

City Council Minutes
October 13, 2015

Regular Meeting
City Hall Council Chambers

Tuesday, October 13, 2015
6:00 p.m.

The regular meeting was called to order by Chairman Matthew Vachon
The city clerk called the roll:

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

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

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

Chairman Vachon read the notice for the regular meeting.

TO: Joseph Ferris, Jerry Goss, Kevin O'Connell, Matthew Vachon and Beverly Uhlenhake
MEMBERS OF THE BREWER CITY COUNCIL You are hereby notified a regular meeting of the City Council will be held on Tuesday, October 13, 2015 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider and act on the items on the attached agenda.

s/Matthew Vachon
Mayor and Chairman of the City Council

or _____
Majority of the City Council

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

OFFICER'S RETURN

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

Given/Delivered to:	by (person delivering)	Title	Date	Time
Joseph Ferris	Young	Off.	10/09/15	1516
Matthew Vachon	P. Ryan	CC	10/09/15	4:00pm
Beverly Uhlenhake	Caron	Off.	10/09/15	1510
Jerry Goss	Caron	Off.	10/09/15	1534
Kevin O'Connell	P. Ryan	CC	10/09/15	3:45 pm

CITY COUNCIL REGULAR MEETING
Tuesday, October 13, 2015 6:00 P.M.
Brewer City Hall Council Chambers

- I. Call to Order.** (Mayor Matthew Vachon)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America.** (Mayor Vachon)
- A. Minutes of September 15, 2015 Regular Meeting and September 25, 2015 Emergency Special Meeting.** (Councilor O’Connell)
- B. Awards, Petitions and Public Comments.**
 - 1. (2015-B051) RESOLUTION OF RESPECT for Merle F. Hutchins.
(Councilor Goss)
 - 2. (2015-B052) RESOLVE, Recognize Aimee Cyr for 25 Years of Outstanding Service to the City of Brewer.
(Councilor Uhlenhake)
 - 3. PROCLAMATION: World Polio Day and the Purple Pinkie Project.
(Mayor Vachon)
 - 4. Presentation: CSO Master Plan Update – William Olver of Olver Associates.
 - 5. 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. (2015-A178) ORDER, Accept Donations to the Brewer Public Library.
(Councilor O’Connell)
 - 2. (2015-A179) ORDER, Accept Donations to the Brewer Parks and Recreation Department for the Annual Brewer Days Celebration. (Councilor Ferris)
 - 3. (2015-A180) ORDER, Issue Release Deed to Isaac Blood for Property Located at 4 Crescent Street
(Tax Map 44, Lot 16). (Councilor Goss)
 - 4. (2015-A181) ORDER, Issue Release Deed to Gilbert L. Merchant and Julie Merchant for Property Located at 45 State Street (Tax Map 30, Lot 124).
(Councilor Uhlenhake)
 - 5. (2015-A182) ORDER, Accept Donation to the Brewer Public Safety Museum. (Councilor O’Connell)
 - 6. (2015-A183) ORDER, Award Contract for Gravel Delivery to Dougherty Recreational Complex Project. (Councilor Ferris)

7. (2015-A184) ORDER, Authorize the City of Brewer to Sign an Option Agreement with Brewer Development, LLC for Land Located at the End of Sid Arey Drive. (Councilor Goss)
8. (2015-A185) ORDER, Award Contract for Loam Delivery to Dougherty Recreational Complex Project. (Councilor Uhlenhake)
9. (2015-A186) ORDER, Authorize the Purchase of Hardware, Software and Services for the Police Server Replacement Plan. (Councilor O'Connell)
10. (2015-A187) ORDER, Accept Partners in Community Health Grant Funds to Promote Physical Activity. (Councilor Ferris)
11. (2015-A188) ORDER, Accept Scrap Metal Proceeds and Appropriate to Flags in Brewer Program. (Councilor Goss)
12. (2015-A189) ORDER, Approve the Carry Forward Encumbrance of Appropriated, but not Expended, Funds for Approved Projects. (Councilor Uhlenhake)

D. Monthly Reports. (Councilor Ferris)

E. Nominations, Appointments, Elections.

1. Consent Calendar.
 - a. (2015-A190) ORDER, Reappoint Voter Registration Appeals Board Members. (Councilor O'Connell)
 - b. (2015-A191) ORDER, Reappoint City Assessor. (Councilor Ferris)
 - c. (2015-A192) ORDER, Reappoint City Clerk. (Councilor Goss)

F. Unfinished Business.

1. (2015-C011) Amend Chapter 24, Article 14 "Definitions" of the City of Brewer Charter, Codes and Ordinances, Entitled "Land Use Code". (Councilor Goss)(posted 9/16/15)

