow/Sander #437, and \$193,192.00 to 0510133-551350 titled "Ford Multiuse Replacement; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the reallocation of \$13,192.00 of approved but unneeded CIP budget from 0510133-551349 (Sweeper #430) to 0510133-551350 (Ford Multiuse Replacement) to fully fund the above referenced purchase.

## STATEMENT OF FACT

This purchase will replace two aging plow trucks, one of which is also used as our catch basin cleaning truck, hence the difference in cost. Unit #437 will remain at Public Works replacing unit #433 as our only spare plow truck.

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2016-A165

October 11, 2016

TITLE: ORDER, AUTHORIZE PURCHASE OF A REPLACEMENT  
1 TON DUMP TRUCK FOR PUBLIC WORKS.

filed October 5, 2016  
by Joseph Ferris

WHEREAS, bids were solicited, received and evaluated for the purchase of a 1 ton dump truck to replace Public Works unit #415, a 2007 1 ton Ford F350; and

WHEREAS, Darling's Ford, of Bangor, Maine provided the City with the lowest of the four bids received in the amount of \$41,137.00, which includes a trade-in allowance of \$9,023.00;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to Darling's in the amount of \$41,137.00 for the purchase of a 2017, F350 Ford 1-ton dump truck; and

BE IT FURTHER ORDERED, that the current Public Works unit numbered 415, the 2007 Ford F350 1 ton dump truck, be declared surplus property, and be released and transfer ownership to Darling's once the replacement truck has been delivered to the City of Brewer; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to the FY17 CIP account 0510133-551620, titled "Ford F350 IT Dump #415".

**STATEMENT OF FACT**

This will replace the 1 ton dump truck that is used at the landfill, used often by Parks and Recreation, and used in the winter months to plow around the facility, and at the landfill as well as assisting with other plowing as needed. The existing truck #415 is equipped with a plow which will be transferred to the new truck.



**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2016-A167

October 11, 2016

TITLE: ORDER, AUTHORIZE THE SALE OF PROPERTY LOCATED AT THE INTERSECTION OF THE DAY ROAD AND THE LAMBERT ROAD IN BREWER (GENERALLY SHOWN ON THE CITY OF BREWER TAX ASSESSOR'S MAP 4, LOT 19).

filed October 5, 2016  
by Jerry Goss

WHEREAS, the City has acquired title to the property situated at the intersection of the Day Road and Lambert Road (generally shown of the City of Brewer Tax Assessor's Map 4, Lot 19) and more specifically described on a deed recorded in the Penobscot County Registry of Deeds in Volume 4932, page 112 from all parties that have a potential legal interest hereinafter referred to as the "Property"; and

WHEREAS, the City wishes to list the Property with a Maine licensed real estate broker and offer it for sale to the public;

NOW, THEREFORE, BE IT ORDERED that the City Council, based upon the advice of the City staff, declares the Property to be surplus and of no future benefit to the City, now or in the future; and

BE IT FURTHER ORDERED that the City Council authorizes the sale of the Property by a Maine licensed Real Estate Broker in a commercial reasonable manner; and

FURTHER BE IT ORDERED that the City Manager, or his designee, shall have the right to accept any commercially reasonable offer on the property that he, or his designee, determines to be in the best interest of the citizens of the City of Brewer and to take any and all actions and to sign any and all documents necessary for the City of Brewer to effectuate the transfer of the Property to the successful buyer or buyers.

## **STATEMENT OF FACT**

This City Council order authorizes the sale of the Property situated at the intersection of the Day Road and Lambert Road in Brewer, in a commercially reasonable manner.



**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2016-A169

October 11, 2016

TITLE:       ORDER,       AUTHORIZE AGREEMENT WITH CHRISTINE D. WILLETTE, PERSONAL REPRESENTATIVE FOR THE ESTATE OF MARIE L. MCDONOUGH, FOR PAYMENT OF TAX AND SEWER LIENS, PAST DUE SEWER AND WATER BILLS AND CURRENT AND FUTURE TAXES, SEWER AND WATER ON PROPERTIES LOCATED AT 7 MADISON AVENUE AND WASHINGTON STREET.

filed October 5, 2016  
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 Christine D. Willette, Personal Representative for The Estate of Marie L. McDonough, (“Christine Willette”) wherein Christine Willette is permitted to reacquire the properties at 7 Madison Avenue and Washington Street (Tax Map 35, Lots 99 and 100), which have been acquired by the City by virtue of foreclosing City of Brewer tax collector liens and sewer liens, provided Christine Willette, in her said capacity, pays to the City of Brewer all outstanding tax and sewer obligations relating to the property per the terms of the payment 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 the City to enter into a payment agreement with the Personal Representative for the Estate of Marie L McDonough to reacquire properties located at 7 Madison Avenue and Washington Street.

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2016-A170

October 11, 2016

TITLE: ORDER, APPROPRIATE RESERVE FUNDS TO PAY POLICE  
ACADEMY BUYOUT COST.

filed October 5, 2016  
by Matthew Vachon

WHEREAS, in June 2016, the Brewer City Council appropriated \$30,000 to seed fund a new Police Academy Buyout Reserve to assist the City in paying for academy buyouts mandated by the state for certain Police candidates hired from other Maine communities; and

WHEREAS, the Police Department's most recent hire, James Gordon, was recruited from the Town of Skowhegan, which is due the maximum buyout payment;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the appropriation and expenditure of \$25,000 from 0115811-500861 (Police – Training Costs Reimbursement) to be funded by money set aside in the Police Academy Buyout Reserve (Project Code 58035) for this purpose.

**STATEMENT OF FACT**

This order authorizes the use of \$25,000 in Police Academy Buyout Reserve funds to pay the Town of Skowhegan for academy training costs of newly hired officer James Gordon, as mandated by the state.



**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2016-A171

October 11, 2016

TITLE: ORDER, AUTHORIZE WRITEOFF OF UNCOLLECTIBLE TAXES.

filed October 5, 2016  
by Jerry Goss

WHEREAS, Richard Libby, Sr., dba TCL Sheet Metal, of Brewer, Maine has unpaid personal property taxes going back to 2004; and

WHEREAS, Mr. Libby had been making periodic payments on these past due amounts; and

WHEREAS, on September 13, 2016, Richard Libby, Sr. passed unexpectedly from this world;

NOW, THEREFORE, BE IT ORDERED, that in accordance with Title 36, M.R.S.A. §841(3) the following personal property taxes, which according to the Tax Collector cannot be collected due to being uncollectible, are herewith abated:

<b>Personal Property ID</b>	<b>dba TCL Sheet Metal</b>
<b>91315</b>	
2004	\$ 327.40
2005	\$ 353.68
2006	\$ 228.65
2007	\$ 236.25
2008	\$ 225.63
2009	\$ 224.38
2010	\$ 224.38
2011	\$ 224.38
2012	\$ 224.38
2014	\$ 115.06
2015	\$ 71.13
2016	\$ 73.17
2017	\$ 73.17
Total	\$ 2,601.66

AND BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of \$2602.00 from Overlay (0119901-509810) to the Adjustments/Writeoffs account (0116900-509890) to fund this expense.

**STATEMENT OF FACT**

This order authorizes the writeoff of more than 10 years of personal property taxes totaling \$2,601.66 owed by Richard Libby (dba TCL Sheet Metal), who passed away in September 2016.

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2016-A172

October 11, 2016

TITLE:       ORDER,       REALLOCATE DEBT SERVICE BUDGET TO  
                              SUPPORT FY17 CAPITAL PROJECTS IN  
                              ACCORDANCE WITH APPROVED FY17 CIP.

filed October 5, 2016

by Kevin O'Connell

WHEREAS, the FY2017 Capital Improvement Program approved by the City Council in June 2016 called for the allocation of \$19,000 from the City general fund; and

WHEREAS, these funds were included in the FY17 City budget approved by Council in the Debt Service Principal and Interest expense accounts; and

WHEREAS, these budgeted funds represent debt service cost associated with the May 2016 bond issued to support the FY16 CIP but for which full payments will not begin until FY18;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the reallocation of \$19,000 not needed to support debt service payments in FY17 from account 0118701-509010 (Debt Interest – City GF) to 0119903-509130 (CIP Funding – City GF) to be moved to Fund 5000 (City Capital Improvement Program) account 0500100-300893 (Transfers In) to help pay for capital projects approved as part of the City's FY17 CIP.

**STATEMENT OF FACT**

This order authorizes the transfer of \$19,000 from the general fund to the capital improvement program fund as planned for in the FY2017 CIP approved by Council in June 2016.