G. New Business.

1. Consent Calendar.
 - a. (2015-C012) Amend the General Assistance Ordinance to Incorporate Changes In Maximum Benefits. (Councilor Uhlenhake)
 - b. (2015-C013) Amend Chapter 24, Article 3 "Zoning Districts", Sections 302 and 306 of the City of Brewer Charter, Codes and Ordinances, Entitled "Land Use Code". (Councilor O'Connell)
 - c. (2015-C014) Amend Chapter 24, Article 6 "Site Plan Review", Section 604 and Article 7 "Subdivision Review Process", Sections 705 and 706 of the City of Brewer Charter, Codes and Ordinances, Entitled "Land Use Code". (Councilor Ferris)
2. (2015-A193) ORDER, Set Time and Location for Annual Meeting of the City Council and the School Committee. (Councilor Goss)

3. (2015-A194) ORDER, Convene in Executive Session Pursuant to Title 1 M.R.S.A. §405(6)(C) to Discuss a Development Matter. (Councilor Uhlenhake)

H. New Items with Leave of Council.

I. ADJOURN.

A. Minutes of September 15, 2015 Regular Meeting and September 25, 2015 Emergency Special Meeting.

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

B. Awards, Petitions and Public Comments.

2015-B051

October 13, 2015

TITLE: RESOLUTION OF RESPECT FOR MERLE F. HUTCHINS.

filed October 7, 2015
by Jerry Goss

WHEREAS, on the 27th day of September, 2015, death brought to a close the full and active life of Merle F. Hutchins of Brewer; and

WHEREAS, Merle was a U.S. Navy veteran of WWII serving in the submarine corps; and

WHEREAS, Merle worked at the Eastern Fine Paper Mill in South Brewer for over 20 years and while working at the mill served on the call department of the Brewer Fire Department. When the mill shut down in 1967 he was hired by the Brewer Police Department and served on the force for one year and eventually worked and retired as a firefighter from the Brewer Fire Department in 1985 after 18 years of service; and

WHEREAS, Merle was a devoted father, grandfather and great-grandfather. He was a founding member and president of the Brewer Firefighter's Union Local #2162. He was a lifelong fan of the Boston Red Sox, loved pitching horseshoes and enjoyed bringing smiles to children's faces while playing the role of Santa for the Head Start Program at the Brewer Auditorium;

NOW, THEREFORE BE IT RESOLVED, that the Brewer City Council does by this resolution and public pronouncement, recognize the positive influence of Merle F. Hutchins, 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 Merle F. Hutchins by the citizens and officials of the City of Brewer, Maine.

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

Councilor Goss read the resolve into the record while presenting a plaque to Michael Hutchins, Merle's son. He also presented Michael with a challenge coin and said to just keep on carrying on Merle's legacy.

Mayor Vachon said he knew Merle most of his life. Every spring Merle would give Matt a schedule for the Red Sox games.

The resolve was adopted by unanimous vote.

2015-B052

October 13, 2015

TITLE: RESOLVE, RECOGNIZE AIMEE CYR FOR 25 YEARS OF OUTSTANDING SERVICE TO THE CITY OF BREWER.

filed October 7, 2015
by Beverly Uhlenhake

WHEREAS, on August 27, 2015 Aimee Cyr completed 25 years of continuous dedicated service to the City of Brewer as an employee of the Parks and Recreation Department; and

WHEREAS, Aimee has diligently served as the After School Program Coordinator for all 25 years; and

WHEREAS, Aimee has built the after school program from an average daily attendance of 15 youngsters at the auditorium, to the present 125 enrolled at two locations including the Brewer Community School; and

WHEREAS, Aimee has demonstrated the ability to adapt to meeting the challenges presented in a growing department with creativity, enthusiasm, and dedication in making this program one of the most highly respected in the State of Maine; and

WHEREAS, Aimee has been a vital member of the Parks & Recreation team and is highly respected by her fellow department employees and city wide staff;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the citizens of Brewer, herewith honors and commends Aimee Cyr for her 25 years of outstanding service to the citizens of the City of Brewer as a trusted and devoted employee of the Brewer Parks & Recreation Department; and

FURTHER, RESOLVED, that this resolution be spread upon the permanent records of the City of Brewer in testimony of the high level of respect and appreciation held for Aimee Cyr by the citizens and officials of the City of Brewer, Maine

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

Councilor Uhlenhake read the resolve into the record and also presented Aimee with a challenge coin.

Councilor Uhlenhake said that Aimee and the staff who run the afterschool program have made it safe and one of the best in the State. She said she sees the staff every night when she picks up her children.

Parks & Recreation Director Ken Hanscom said that 26 years ago Aimee was a part time seasonal employee while going to graduate school. He is very glad that she did not go into the teaching field and stayed with the Rec Department.

Councilor Goss said the growth of the program over the years says it all.

The resolve was adopted by unanimous vote.

Mayor Vachon read the following proclamation.