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2016-A173

October 11, 2016

TITLE: ORDER, ACCEPT STEPHEN & TABITHA KING FOUNDATION  
GRANT FOR THERMAL IMAGING CAMERA.

filed October 5, 2016  
by Joseph Ferris

WHEREAS, the city has received a grant from the Stephen and Tabitha King Foundation totaling \$10,000.00; and

WHEREAS, the Brewer Fire Department has been awarded the funds to replace one of two aging thermal imaging cameras; and

WHEREAS, the updated thermal imaging camera will provide a critical enhancement to the Fire Department's lifesaving capabilities;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts these grant funds and directs that these funds be deposited in Account 0600058-360000-38039 (King Foundation Thermal Camera Grant Rev); and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditures of these funds from Account 0600058-560000-58039 (King Foundation Thermal Camera Grant Exp) to purchase a thermal imaging camera; and

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

**STATEMENT OF FACT**

The Brewer Police Department received \$10,000.00 through the Stephen and Tabitha King Foundation. The grant is for the purchase of a new thermal imaging camera to replace one of two aging thermal imaging cameras in the possession of the Brewer Fire Department.

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2016-A174

October 11, 2016

TITLE: ORDER, ACCEPT HOMELAND SECURITY GRANT FOR  
THERMAL IMAGING CAMERA.

filed October 5, 2016  
by Matthew Vachon

WHEREAS, the city has received a grant from the US Department of Homeland Security to replace one of two aging thermal imaging cameras at the Brewer Fire Department; and

WHEREAS, the Brewer Fire Department has been awarded a total of \$7,130.00 through the Penobscot County Emergency Management Agency under the State of Maine's FY2016 Homeland Security Grant; and

WHEREAS, this grant program is intended to improve preparedness and response capabilities for Homeland Security related events in the State of Maine;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts these grant funds and directs that these funds be deposited in Account 0600058-360000-58038 (MEMA Thermal Imaging Grant Revenue); and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditures of these funds from Account 0600058-560000-58038 (MEMA Thermal Imaging Grant Expense) to purchase a thermal imaging camera.

**STATEMENT OF FACT**

The Brewer Fire Department received a grant of \$7,130.00 through the Penobscot County Emergency Management Agency under the State of Maine's FY2016 Homeland Security Grant program. This grant is for the replacement of one of two thermal imaging cameras.

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2016-A175

October 11, 2016

TITLE: ORDER, AUTHORIZE PURCHASE OF PORTABLE RADIOS  
FOR THE FIRE DEPARTMENT.

filed October 5, 2016  
by Jerry Goss

WHEREAS, the Brewer Fire Department relies on portable radios for critical communications at structure fires and other emergency scenes; and

WHEREAS, many of the portable radios are currently experiencing communications failures at emergency scenes due to age and other factors; and

WHEREAS, the portable radios are in need of replacement to ensure critical communications are not interrupted at emergency scenes; and

WHEREAS, there are sufficient surplus funds in Fire capital accounts to cover the estimated \$9,000.00 cost;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council hereby authorizes the appropriation and expenditure of \$9,000.00 from CIP account 0510132-551230 (Fire Portable Radios); and

BE IT FURTHER ORDERED, that, to fund this expense, the City Council hereby authorizes the reallocation of surplus funds totaling \$5073.89 from CIP account 0510132-551219 (Fire Computer Replacement) and \$3,926.00 from CIP account 0510132-551227 (Fire Thermal Camera) to CIP account 0510132-551230 (Fire Portable Radios) to fund this expense.

**STATEMENT OF FACT**

This order authorizes the purchase of replacement portable radios for the Fire Department to be funded by the reallocation of \$9,000.00 in existing surplus capital funds.

# CITY OF BREWER, MAINE

## IN CITY COUNCIL ASSEMBLED

2016-C012

October 11, 2016

TITLE:           AMEND THE GENERAL ASSISTANCE ORDINANCE TO INCORPORATE CHANGES IN MAXIMUM BENEFITS.

filed October 5, 2016  
by Matthew Vachon

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 11 of the Charter, Codes and Ordinances of the City of Brewer entitled “Health Officer, Health and General Assistance” be amended as follows:

**A.     Amend Chapter 11, Sub-chapter 1 (General Assistance Ordinance), Article VI, Appendix A to read, in part, as follow:**

APPENDIX A	Basic Necessities: Maximum Levels of Assistance.	
No. in Household	Monthly	(Change to)
1	\$628	\$703
2	\$734	\$777
3	\$916	\$981
4	\$1141	\$1227
5	\$1326	\$1437
6	\$1401	\$1512
*Each additional person	\$ 75.00*	\$75.00*

**B.     Amend Chapter 11, Sub-chapter 1 (General Assistance Ordinance), Article VI, Appendix C to read, in part, as follow:**

Current:

Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	99	432	123	531
1	99	427	127	548
2	114	491	151	651
3	171	734	216	930
4	195	837	250	1075

Change to:

Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	125	539	149	640
1	135	583	164	707
2	173	744	209	898
3	219	944	263	1132
4	255	1097	308	1326

**C. Amend Chapter 11, Sub-chapter 1 (General Assistance Ordinance), Article VI, Appendix D to read, in part, as follow:**

**Electric Utility Maximums**

**With electric hot water**

The maximum amount allowed for electric utilities for dwelling units that have electrically heated hot water shall be \$70 per month for the first member of the household, with an additional \$10 per month for each additional household member.

Current:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$19.10	\$86.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$37.30	\$160.00
6	\$41.00	\$176.00

Change to:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$20.08	\$86.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$37.30	\$160.00
6	\$41.00	\$176.00

# CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2016-C013

August 9, 2016

TITLE: AMEND CHAPTER 28, ENTITLED "BREWER SIGN ORDINANCE", ARTICLE 3, ADMINISTRATION AND ENFORCEMENT, SECTION 3.2, UNSAFE OR UNLAWFUL SIGNS, SECTION 3.3 NON-FUNCTIONAL SIGNS AND SECTION 3.5, PENALTY OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES..

filed October 5, 2016  
by Jerry Goss

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 28 of the Charter, Codes and Ordinances of the City of Brewer entitled "Brewer Sign Ordinance" be amended by changing Article 3, Administration and Enforcement, Section 3.3, Non-Functional Signs to read as follows:

## **AMEND:**

### **ARTICLE 3 ADMINISTRATION AND ENFORCEMENT**

#### **3.2 Unsafe or Unlawful Signs:**

If the Code Enforcement Officer shall find that any sign or sign structure regulated herein is unsafe or insecure, or is being maintained in violation of the provisions of this Chapter, the Code Enforcement Officer shall give written notice to the owner thereof to remove or alter the structure within ten days after receipt of said notice in order to comply with the provisions of this Chapter. If the owner refuses or neglects to comply with the order of the Code Enforcement Officer, then the Code Enforcement Officer shall order such sign or structure to be removed or altered in order to comply with this Chapter, and if the owner fails to comply, ~~the City shall remove the sign and all expenses thereof shall be repaid to the City by the owner within thirty (30) days after demand. Said removals shall take place at such time as any and all appeals, the penalties will be the same as defined in Section 3.4~~ 3.3 of this Article.



**3.3 Non-Functional Signs:**

It shall be unlawful for any sign to remain on display after it ceases to be functional. If a sign is found to be non-functional for a period of thirty (30) days, the landowner of which this violation is located owner shall be given written notice by the Code Enforcement Officer to remove the sign within ten (10) City business days after receipt of said notice. Notwithstanding anything hereinafter provided, any person or entity aggrieved by the decision of the Code Enforcement Officer pursuant to this Section shall appeal to the Brewer Board of Appeals within ten (10) days as of the Code Enforcement Officers written notification to the landowner. If the landowner fails to appeal as hereinbefore proved, or if the appeal is denied by the Brewer Board of Appeals or Court of competent jurisdiction, then unless provided by law, the landowner shall be fined not ~~more~~ less than one hundred dollars (\$100.00) and no more than two thousand five hundred (\$2,500.00) per day. Each day that such violation(s) continue shall constitute a separate offense. The City shall also be entitled to its reasonable attorney fees and costs, if it successfully prosecutes a violation under this Chapter. If the owner refuses or neglects to comply with the order, the Code Enforcement Officer may order such sign to be removed by City personnel, and the owner thereof shall repay all expenses to the City within thirty (30) days after demand. Non-functional sign shall mean a sign displayed after the business or product advertised is no longer located, operating, or available on the premises to which the sign pertains.