PROCLAMATION WORLD POLIO DAY AND THE PURPLE PINKIE PROJECT

WHEREAS, World Polio Day was established by Rotary International over a decade ago; and

WHEREAS, World Polio Day is held on October 24th in celebration of the birth of Dr. Jonas Salk, the man who led the first team to develop a vaccine against polio which reduced polio worldwide by 99%; and

WHEREAS, International Rotary and its private and governmental partners are committed to totally eradicating polio worldwide; and

WHEREAS, Rotary District 7790 covering central Maine and Eastern Quebec continue to work to eradicate polio through district activities such the Purple Pinky projects to raise public education, awareness and funds to end Polio; and

WHEREAS, the Rotary Clubs of Bangor noontime, Bangor morning and Old Town Rotary are participating in a Purple Pinky Project for our area during the week of October 24th; and

WHEREAS, in many countries once a child is immunized his or her little finger is painted Purple to show that the polio vaccine has been given; and

WHEREAS, the three Rotary Clubs, with other partners, will be painting Pinky's purple for a small fee to raise funds and awareness that Polio still exists and to contribute to Polio's eradication on that date;

NOW, THEREFORE, I, Matthew Vachon, Mayor of the City of Brewer, do hereby proclaim October 24, 2015 as

WORLD POLIO DAY AND SUPPORT PURPLE PINKY PROJECT

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brewer to be imprinted this thirteenth day of October, two thousand fifteen.

Signed this thirteenth day of October, 2015

Matthew Vachon, Mayor

Joe Pickering, John Cheney and Deb Sanford were present representing World Polio Day and the Purple Pinkie Project.

The City Council members, City Solicitor, City Manager and City Clerk each donated a dollar to the project and their pinkies were painted purple.
(see attached for more information on the Purple Pinkie Project)

CSO MASTER PLAN UPDATE – WILLIAM OLVER OF OLVER ASSOCIATES.

William Olver gave a presentation updating Brewer's Sewer System Master Plan for CSO Abatement.
(see attached presentation)

PUBLIC COMMENTS.

Councilor Ferris thanked the City Engineer, City Manager, Public Works Department and whoever else was involved for the success of Wilson Street pavement project.

Councilor Uhlenhake reminded everyone that Meet the Candidates Night is Monday, October 26th at 6:00 p.m. at the Performing Arts Center.

Councilor Goss reminded everyone that Wednesday, October 21st at the Performing Arts Center from 6:30 – 8:30 p.m. the program “Heroin Alert” will be presented.

Recess for Public Hearing.

Chairman Vachon said the City Council would recess for a public hearing and after the public hearing would return to the regular meeting and take up the rest of the items on the agenda.

The public hearing was called to order by Chairman Vachon.

The city clerk called the roll:

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

Chairman Vachon declared all members were present.

Chairman Vachon read the notice for the public hearing.

**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 13, 2015 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 5, 2015
Posted October 2, 2015 at Brewer City Hall

The City Clerk said that no written or oral comments were received on the proposed ordinance amendment.

There were no comments from the public present either for or in opposition of the proposed amendments to the General Assistance ordinance.

Adjourn Public Hearing and Continue with Regular Meeting.

Public Hearing adjourned at 6:45 p.m.

The city clerk called the roll and all members of the council was present.

Chairman Vachon said the regular meeting would resume at this time.

C. Consent Calendar.

ACTION: Councilor Uhlenhake moved that the orders on the consent calendar have passage.

The motion was seconded and passed by unanimous vote.

2015-A178

October 13, 2015

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

filed October 7, 2015
by Kevin O'Connell

WHEREAS, the Brewer Public Library has received a contribution of \$10.00 from Sharon Van Dyne; and

WHEREAS, it is the recommendation and request of the Library Director that these contributions be used to supplement and support the purchase of new books for the City of Brewer Library;

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts this generous contribution totaling \$10.00 and authorizes its deposit into 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.

2015-A179

October 13, 2015

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

filed October 7, 2015
by Joseph Ferris

WHEREAS, the City of Brewer has received a donation of \$500.00 from Eastern Maine Healthcare Systems for support of this year's Brewer Days Celebration;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this generous donation, and directs that the donated funds be receipted to account 0200000 320000 71002 (Brewer Days Contributions); and

FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0200000 520000 71002 (Brewer Days Expense).

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

2015-A180

October 13, 2015

TITLE: ORDER, ISSUE RELEASE DEED TO ISAAC BLOOD FOR PROPERTY LOCATED AT 4 CRESCENT STREET (TAX MAP 44, LOT 16).

filed October 7, 2015
by Jerry Goss

ORDERED, that a municipal release deed be issued to Isaac Blood for property located at 4 Crescent Street releasing to him all rights, title and interest the City of Brewer may have acquired in the property located on 4 Crescent Street (City Tax Map 44, Lot 16) 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
13338	333
13843	243

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 \$2,614.72 in principal was collected, along with \$54.20 in interest and \$35.20 in costs.

2015-A181

October 13, 2015

TITLE: ORDER, ISSUE RELEASE DEED TO GILBERT L. MERCHANT
AND JULIE MERCHANT FOR PROPERTY LOCATED
AT 45 STATE STREET (TAX MAP 30, LOT 124).

filed October 7, 2015
by Beverly Uhlenhake

ORDERED, that a municipal release deed be issued to Gilbert L. Merchant and Julie Merchant for property located at 45 State Street releasing to them all rights, title and interest the City of Brewer may have acquired in the property located on 45 State Street (City Tax Map 30, Lot 124) 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
12584	233
12747	133
13843	261

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 \$3,304.37 in principal was collected, along with \$205.01 in interest and \$159.15 in costs.

2015-A182

October 13, 2015

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PUBLIC SAFETY MUSEUM.

filed October 7, 2015
by Kevin O'Connell

WHEREAS, the Brewer Fire Department has received a donation of \$35.00 from Stephen and Barbara Clark in memory of Merle Hutchins for the Public Safety Museum;

NOW, THEREFORE, BE IT ORDERED, the City of Brewer, by vote of its City Council, herewith accepts this donation and directs that the donated funds be received to Account 0200000-320000-59009; and

FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0200000-520000-59009,

NOTE: The Brewer Public Safety Director's Office sends a letter of acknowledgement and appreciation on behalf of the City Council to all those who contribute to the public safety's departments for their generous donations.

2015-A183

October 13, 2015

TITLE: ORDER, AWARD CONTRACT FOR GRAVEL DELIVERY TO DOUGHERTY RECREATIONAL COMPLEX PROJECT.

filed October 7, 2015
by Joseph Ferris

WHEREAS, quotes were solicited, received, and evaluated for providing the gravel material to be used at the Dougherty Recreational Complex; and

WHEREAS, Clisham Construction submitted the low quote for both 2" and 4" gravel;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a contract with Clisham Construction for the amount not to exceed \$35,000; and

FURTHER ORDERED, that the City Council herewith authorizes the cost of this purchase to be charged to the CIP Washington Street Recreation Complex Account 0510104 551446, which has funds to cover this expense; and

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

Quotes Received:

	Gravel D 2"	Gravel D 4"
Clisham Construction	\$10.50/yd	\$10.00/yd
Gardner Construction	\$13.00/yd	\$12.00/yd
Hughes Brothers	\$16.00/yd	\$15.00/yd

2015-A184

October 13, 2015

TITLE: ORDER, AUTHORIZE THE CITY OF BREWER TO SIGN AN OPTION AGREEMENT WITH BREWER DEVELOPMENT, LLC FOR LAND LOCATED AT THE END OF SID AREY DRIVE.

filed October 7, 2015
by Jerry Goss

WHEREAS, the Economic Development Department has been tasked to market, develop, and otherwise make use of the land behind the Brewer landfill for the betterment of the City; and

WHEREAS, the City has identified a developer who has interest in potentially purchasing the land; and

WHEREAS, the developer needs to enter into an option agreement with the City of Brewer in order to investigate the feasibility for their project;

NOW, THEREFORE, BE IT ORDERED, that the City Council does hereby authorize the City Manager, or his designee, to negotiate and sign an option agreement with Brewer Development, LLC, for Map 6, Lots 17 and 18, in a format approved as to form by the attorney representing the City of Brewer, Maine.

2015-A185

October 13, 2015

TITLE: ORDER, AWARD CONTRACT FOR LOAM DELIVERY TO DOUGHERTY RECREATIONAL COMPLEX PROJECT.

filed October 7, 2015
by Beverly Uhlenhake

WHEREAS, quotes were solicited, received, and evaluated for providing the loam material to be used at the Dougherty Recreational Complex; and

WHEREAS, Levant Landscape submitted the low quote for loam;

NOW, THERFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a contract with Levant Landscape for the amount not to exceed \$20,000; and

FURTHER ORDERED, that the City Council herewith authorizes the cost of this purchase to be charged to the CIP Washington Street Recreation Complex Account (0510104 551446), which has funds to cover this expense; and

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

Quotes Received:

Vendor	Price
Levant Landscape	\$16.00 /yd
Reese Company	\$16.00/yd (quote submitted late)
Hughes Brothers	\$21.00/yd
Gardner Construction	\$21.00/yd
O.J. Folsom	\$24.00/yd
Ken Robertson	\$30.00/yd

2015-A186

October 13, 2015

TITLE: ORDER, AUTHORIZE THE PURCHASE OF HARDWARE, SOFTWARE AND SERVICES FOR THE POLICE SERVER REPLACEMENT PLAN.

filed October 7, 2015
by Kevin O'Connell

WHEREAS, the Police server hardware that holds both the department's primary server and its Arbitrator cruiser camera software/video server needs to be replaced to be more robust for the Arbitrator software; and