**3.4 Appeal:**

Any person aggrieved by a decision of the Code Enforcement Officer may appeal from said decision to the Board of Appeals within five (5) days after said determination or before the issuing of the permit. The Board may affirm, modify or reverse the decision of the Code Enforcement Officer in accordance with the terms of this Chapter. Any person aggrieved by the decision of the Board of Appeals may appeal from said decision to the Superior Court. The appeal to the Superior Court shall be within forty-five (45) days after the decision of the Board of Appeals as provided by law.

**3.5 Penalty:**

Any person(s) who violate any provision of this Chapter or fails to comply with any of its requirements, shall, upon being determined to be in violation, thereof, be fined not ~~more~~ less than one hundred dollars (\$100.00) and no more than two thousand five hundred (\$2,500.00) per day. Each day that such violation(s) continue shall constitute a separate offense. The City shall also be entitled to its reasonable attorney fees and costs, if it successfully prosecutes a violation under this Chapter.

**STATEMENT OF FACT**

This amendment changes the ordinance to bring it in line with State Statutes as far as penalties are concerned.

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2016-C014

October 11, 2016

TITLE:           AMEND CHAPTER 15, ENTITLED "PARKS, CONSERVATION AND RECREATION, ARTICLE 7, SAFE ZONES, SECTION 702, SAFE ZONES, OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES TO ADD ITEMS K AND L.

filed October 5, 2016  
by Kevin O'Connell

WHEREAS, Title 30-A M.R.S.A. Section 3253 allows municipalities to establish safe zones; and

WHEREAS, The Dougherty Recreation Complex and Capri Street Field are frequented by minors; and

WHEREAS, the Brewer High School District has transferred these properties to the City of Brewer; and

WHEREAS, the City Council for the City of Brewer believes that it is in the best interest to protect the public health, safety and welfare of its citizens and all who use the Dougherty Recreation Complex and Capri Street Field to designate them as part of a safe zone pursuant to Title 30 -A M.R.S.A. Section 3253; and

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 15, Article 7, Safe Zones, Section 702, Safe Zones, of the Charter, Codes and Ordinances of the City of Brewer entitled "Parks, Conservation and Recreation" be amended by adding Items K and L as follows:

(k)     The Dougherty Recreation Complex, which is generally described on the Tax Assessor's maps, dated April, 2016, as amended as Map 34, Lot 56, on file in the City Clerk's Office and more fully described in a deed recorded in the Penobscot County Registry of Deeds in Book 13905, Page 218.

(l)     The Capri Street Field, which is generally described on the Tax Assessor's maps, dated April, 2016, as amended as Map 44, Lot 13, on file in the City Clerk's Office and more fully described in a deed recorded in the Penobscot County Registry of Deeds in Book 13905, Page 215.

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2016-A176

October 11, 2016

TITLE: ORDER, SET TIME AND LOCATION FOR THE ANNUAL MEETING  
OF THE CITY COUNCIL AND THE SCHOOL COMMITTEE.

filed October 5, 2016  
by Joseph Ferris

WHEREAS, Article II, Section 5 of the Brewer City Charter provides that the City Council shall meet and organize on the third Tuesday in November to have City Council members, elected at the annual municipal election, sworn to office and to elect a City Council Chairman or Mayor; and

WHEREAS, the location and time of this annual meeting shall be determined by vote of the City Council;

NOW, THEREFORE, BE IT ORDERED, that the annual meeting of the Brewer City Council for the year 2016 shall be held on Tuesday, November 15, 2016 at 6:00 p.m. at Jeff's Catering; and

FURTHER ORDERED, that the City Manager or the City Clerk chose an alternate site if Jeff's Catering is not available on the above date and time.

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2016-A177

October 11, 2016

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

filed October 5, 2016  
by Mathew Vachon

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

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2016-C011

September 19, 2016

TITLE: ENACT AND ADD CHAPTER 47 ENTITLED “CITY OF BREWER MORATORIUM ORDINANCE ON RETAIL MARIJUANA ESTABLISHMENTS AND RETAIL MARIJUANA SOCIAL CLUBS” TO THE CITY OF BREWER CHARTER, CODES AND ORDINANCES.

filed September 13, 2016  
by Kevin O’Connell

**CHAPTER 47  
CITY OF BREWER MORATORIUM  
ORDINANCE ON RETAIL MARIJUANA ESTABLISHMENTS  
AND RETAIL MARIJUANA SOCIAL CLUBS**