WHEREAS, a server replacement plan has been developed with HCP Computers, Inc. of Carmel, Maine not to exceed a total of \$24,000; and

WHEREAS, this server replacement plan is a hardware, software, and services purchase which will include the necessary reloads of servers, data copies, and reconfiguration; and

WHEREAS, this recently identified capital need represents a higher priority for the Police Department than the funding included in the approved FY16 CIP to replace the radio repeater;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the reallocation of \$22,000 from capital account 0510132-551222 (Police Radio Repeater) to account 0510132-551209 (Police Computer Server) as well as up to \$2,000 in unneeded funds from account 0510132-551213 (Police Computer Replacement) to fund the server replacement described above; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of these funds from CIP account 0510132-551209 (Police Computer Server) for the project described above to be executed by HCP Computers, Inc.; 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 and contractor services for this project.

2015-A187

October 13, 2015

TITLE: ORDER, ACCEPT PARTNERS IN COMMUNITY HEALTH GRANT FUNDS TO PROMOTE PHYSICAL ACTIVITY.

filed October 7, 2015
by Joseph Ferris

WHEREAS, the Brewer Planning Department was given the opportunity to participate in a Partners in Community Health grant from the US CDC to promote physical activity in the region; and

WHEREAS, the number of walkers and joggers using the sidewalk along Dirigo Drive for both exercise and recreational purposes has steadily increased since its creation; and

WHEREAS, new benches and distance marker signage would greatly benefit said users and encourage new users to get out and walk a little further;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby accepts a check for \$3,000.00 from fiscal agent Eastern Maine Healthcare System and local partner Bangor Public Health and directs that it be deposited in account 0107104-300420 (Contributions and Donations) to be used for the purchase of new benches and distance marker signage along Dirigo Drive; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of these grant funds from account 0117111-502580 (Other Parks and Playgrounds).

2015-A188

October 13, 2015

TITLE: ORDER, ACCEPT SCRAP METAL PROCEEDS AND APPROPRIATE TO FLAGS IN BREWER PROGRAM.

filed October 7, 2015
by Jerry Goss

WHEREAS, the City of Brewer has received \$11.86 in proceeds from the sale of scrap flag poles;

NOW THEREFORE BE IT ORDERED, that the City Council hereby directs that these proceeds be receipted to 0200000-320000-50001 (Flags in Brewer Revenue) and authorizes the appropriation and expenditure of those funds from 0200000-520000-50001 (Flags in Brewer Expense).

2015-A189

October 13, 2015

TITLE: ORDER, APPROVE CARRY FORWARD ENCUMBRANCE OF APPROPRIATED, BUT NOT EXPENDED, FUNDS FOR APPROVED PROJECTS.

filed October 7, 2015
by Beverly Uhlenhake

ORDERED, that the City Council herewith authorizes and approves the carry forward of funds in the following accounts from the end of Fiscal Year 2015 to Fiscal Year 2016 as follows:

Account #	Description	Carry Forward
0115201-502300	Assessor – Computer Software	\$5,000.00
0115601-500860	Technology – Training, Conf and Meetings	\$1,250.00
0115701-501070	Econ. Devel. – Misc Professional Services	\$17,202.60
0115911-501070	Fire – Misc Professional Services	\$1,255.50
0115911-501077	Fire – Ambul Billing Fee	\$2,466.00

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0115911-501078	Fire – Ambul Revenue Distribution	\$9,931.50
0115911-504200	Fire – Vehicle Maint and Repair	\$3,679.00
0116100-504100	General Protections – Equip Maint and Repair	\$1,050.00
0116500-501110	Transit Operating Expense- The Bus	\$32,912.75
0116631-501030-66003	Storm Sewer Maintenance – Consulting Services	\$6,535.50
0116651-504000	Public Works – Bldg Maint and Repair	\$1,100.00
0116701-501425	Public Works – PAYT Bags	\$16,852.00
0116781-502200	Planning – Office Supplies	\$67.00
0117111-502580	Parks and Rec – Other Parks & Playgrounds	\$200.00
0117121-506120	Parks and Rec – Summer Prog/League	\$100.00
0117201-502750	Library – Books	\$68.00
0117201-502770	Library – Non Print Materials	\$600.00
0117201-506150	Library – Special Events	\$1,151.00
	General Fund Total	\$101,420.85
0717502-504100	Water Admin – Equip Maint and Repair	\$612.14
0718502-502710	Water Trans & Dist – Materls and Suppl.-Lines	\$7.16
	Water Fund Total	\$619.30

D. Monthly Reports.

ACTION: Councilor Ferris moved that the monthly reports from the city departments be accepted and placed on file. The motion was seconded and passed by unanimous vote.

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

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

The motion was seconded and passed by unanimous vote.

2015-A190

October 13, 2015

TITLE: ORDER, REAPPOINT VOTER REGISTRATION APPEALS BOARD MEMBERS.

filed October 7, 2015
by Kevin O'Connell

WHEREAS, Title 21-A, M.R.S.A., Section 103, provides that municipalities with populations of 5000 or greater have an appointed Registration Appeals Board to hear the appeal of any person aggrieved by the decision of the Registrar of Voters to remove a name from the voting list or to refuse to place it on the voting list; and

WHEREAS, the Registration Appeals Board shall consist of 3 members appointed by the City Council as follows: one member shall be nominated by the Republican City Committee; one member shall be nominated by the Democratic City Committee and the third member, who shall serve as chairman of the board, shall be nominated by the City Clerk; and

WHEREAS, the present two board members nominated by their committees terms expire at the end of October;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith reappoints the following to the Registration Appeals Board:

MEMBER

TERM

Paul Davis, Democratic
M. Harrison Clark, Republican

November 1, 2015 – October 31, 2018
November 1, 2015 - October 31, 2018

2015-A191

October 13, 2015

TITLE: ORDER, REAPPOINT CITY ASSESSOR.

filed October 7, 2015
by Joseph Ferris

ORDERED, that Steven T. Weed of Lamoine, Maine is herewith reappointed to the position of City Assessor for a term commencing October 22, 2015 and expiring October 22, 2018.

2015-A192

October 13, 2015

TITLE: ORDER, REAPPOINT CITY CLERK.

filed October 7, 2015
by Jerry Goss

ORDERED, that Pamela J. Ryan of Bangor, Maine is herewith reappointed to the position of City Clerk for a term commencing November 15, 2015 and expiring November 15, 2018.

F. Unfinished Business.

1. (2015-C011) Amend Chapter 24, Article 14 "Definitions" of the City of Brewer Charter, Codes and Ordinances, Entitled "Land Use Code". (Councilor Goss)(posted 9/16/15)

ACTION: Councilor Goss moved that the proposed ordinance amendment be enacted.

The motion was seconded and passed by unanimous vote.

G. New Items with Leave of Council.

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

2015-C012

October 13, 2015

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

filed October 7, 2015
by Beverly Uhlenhake

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 No. in Household	Basic Necessities: Maximum Levels of Assistance. Monthly	(Change to)
1	\$603	\$628
2	\$725	\$734
3	\$874	\$916
4	\$1096	\$1141
5	\$1261	\$1326
6	\$1330	\$1401
Each additional person	\$ 69.00	\$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	100	432	123	527
1	113	487	142	610
2	145	625	181	778
3	186	789	227	975
4	210	904	263	1133

Change to:

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

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

Electric Utility Maximums

Without electric hot water

The maximum amounts allowed for utilities for lights, cooking, and other electric uses, excluding electric hot water are:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.20	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

*Add \$7.50 a month for each additional family member.

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.

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$19.10	\$82.00 \$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

2015-C013

October 13, 2015

TITLE: AMEND CHAPTER 24, ARTICLE 3 "ZONING DISTRICTS, SECTIONS 302 AND 306 OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ENTITLED "LAND USE CODE".

filed October 7, 2015
by Kevin O'Connell

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 24, Article 3 "Zoning Districts", Section 302 "Establishments of Districts" and Section 306 "Schedule of Uses" of the Charter, Codes and Ordinances of the City of Brewer entitled "Land Use Code" be amended as follows:

ARTICLE 3 – ZONING DISTRICTS

302 ESTABLISHMENT OF DISTRICTS

For the purposes of this Ordinance, the City of Brewer is hereby divided into the following districts as set forth in this Ordinance and as shown on the Official Zoning Map:

Rural	Rural
LDR	Low Density Residential
MDR-1	Medium Density Residential-1
MDR-2	Medium Density Residential-2
HDR	High Density Residential
HDR-2	High Density Residential-2
CB	Convenience Business
DD D	Downtown Development District
GB	General Business
PB	Professional Business (#3)
IND	Industrial
IND-2	Industrial-2
OR	Office Residential

FLOATING ZONES:

ARD	Adaptive Reuse District
<u>ARM</u>	<u>Adaptive Residential Multi-unit</u>
SZP	Shoreland Zoning Protection District
RP	Resource Protection District
SP	Stream Protection District
OP	Overlay Protection District
MF	Manufactured Housing District

Note that the Shoreland Zoning Protection District, which consists of a “resource protection district.” A “stream protection district” and an “overlay district” and also the “Manufactured Housing district” are overlay districts which are depicted on maps which are elements of the Official Zoning Map as adopted by the City of Brewer.