WHEREAS, a ballot initiative to legalize, regulate and tax marijuana for non-medicinal purposes known as the “Marijuana Legalization Act” proposed to be codified in the Maine Revised Statutes in Title 7, chapter 417, will be voted on by a Statewide referendum election on November 8, 2016; and

WHEREAS, the proposed Act authorizes municipalities to regulate the number of retail marijuana stores and the location and operation of retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, as those terms are defined in the proposed Act, as well as the option to prohibit the operation of retail marijuana social clubs and retail marijuana establishments, including stores, cultivation facilities, manufacturing facilities and testing facilities within its jurisdiction; and

WHEREAS, the proposed Act will not limit the privileges or rights afforded by the Maine Medical Use of Marijuana Act (22 M.R.S.A. §§ 2421 – 2430-B) to qualifying patients, primary caregivers, or registered dispensaries, including cultivation facilities; and

WHEREAS, the outcome of the Statewide referendum vote is yet to be determined and the City’s current Land Use Code and other applicable Codes and Ordinances provides for regulations of medical marijuana cultivation facilities and dispensaries pursuant to the Maine Medical Use of Marijuana Act cited above, but does not include any regulations related to retail marijuana establishments or retail marijuana social clubs under the proposed new Act; and

WHEREAS, the unregulated location and operation of retail marijuana establishments and retail marijuana social clubs within the City of Brewer raises legitimate and substantial questions about the impact of such establishments and social clubs on the City, including questions of the compatibility of retail marijuana establishments and social clubs with existing uses and development in all zoning districts; ~~the possible connection of retail marijuana establishments and social clubs with medical marijuana and cultivation facilities and dispensaries~~; the potential adverse health and safety effects of retail marijuana establishments and social clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the new law; potential criminal activity associated with the cultivation, manufacturing, sale and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on the public safety agencies serving the City in responding to the same; and the adequacy of the City's streets and infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments or social clubs; and

WHEREAS, the possible effect of the location and operation of retail marijuana establishments and/or retail marijuana social clubs within the City has serious implications for the health, safety and welfare of the City and its residents; and

WHEREAS, the City needs time to review the proposed Act in anticipation of the election and to review its Land Use Code and other applicable Codes and Ordinances to determine the implications of future proposed retail marijuana establishments and/or social clubs to develop reasonable codes and ordinances governing the location and operations of such establishments and social clubs to address the concerns cited above; and

WHEREAS, the City, under its home rule authority, its police power generally, and under 30-A M.R.S.A., Chapter 187, Subchapter 3 ("land use regulation"), as provided by the proposed new Act, or as otherwise provided by current law, has the authority to impose reasonable restrictions, conditions, and limitations on such retail marijuana establishments and social clubs; and

WHEREAS, the City Council, with the professional advice and assistance of the Brewer Police Department, Penobscot County Sheriff's Office and the Maine State Police, the Planning Board and the Planning Department shall study the City's current Land Use Code and other applicable Code and Ordinances to determine the land use and other regulatory implications of retail marijuana establishments and social clubs and consider what locations, if any, and conditions of approval, if any, might be appropriate for such uses; and

WHEREAS, the City's current Land Use Code and other Codes and Ordinances are not adequate to prevent serious public harm that could be caused by the development of retail marijuana establishments and social clubs and other uses authorized by the proposed changes in law to be voted on in the November 8, 2016, referendum election, thereby necessitating a moratorium; and

WHEREAS, a moratorium is necessary to prevent an overburdening of public facilities that is reasonably foreseeable as the result of retail marijuana establishments and social clubs and other uses authorized by the proposed changes in law, if passed, to be voted on in the November 8, 2016 referendum election, being located in the City; and

WHEREAS, it is anticipated that such a study, review, and development of recommended Ordinance changes will take at least one hundred and eighty (180) days from the date the City enacts this Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Social Clubs; and

WHEREAS, this Moratorium Ordinance does not become effect until five (5) days after approval, unless it contains an emergency preamble; and

WHEREAS, the facts set forth above create an emergency within the Charter, Codes and Ordinances of the City of Brewer and require that the following resolves become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer.

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Brewer that the following Chapter 47 entitled, “Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Social Clubs” be, and hereby is, enacted, and, in furtherance thereof, the City Council does hereby declare a moratorium on the location, operation or licensing of any retail marijuana social clubs and any retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, within the City.

~~In addition, the City Council does hereby declare a moratorium on the location, operation or licensing of any new medical marijuana cultivation facilities or dispensaries and the expansion of any existing medical marijuana cultivation facilities or dispensaries, as permitted under the City’s Land Use Code and other Code and Ordinances, within the City.~~

This Moratorium Ordinance shall take effect, once enacted by the City Council, in accordance with the provisions of the City Charter, but shall be applicable as of September 19, 2016, as expressly provided below. The moratorium shall remain in effect for one hundred and eighty (180) days from the date of applicability of this Ordinance, unless extended, repealed, or modified by the City Council, for the express purpose of drafting an amendment or amendments to the City’s current Land Use Code and other applicable Code and Ordinances to protect the public from health and safety risks including, but not limited to, compatibility of retail marijuana establishments and social clubs with existing and permitted uses in residential, commercial, industrial zoning districts and other zoning districts; the correlation of retail marijuana establishments and social clubs with medical marijuana cultivation facilities and dispensaries; the potential adverse health and safety effects of retail marijuana establishments and social clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who

would abuse the uses authorized under the new law; criminal activity associated with the cultivation, manufacturing, sale and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on the public safety agencies serving the City in responding to the same; and the adequacy of the City's streets and infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments or social clubs

BE IT FURTHER ENACTED, that this Ordinance shall apply to retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, as those terms are defined by the proposed "Marijuana Legalization Act" to be codified, if passed, at 7 M.R.S.A. §§ 2442 (36), (39), (40), that may be proposed to be located within the City on or after the September 19, 2016 applicability date of this Ordinance; and

BE IT FURTHER ENACTED, that notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, this Ordinance, when enacted, shall govern any proposed retail marijuana establishments or social clubs for which an application for a building permit, Certificate of Occupancy, site plan or any other required approval has not been submitted to and granted final approval by the Code Enforcement Officer, Planning Board or other City officials or boards prior to September 19, 2016, the applicability date of this Ordinance; and

BE IT FURTHER ENACTED, that no person or organization shall develop or operate a retail marijuana establishment or social club within the City on or after the September 20, 2016 applicability date of this Ordinance without complying with whatever Ordinance amendment or amendments the City Council may enact as a result of this Moratorium Ordinance; and

~~BE IT FURTHER ENACTED, that no person or organization shall develop or operate a new medical marijuana cultivation facility or dispensary or expand any existing medical marijuana cultivation facility or dispensary that may be currently permitted the City's Land Use Code and other applicable Codes and Ordinances, within the City on or after the September 19, 2016 applicability date of this Ordinance without complying with whatever ordinance and code amendment or amendments the City Council may enact as a result of this Moratorium Ordinance; and~~

BE IT FURTHER ENACTED, that during the time this Moratorium Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the City shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit, certificate of occupancy, special exception review, site plan review and/or any other permits or licenses related to a retail marijuana establishment, or retail marijuana social club, ~~a new medical marijuana cultivation facility or dispensary, or the expansion of an existing medical marijuana cultivation facility or dispensary; and~~



BE IT FURTHER ENACTED, that those provisions of the City's current Land Use Code and other applicable Codes and Ordinances that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained, and as it may be extended as permitted by law, but not otherwise; and

BE IT FURTHER ENACTED, that if retail marijuana establishments, retail marijuana social clubs, new medical marijuana cultivation facilities or ~~dispensaries, or expansions of existing medical marijuana cultivation facilities or dispensaries~~ are established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance, and the City shall be entitled to all rights available to it in law and equity, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations; and

BE IT FURTHER ENACTED that this Moratorium Ordinance shall not apply to existing medical marijuana dispensaries or medical marijuana cultivation facilities as defined under the Maine Medical Use of Marijuana Act ( 22 M.R.S.A. 2421-2430-B ) in the City of Brewer or the expansion thereof.

BE IT FURTHER ENACTED, that should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Applicability Date: September 19, 2016, pursuant to its emergency preamble.

#### **STATEMENT OF FACT**

This Moratorium Ordinance is to prevent retail marijuana establishments, retain marijuana social clubs, new medical marijuana cultivation facilities or dispensaries or expansion of existing medical marijuana cultivation facilities that may result from the approval of a referendum election on November 8, 2016, State of Maine ballot for a period of one hundred eighty (180) days from the date of the enactment of this Moratorium Ordinance.