306 SCHEDULE OF USES

306.1 SYMBOLS USED IN SCHEDULE OF USES AND THEIR PROCESSES

The following symbols contained in the Schedule of Uses have the following meanings:

1. DISTRICT SYMBOLS

Rural	Rural
LDR	Low Density Residential
MDR-1	Medium Density Residential-1
MDR-2	Medium Density Residential-2
HDR	High Density Residential
HDR-2	High Density Residential-2
CB	Convenience Business
DD	Downtown Development
GB	General Business
PB	Professional Business
IND	Industrial
IND-2	Industrial-2
OR	Office Residential

Floating zones:

AR	Adaptive Reuse
ARM	Adaptive Residential Multi-unit

2. PERMIT REQUIRED SYMBOLS

Y	Uses allowed without a permit
P	Uses requiring a building permit or other type of permit from the Code Enforcement Officer
<u>D</u>	<u>Uses requiring Departmental Review approval in accordance with the Requirements of Article 3, Section 306.2.3 of this Land Use Code.</u>
S	Uses requiring Site Plan Review Approval <u>approval</u> from the Planning Board in accordance with the requirements of Article 6 of this Land Use Code
1, 2, etc.	Numbers adjacent to letter symbols refer to notes at the end of the Schedule of uses <u>Uses</u> which contain additional requirements.
Blank	Not permitted

3. PERMIT PROCESS

- Y Uses allowed without permit. Use is allowed provided the performance standards contained in Article 4 of this Land Use Code are met and maintained.
- P Uses permitted requiring Code Office review and approval. The applicant shall contact the Brewer Code Office to explain the proposed use and property involved. The Code Office shall determine if the use is permitted and inform the applicant of the required permits for the project. The applicant shall pay all required fees prior to receiving each permit. Depending on the use, permits and/or licenses from other City departments and/or the City Council may be required.
- D Uses requiring Departmental Review approval. The applicant shall contact the Brewer Code Office to explain the proposed use and property involved. The Code Office shall determine if the use is allowed on the property and verify the requirement of departmental review approval. The applicant shall submit four (4) copies of their completed application form and accompanying information to the Code Office. The Code Office shall notify the following City departments and inform them of the submitted application:
- Planning Department
Engineering Department
Environmental Services/Wastewater Department
Economic Development Department
Public Works Department
Public Safety Department
Water Department

The four submitted application copies shall be distributed to the Code Office, Planning Department, Engineering Department, and Environmental Services Department. The Code Office shall seek comments from the departments listed above, along with any other department and/or the City Solicitor, and relay them to the applicant. The Code Office can approve the application only after the Planning Department and Engineering Department have recommended approval of the application in writing as based on comments from the departments listed above. Once approved, the Code Office can issue the required Code Office permits for the project. The applicant shall pay all required fees prior to receiving each permit. Depending on the use, permits and/or licenses from other City departments and/or the City Council may be required.

S Uses requiring Site Plan review and approval by the Brewer Planning Board. The applicant shall contact the Brewer Code Office to explain the proposed use and property involved. The Code Office shall determine if the use is allowed on the property and verify the requirement of site plan approval. The applicant shall then follow the requirements of Article 6 of this Land Use Code. After receiving site plan approval, the Code Office can issue the required Code Office permits for the project. The applicant shall pay all required fees prior to receiving each permit. Depending on the use, permits and/or licenses from other City departments and/or the City Council may be required.

306.1 USES SUBSTANTIALLY SIMILAR TO PERMITTED USES

1. USES ALLOWED WITH OR WITHOUT A PERMIT

Uses substantially similar to those allowed with or without a permit, but which are not listed in the Schedule of Uses, may be permitted upon a ruling of the Code Enforcement Officer that such unlisted use is substantially similar to such allowed uses.

2. USES REQUIRING SITE PLAN APPROVAL

Uses substantially similar to those requiring Site Plan approval under this Ordinance, as determined by the Code Enforcement Officer, but which are not listed in the Schedule of Uses, may be permitted by the Planning Board.

3. PROHIBITED USES

Uses substantially similar to a prohibited use in the Schedule of Uses, as determined by the Code Enforcement Officer, are prohibited.

306.5 SCHEDULE OF USES
(please see attached pages for changes to matrixes)

2015-C014

October 13, 2015

TITLE: AMEND CHAPTER 24, ARTICLE 6 "SITE PLAN REVIEW, SECTION 604 AND ARTICLE 7 "SUBDIVISION REVIEW PROCESS" SECTIONS 705 AND 706 OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ENTITLED "LAND USE CODE".

filed October 7, 2015
by Joseph Ferris

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 24, Article 6 "Site Plan Review", Section 604 "Public Hearing" and Article 7 "Subdivision Review Process" Section 705 "Minor Subdivision Review Process" and Section 706 "Major Subdivision Review Procedures" of the Charter, Codes and Ordinances of the City of Brewer entitled "Land Use Code" be amended as follows:

A. ARTICLE 6 SITE PLAN REVIEW

SECTION 604 PUBLIC HEARING

Before taking final action thereon, the Planning Board shall hold a public hearing on the application. Notice of said hearing shall be mailed to abutting landowners, including those directly across the street, and published in a local newspaper ~~at the applicant's expense~~ at least seven (7) days in advance of said hearing. The City Clerk shall mail said public hearing notices and send notification to be published, both at the applicant's expense as set forth in the then current City Council adopted fee schedule. A notice of said hearing shall be mailed by the City Clerk to each landowner abutting the proposed development. Land owners shall be considered to be those against whom property taxes are assessed. Failure of any abutting landowner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action of the Planning Board. The purpose of the public hearing shall be to receive input from the general public relative to the elements listed in Section 607.

B. ARTICLE 7 SUBDIVISION REVIEW, SECTION 705 MINOR SUBDIVISION REVIEW PROCESS

SECTION 705.2.6 FINAL PLAN PUBLIC HEARING

The Board shall hold the hearing within thirty days of determining that it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. In addition, the notice of the hearing shall be posted at City Hall or at such places as State statute requires at least seven days prior to the hearing. A copy of the notice shall be mailed to ~~the applicant and abutters~~ abutting landowners, including those directly across the street. The City Clerk shall mail said public hearing notices and send notification to be published, both at the applicant's expense as set forth in the then current City Council adopted fee schedule.

~~Cost for mailing notices and publishing in the newspaper shall be paid for by the applicant. Land owners shall be considered to be those against whom property taxes are assessed. Failure of any abutting landowner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action of the Planning Board.~~

C. ARTICLE 7 SUBDIVISION REVIEW, SECTION 706 MAJOR SUBDIVISION REVIEW PROCEDURES

SECTION 706.1.7 PRELIMINARY PLAN PUBLIC HEARING

PRELIMINARY PLAN PUBLIC HEARING. The Board shall hold the hearing within thirty days of determining that it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. In addition, the notice of the hearing shall be posted at City Hall or at such places as State statute requires at least seven days prior to the hearing. A copy of the notice shall be mailed to ~~the applicant. abutting landowners, including those directly across the street.~~ The City Clerk shall mail said public hearing notices and send notification to be published, both at the applicant's expense as set forth in the then current City Council adopted fee schedule. ~~Cost for mailing notices and publishing in newspaper shall be paid for by the applicant. Land owners shall be considered to be those against whom property taxes are assessed. Failure of any abutting landowner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action of the Planning Board.~~

D. ARTICLE 7 SUBDIVISION REVIEW, SECTION 706 MAJOR SUBDIVISION REVIEW PROCEDURES

SECTION 706.1.13 FINAL PLAN PUBLIC HEARING

FINAL PLAN PUBLIC HEARING. The Board shall hold the hearing within thirty days of determining it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days before the hearing. In addition, the notice of the hearing shall be posted at City Hall or at such places as State statute requires in at least three prominent places within the municipality at least seven days prior to the hearing. ~~Cost for mailing notices and publishing in newspaper shall be paid for by the applicant.~~ A copy of the notice shall be mailed to abutting landowners, including those directly across the street. The City Clerk shall mail said public hearing notices and send notification to be published, both at the applicant's expense as set forth in the then current City Council adopted fee schedule. Land owners shall be considered to be those against whom property taxes are assessed. Failure of any abutting landowner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action of the Planning Board.

2015-A193

October 13, 2015

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

filed October 7, 2015
by Jerry Goss

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 2015 shall be held on Tuesday, November 17, 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.

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

Councilor Goss moved that the order be amended by filling in the first blank of the third paragraph of the order with "6:00" and the second blank with "Jeff's Catering". Fill in the blank of the fourth paragraph of the order with "Jeff's Catering".

Councilor Goss moved that the amendment to the order have passage. The motion was seconded and passed by unanimous vote.

The order, as amended, was passed by unanimous vote.

2015-A194

October 13, 2015

TITLE: ORDER, CONVENE IN EXECUTIVE SESSION PURSUANT TO TITLE 1, M.R.S.A. §405(6)(C) TO DISCUSS A DEVELOPMENT MATTER.

filed October 7, 2015
by Beverly Uhlenhake

ORDERED, that the City Council convene in executive session pursuant to Title 1 M.R.S.A. §405(6)(C) to discuss a Development Matter.

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

The order was passed by unanimous vote.

Mayor Vachon said the executive session on a development matter would include City Council members, the City Manager, Counsel Charles Gilbert, Development Director, Deputy Development Director and Company Officials.

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

The regular meeting adjourned at 6:52 p.m. for City Council members to go into executive session.

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

The city clerk called the roll:

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

Mayor Vachon said he would accept a motion for adjournment.

ACTION: Councilor Ferris moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting adjourned at 8:03 p.m.

ADJOURNED, ATTEST: _____ Pamela J. Ryan
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine