

City Council Minutes
November 21, 2017

Regular Meeting
City Hall Council Chambers

Tuesday, November 21, 2017
6:00 p.m.

The regular meeting was called to order by Chairman Kevin O’Connell. The City Clerk called the roll:

Councilor Vachon-present
Councilor Goss-present
Councilor Ferris-present

Councilor Uhlenhake-present
Chairman O’Connell-present

Chairman O’Connell declared a quorum present. City Manager Bost and City Solicitor Dearborn were also present.

Chairman O’Connell led members of the Council and others present in reciting the pledge of allegiance to the flag of the United States of America.

Chairman O’Connell 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, November 21, 2017 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/Kevin O’Connell
Mayor and Chairman of the City Council
Or _____
Majority of the City Council

a true copy, attest: s/Ronda J. Hogan
City Clerk

I have on the date(s) and time(s) indicated given notice of this meeting by giving in hand of 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	R. Freeman	Ptl.	11/17/17	16:30
Matthew Vachon	R. Hogan	C.C.	11/17/17	3:15 pm
Beverly Uhlenhake	R. Freeman	Ptl.	11/17/17	16:35
Jerry Goss	T. Tardiff	Ptl.	11/17/17	16:40
Kevin O’Connell	R. Freeman	Ptl.	11/17/17	16:30

CITY COUNCIL REGULAR MEETING
Tuesday, November 21, 2017 6:00 P.M.
Brewer City Hall Council Chambers

- I. Call to Order.** (Mayor O’Connell)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America.** (Mayor O’Connell)
- A. Minutes of October 10, 2017 Regular Meeting** (Councilor Goss)
- B. Awards, Petitions and Public Comments.**
- C. Consent Calendar.**
 - 1. (2017-A161) ORDER Authorize the Removal of Sanitary Sewer from a Stormwater Drainage System on Maple Street (Councilor Vachon)
 - 2. (2017-A162) ORDER Accept Donations to the Brewer Public Library for Special Events (Councilor Uhlenhake)
 - 3. (2017-A163) ORDER Accept Donations to the Brewer Public Library for Books (Councilor Ferris)
 - 4. (2017-A164) ORDER Appointing a New Manager to the SBR Real Estate Holdings, LLC (Councilor Goss)
 - 5. (2017-A165) ORDER Tax Release Deed, Map 22 Lot 52, South Brewer Drive (Councilor Vachon)
 - 6. (2017-A166) ORDER Accept Donations to the Brewer Parks & Recreation Department for Brewer Days (Councilor Uhlenhake)
 - 7. (2017-A167) ORDER Authorize Acceptance of Safety Grant Funds (Councilor Ferris)
 - 8. (2017-A168) ORDER Waive Foreclosure of Certain Mobile Home Properties Located in Brewer, Maine (Councilor Goss)
 - 9. (2017-A169) ORDER Tax Release Deed, Map 26, Lot 16, 12 Harris Street (Councilor Vachon)
 - 10. (2017-A170) ORDER Accept State Asset Forfeiture Funds (Councilor Uhlenhake)
 - 11. (2017-A173) ORDER Accept 2017 Homeland Security Grant Funds for the Fire Department (Councilor Ferris)
 - 12. (2017-A174) ORDER Accept 2017 Homeland Security Grant Funds for the Police Department (Councilor Goss)
 - 13. (2017-A175) ORDER Authorize Amendment to Maine Public Employees Retirement System Plan (Councilor Vachon)
 - 14. (2017-A176) ORDER Authorize Amendment to Brewer’s Health Reimbursement Arrangement Plan (Councilor Uhlenhake)
 - 15. (2017-A177) ORDER Authorize and Provide for the Incurrence of \$4,200,000 Indebtedness for the Purpose of Water Pollution Control Facility and Pump Station Upgrades (Councilor Vachon)
 - 16. (2017-A178) ORDER Authorizing Issuance of the City’s General Obligation Bonds to Finance Improvements to the City’s Waste

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- Water Treatment Plant and Other Water Pollution Control Facilities and Equipment, and a Tax Levy Therefor (Councilor Ferris)
17. (2017-A179) ORDER Authorize Execution of a Grant Agreement & Acceptance of a Grant from USDA Rural Utilities Service in the Amount of \$1,400,000 (Councilor Goss)
18. (2017-A180) ORDER Certify Affordable Housing Information (Councilor Uhlenhake)
19. (2017-A181) ORDER Authorize Agreement with Jonathan C. Coutts, Personal Representative for the Estate of Laureen Churchill Coutts, for Payment of Tax and Sewer Liens, Past Due Sewer and Water Bills, and Current and Future Taxes, Sewer and Water on Property Located at 64 Parkway North. (Councilor Ferris)
20. (2017-B023) RESOLVE Ratify The Water Pollution Control Facility Collective Bargaining Contract (Councilor Goss)
21. (2017-A182) ORDER Postpone Decision on a Hardship/Poverty Matter Title 36, M.R.S.A. §841(2)(A) Until the Next Regular Meeting of the Brewer City Council.

D. Monthly Reports. (Councilor Goss)

E. Nominations, Appointments, Elections.

1. Consent Calendar

- a. (2017-B017) Declare the Results of the November 7, 2017 City of Brewer Annual Municipal Election and the State of Maine Referendum Election. (Councilor Vachon)
- b. (2017-B018) Accept Resignation of Janet McIntosh as Associate Member of the Planning Board of the City of Brewer (Councilor Uhlenhake)
- c. (2017-A171) Appoint Jane Hinckley as a City of Brewer Associate Planning Board Member to fill a vacant unexpired term (Councilor Goss)
- d. (2017-A172) Appoint Marilyn Lavelle as a Commissioner of the Housing Board of the City of Brewer to fill a vacancy. (Councilor Ferris)

F. Unfinished Business. (no items)

G. New Business.

1. (2017-C018) Amend Chapter 19 (Traffic Code), Article 5, Section 506, Schedule 3 (Stop Intersections). (Councilor Vachon)
2. (2017-C019) Amend Chapter 24, Entitled "Land Use Code" of the City of Brewer Charter, Codes and Ordinances, Article 4, Performance Standards, Section 410 Conversions – Single Family to Multi-Family, Section 411, Day Care, Section 415 Home Occupations, and Section 416 In-Law Apartment. (Councilor Uhlenhake)
3. (2017-C020) Amend Chapter 30, Entitled "Housing Code" of the City of Brewer Charter, Codes and Ordinances, Article 1. (Councilor Ferris)

H. New Items with Leave of Council.

I. ADJOURN.

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A. Minutes of October 10, 2017 Regular Meeting (Councilor Goss)

ACTION: Councilor Goss 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.

ACTION: There were no awards, petitions or public comments.

C. Consent Calendar.

ACTION: Councilor Uhlenhake removed order 2017-A180 from the consent calendar.

Councilor Vachon moved that the remaining orders on the consent calendar have passage.

The motion was seconded and passed by unanimous vote.

2017-A161

November 21, 2017

TITLE: ORDER, AUTHORIZE THE REMOVAL OF SANITARY SEWER
FROM A STORMWATER DRAINAGE SYSTEM ON
MAPLE STREET

Filed November 13, 2017
By Matthew Vachon

WHEREAS, the Hardy St. Phase I sewer separation project was completed in 1999, and

WHEREAS, during design and construction of the Hardy Street Phase I project, house laterals at 22 Maple Street and 46 Maple Street were left connected to the brick cross-country combined sewer line, which is now is being used as a stormwater line, and

WHEREAS, these connections were discovered by the Environmental Department who conducted illicit discharge detection investigations of the system in 2015 and 2016, and

WHEREAS, in 2017 the Environmental Department completed the necessary design and easement work to remove these house laterals from City stormwater system and re-connect them to the sewer in the street, and

WHEREAS, last month we received a quote from L.P. Williams Construction from Eddington for \$31,155 to complete the separation project at both locations, and

WHEREAS, there are funds available in the FY2018 WPCF budget to support this expense; and

WHEREAS, it is important that we complete this project this Fall, as the City is scheduled for a Stormwater Program EPA Audit in 2018, and

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WHEREAS, 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 contracted services for this project;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the City Manager to issue a purchase order and sign a contract with L.P. Williams Construction for construction of the 22 Maple Street and 46 Maple Street sewer projects and to charge the expenses to 0817702-503200 (Reserve Account) and 0818101-502700 (Materials and Supplies).

Statement of Fact:

This order authorizes the expenditure of \$31,155 to separate two sewers on Maple Street from the stormwater system using funds available in the FY2018 WPCF budget. It is very important that the City complete this project in 2017 due to the impending EPA Audit in 2018.

2017-A162

November 21, 2017

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

Filed November 13, 2017

By Beverly Uhlenhake

WHEREAS, the Brewer Public Library has received contributions totaling \$250.00 from the Maine Infantry Foundation and the Brewer Historical Society to supplement and support special events at the City of Brewer Public Library; and

WHEREAS, these contributions made it possible for the Library to engage author Richard Rubin for a presentation on American involvement in World War I, as part of a City-wide series of World War I history events in honor of the 100th anniversary of Armistice; and

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

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts these contributions totaling \$250.00 and authorizes their deposit into account 0107204-300420 (Library Contributions/Donations) and expenditure from account 0117201-506150 (Library Special Events).

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

STATEMENT OF FACT

This order accepts contributions to the City of Brewer Public Library, and authorizes the expenditure of these contributions to support special events at the Library

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2017-A163

November 21, 2017

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

Filed November 12, 2017
By Joseph L. Ferris

WHEREAS, the Brewer Public Library has received contributions totaling \$279.00 from Paradis Shop 'n Save in Brewer, Linda and Hollie Grant, and various anonymous donors, to supplement and support the purchase of new books for the City of Brewer Public Library; and

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

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts these contributions totaling \$279.00 and authorizes their 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.

STATEMENT OF FACT

This order accepts contributions to the City of Brewer Public Library, and authorizes the expenditure of these contributions to support the purchase of new books.

2017-A164

November 21, 2017

TITLE: ORDER: APPOINTING A NEW MANAGER TO THE SBR REAL ESTATE HOLDINGS, LLC

Filed November 13, 2017
By Jerry Goss

WHEREAS, South Brewer Redevelopment, LLC is a separate legal entity whose purpose is to market, develop and otherwise make use of properties for the betterment of the City; and

WHEREAS, the Managers must be formally appointed by the City, as the sole member of SBR Real Estate Holdings, LLC; and

WHEREAS, one of the three managers has resigned from city employ, the City Council, as sole member, must appoint a new manager.

NOW, THEREFORE, BE IT ORDERED that the City Council does hereby appoint Renee Doble to serve as a Manager for the SBR Real Estate Holdings, LLC. To serve until her resignation or removal from office.

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STATEMENT OF FACT

This order assigns Renee Doble as a Manager of SBR Real Estate Holdings, LLC.

2017-A165

November 21, 2017

TITLE: ORDER: TAX RELEASE DEED, MAP 22, LOT 52, SOUTH
BREWER DRIVE

Filed October 13, 2017
By Matthew Vachon

ORDERED THAT a municipal Release Deed be issued to **SHERYL M. DOWNEY-LOPEZ**, previously known as **SHERYL WELNA**, releasing to her all interest that the City of Brewer may have acquired by virtue of tax liens on their property; and

FURTHER ORDERED that the City Manager, or his designee, be herewith authorized to execute this Release Deed on behalf of the City of Brewer.

STATEMENT OF FACT:

A total of \$2,321.97 in principal was collected, along with \$563.84 in interest and \$378.72 in costs and \$1,713.48 legal fees.

2017-A166

November 21, 2017

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

Filed November 3, 2017
By Beverly Uhlenhake

WHEREAS, the Brewer Parks & Recreation Department has received donations of \$1,500.00 from Brewer Federal Credit Union, for support of this year's Brewer Days Celebration; and

WHEREAS, it is the recommendation and request of the Parks & Recreation Director and the donors that these donations be appropriated and expended to supplement Brewer Days;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council herewith accepts these generous donations 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).

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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.

STATEMENT OF FACT

This order accepts a contribution to the City of Brewer Parks & Recreation Department, and authorizes the expenditure of this contribution to support Brewer Days celebration.

2017-A167

November 21, 2017

TITLE: ORDER, AUTHORIZE ACCEPTANCE OF SAFETY GRANT FUNDS

Filed November 9, 2017
By Joseph L. Ferris

WHEREAS, Brewer Water Department applied for and has been awarded a second 2017 safety grant to help with the purchase of 2 ft. trench box sides and end panels; and

WHEREAS, trench box shoring is required in excavations to protect personnel from cave-ins; and

WHEREAS, the correct height panels improve safety of crew during excavations and repairs from cave-ins as well as decreasing time necessary to install shoring;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council authorizes the acceptance of this MMA Safety Grant of up to \$2000 to assist in the purchase of four trench box end panels which were approved in the FY18 CIP.

BE IT FURTHER ORDERED, that any funds received from the above mentioned grant be receipted to the Water Department CIP Grant Revenue account (0570005-360000) and appropriated for expenditure from the Water Department CIP Trench Box Expense account (0571003-573031).

Statement of Fact:

This order allows us to accept up to \$2,000 in MMA safety grant funds to offset the purchase of 1 set of 2 ft tall side panels and end panels. The ability to adjust the height greatly reduces risk to employees so they do not have to climb up and over or leave the box sides lower than the excavation. The purchase is in our approved FY18 CIP budget for the amount of \$4320.50. This grant will cover \$2000 dollars of the purchase.

2017-A168

November 21, 2017

TITLE: ORDER, WAIVE FORECLOSURE OF CERTAIN MOBILE HOME PROPERTIES LOCATED IN BREWER, MAINE.

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Filed November 8, 2017
By Jerry Goss

WHEREAS, on June 24, 2016, after notices were provided in accordance with state law the City of Brewer filed at the Penobscot Registry of Deeds liens against the mobile homes listed below for failure to pay FY2016 taxes in full; and

WHEREAS, FY2016 taxes on these properties remain unpaid and the statutory foreclosure will take place on December 24, 2017; and

WHEREAS, it is not in the best interest of the City of Brewer to allow the foreclosure of said properties to take place because they all rest on rented land and foreclosure could possibly result in the City being liable for rents and/or other expenses due;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith agrees to waive foreclosure on the properties listed below located in Brewer, Maine for the 2016 tax year and authorizes the City Deputy Treasurer to sign statutory waivers of foreclosure and record them in Penobscot County Registry of Deeds; and

BE IT FURTHER ORDERED, that they Deputy Treasurer is authorized to take any and all other actions that may be necessary to carry out the terms and conditions of this order.

MAP	NAME	LOCATION
01000-02511	STEWART RANDALL	27 WHITE TAIL ROAD
01000-02524	BRYER TERRY L.	24 WHITE TAIL ROAD
01000-02528	WALSH ELIJAH	34 WHITE TAIL ROAD
01000-02539	MATTHEWS PATRICIA E.	23 BLACK BEAR ROAD
01000-02545	COMER ANN MARIE	4 BLACK BEAR ROAD
01000-02554	MATTHEWS RAYMOND C.	26 BLACK BEAR ROAD
01000-02556	MATTHEWS RAYMOND C.	32 BLACK BEAR ROAD
01000-02557	SMITH NOBELEE	34 BLACK BEAR ROAD

STATEMENT OF FACT

This order waives the automatic foreclosure on eight mobile homes that still owe on their 2016 taxes, because they are located on leased land. This action prevents the City from becoming liable for past due rent and utilities related to these mobile homes' land leases.

2017-A169

November 21, 2017

TITLE: ORDER, TAX RELEASE DEED, MAP 26, LOT 16, 12 HARRIS STREET

Filed October 18, 2017
By Matthew Vachon

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ORDERED THAT a municipal Release Deed be issued to Matthew T. Peterson and Rebekah R. Crawford, releasing to them all interest that the City of Brewer may have acquired by virtue of tax or sewer liens on their property; and

FURTHER ORDERED that the City Manager be herewith authorized to execute this Release Deed on behalf of the City of Brewer.

STATEMENT OF FACT:

A total of \$2,281.34 in principal was collected, along with \$136.52 in interest and \$243.92 in costs.

2017-A170

November 21, 2017

TITLE ORDER: ACCEPT STATE ASSET FORFEITURE FUNDS

Filed November 14, 2017
By Beverly Uhlenhake

WEREAS, the Brewer Police Department has conducted an investigation where a sum of money was seized and forfeited by a defendant involved in the investigation; and

WHEREAS; this sum of money was offered to the City of Brewer in recognition of the Brewer Police Department's valuable assistance in the successful completion of the investigation; and

WHEREAS; under Maine Law, title 15 MRSA., §5824 (3) the City Council must take a public vote before any forfeited assets or money can be transferred to the City;

NOW, therefore, be it ordered, that the City of Brewer, Maine, by vote of its City Council, does herewith approve the transfer of the following sum of money and assets forfeited as a result of the recent criminal investigation cited:

Docket Number	Assets
CR-17-2188	\$1,968.60 in US Currency

AND, Further ordered, that the City Manager or his designee, is herewith authorized to sign a memorandum to accept these forfeited funds on the behalf of the City of Brewer; and

AND, further ordered, that these funds be deposited into the State Asset Forfeiture Receipt Account 0200101-320000 and that expenditures be hereby authorized from the appropriate State Asset Forfeiture Expense Account within this Org (0200101).

Statement of Fact

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The City of Brewer Police Department received \$1,968.60 in asset forfeiture funds as the result of a successful drug investigation. These assets have been ordered by the court to be turned over to the Brewer Police Department

2017-A173

November 21, 2017

TITLE ORDER: ACCEPT 2017 HOMELAND SECURITY GRANT FUNDS FOR THE FIRE DEPARTMENT

Filed, 2017

By Joseph L. Ferris

WHEREAS, the City has received a grant from Penobscot County Emergency Management Agency consisting of fiscal year 2017 Homeland Security grant program funds totaling \$4,274; and

WHEREAS, funding in the amount of \$4,274 will be used to purchase a rescue air bag for the Brewer Fire Department;

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 COUNTY EMA-FY17 Fire HMLND SEC REVENUE (Account # 0600059-360000-59023) and appropriated for expenditure from COUNTY EMA-FY17 Fire HMLND SEC EXPENSE (Account # 0600059-560000-59023).

Statement of Fact

The City of Brewer Fire Department received \$4,274 in Homeland Security Grant Program funds from the Penobscot County Emergency Management Agency to purchase a rescue air bag, which is an important piece of rescue equipment used to lift heavy objects, such as motor vehicles, off accident victims. This order accepts and authorizes the expenditure of these funds.

2017-A174

November 21, 2017

TITLE ORDER: ACCEPT 2017 HOMELAND SECURITY GRANT FUNDS FOR THE POLICE DEPARTMENT

Filed, 2017

By Jerry Goss

WHEREAS, the City has received a grant from Penobscot County Emergency Management Agency consisting of fiscal year 2017 Homeland Security grant program funds totaling \$11,000; and

WHEREAS, funding in the amount of \$6,000 will be used to purchase and implement security notification software for the Brewer School Department and Brewer City Hall, a project that will be evaluated for potential countywide expansion; and

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WHEREAS, funding in the amount of \$5,000 will be used to provide SPEAR training, a close-quarter protection system focused on how to detect, defuse and defend against violent encounters;

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 COUNTY EMA-FY17 Police HMLND SEC REVENUE (Account # 0600058-360000-58043) and appropriated for expenditure from COUNTY EMA-FY17 Police HMLND SEC EXPENSE (Account # 0600058-560000-58043).

Statement of Fact

The Brewer Police Department received \$11,000 in Homeland Security Grant Program funds from the Penobscot County Emergency Management Agency to purchase security notification software for the school and City Hall as well as to provide self-defense training for officers. This order accepts and authorizes the expenditure of these funds.

2017-A175

November 21, 2017

TITLE ORDER, AUTHORIZE AMENDMENT TO MAINE PUBLIC EMPLOYEES RETIREMENT SYSTEM PLAN

Filed November 16, 2017
By Matthew Vachon

WHEREAS, to retain and attract quality police officers and in accordance with the recently ratified police patrol and command union contracts, the City seeks to amend its retirement plan for police officers from Maine Public Employees Retirement System (MainePERS) Special Plan 2C to Special Plan 3C, which will enhance the competitiveness of Brewer's salary and benefit package; and

WHEREAS, this change would be effective January 1, 2018 and be applied to service on or after that date only, with all service prior to that date remaining under the MainePERS Special Plan 2C;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council herewith approves participation in MainePERS Special Plan 3C for its police officers, for future service only effective starting January 1, 2018. Service rendered prior to January 1, 2018 remains under Special Plan 2C.

BE IT FURTHER ORDERED, that the City Council authorizes the City Manager or his designee to sign the Agreement between the City and the Maine Public Employees Retirement System.

Statement of Fact

This order enhances the City's ability to attract and retain police officers by amending the retirement plan for police officers from Special Plan 2C to Special Plan 3C, effective January 1, 2018 for future service only.

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2017-A176

November 21, 2017

TITLE ORDER, AUTHORIZE AMENDMENT TO BREWER'S HEALTH
REIMBURSEMENT ARRANGEMENT PLAN

Filed November 16, 2017
By Beverly Uhlenhake

WHEREAS, it is necessary to amend the City's Health Reimbursement Arrangement (HRA) plan document to reflect changes resulting from recently completed union contract negotiations; and

WHEREAS, the changes, effective 7/1/2018, would increase by \$50 the annual HRA funding and carryforward allowance for certain classes of employees and remove the specific rates listed in the plan document and place them in a separate schedule of rates, which could be amended without having to pay our plan administrator a document modification fee any time there is a change;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council herewith authorizes the City Manager or his designee to execute amendments to the City's Health Reimbursement Arrangement plan document as described above.

Statement of Fact

This order authorizes the City to amend its Health Reimbursement Arrangement plan document to conform to provisions in recently ratified union contracts and to facilitate and lower the cost of administering the plan by moving the schedule of rates to a separate document.

2017-A177

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TITLE: ORDER, AUTHORIZE AND PROVIDE FOR THE INCURRENCE OF
\$4,200,000.00 INDEBTEDNESS FOR THE PURPOSE OF WATER
POLLUTION CONTROL FACILITY AND PUMP STATION
UPGRADES

filed November 21, 2017
by Matthew Vachon

WHEREAS, on October 4, 2017, the City of Brewer received approval from the U.S. Department of Agriculture's Rural Utilities Service (RUS) Rural Development division of its application for \$5.6 million in subsidized loan and grant funding to support the next five years' worth of anticipated sewer related capital improvement projects, including improvements to the Water Pollution Control Facility such as rehabilitation of concrete, various upgrades to the holding tanks, and automation of the facility's headworks as well as replacement of the Oak Grove and Riverview Terrace pump stations; and

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WHEREAS, the RUS approval included the award of \$1.4 million in grant funds and \$4.2 million in low interest grant financing; and

WHEREAS, it is necessary for the City of Brewer (hererin after called Association) to raise the loan portion of the cost of this undertaking by issuance of bonds in the principal amount of Four Million Two Hundred Thousand dollars (\$4,200,000.00) in accordance with the provisions of the Laws of the State of Maine; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association; and

WHEREAS, it is ordered that the City Council of the City of Brewer approves and accepts in all respects, a proposed loan of \$4,200,000 at an interest rate not to exceed Two and Five Eights percent (2.625%) for a period of twenty eight (28) years, from the USDA Rural Development, for the purpose of water pollution control facility and pump station upgrades in accordance with Loan Resolution (Public Bodies) RUS Bulletin 1780-27, and a proposed grant in the amount of \$1,400,000 in accordance with Grant Agreement RUS Bulletin 1780-12 and the Resolution of the Council to authorize the City Manager and the City Clerk to execute and deliver all documents, and to take any and all actions necessary to carry into effect such financing, including, but not limited to, Form RD 400-1, Equal Opportunity Agreement, and Form RD 400-4, Assurance Agreement;

NOW THEREFORE BE IT ORDERED, that the City Council of the City of Brewer approves and accepts in all respects the following loan resolutions:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.

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5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted. According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.
11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.

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12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$1,400,000 under the terms offered by the Government; that the City Manager and City Clerk of the Association, or their designees, are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

Statement of Fact

This order authorizes the City to incur \$4.2 million of indebtedness and to execute the necessary documents for that loan and up to \$1.4 million in grant funds from USDA Rural Development for capital upgrades and improvements to the City's water pollution control facility and sewer infrastructure

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2017-A178

November 21, 2017

TITLE: ORDER, Authorizing Issuance of the City's General Obligation Bonds to Finance Improvements to the City's Waste Water Treatment Plant and Other Water Pollution Control Facilities and Equipment, and a Tax Levy Therefor

Filed November 16, 2017
By Joseph L. Ferris

ORDERED THAT, the City Treasurer/ Finance Director and Chair of the City Council be and hereby are, authorized and empowered, in the name of and on behalf of the City, to borrow up to \$4,200,000 from the United States Department of Agriculture – Rural Development (or such other suitable lender as the City Treasurer/ Finance Director shall determine) to finance the projects listed on Attachment A hereto (the "Projects"), and to finance issuance costs with respect thereto; and

ORDERED THAT, pursuant to 30-A M.R.S.A. §5772 and all other authority thereto enabling, to evidence such loan, there is hereby authorized the issue and sale at one time and from time to time up to Four Million Two Hundred Thousand Dollars (\$4,200,000) aggregate principal amount of the City's general obligation bonds, the proceeds of which, including premium, if any, and investment earnings thereon, may be used and are hereby appropriated to finance a portion of the costs of the Projects; and

ORDERED THAT, the date, maturities (not to exceed the maximum term permitted by law), denominations, interest rate or rates, place of payment, and other details of said bonds, including the timing and provision for their sale and award shall be determined by the City Treasurer/ Finance Director; and

ORDERED THAT, the bonds hereby authorized may be made subject to call for redemption, with or without a premium, before the date fixed for final payment of the bonds, as provided in 30-A M.R.S.A. § 5772(6), as amended, as shall be determined by the City Treasurer/ Finance Director; and

ORDERED THAT, said bonds shall be signed by the City Treasurer/ Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk, and that said bonds shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof. Any issue of bonds may be consolidated with and issued at the same time as any other issue of bonds authorized prior to their issuance, and the bonds may be divided into multiple series and issued in separate plans of financing; and

ORDERED THAT, in each of the years during which any of the bonds are outstanding, there shall be levied a tax in an amount that, with other revenues, if any, available for such purpose, shall be sufficient to pay the interest on said bonds, payable in such years, and the principal of such bonds maturing in such years; and

ORDERED THAT, pursuant to 30 A M.R.S.A. § 5772, Article VI, Section 7 of the City Charter and any other authority thereto enabling, the City Treasurer/ Finance Director is hereby

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authorized to issue temporary notes of the City in anticipation of the forgoing bond issue, said notes to be signed by the City Treasurer/ Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk, and otherwise to be in such form and contain such terms and provisions including, without limitation, maturities (not to exceed 3 years from the issue date), denominations, interest rate or rates, place of payment, and other details as they shall approve, their approval to be conclusively evidenced by their execution thereof; and

ORDERED THAT, the bonds and notes shall be transferable only on the registration books of the City kept by the transfer agent, and said principal amount of the bonds and notes of the same maturity (but not of other maturity), upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his or her attorney duly authorized in writing; and

ORDERED THAT, the City Treasurer/ Finance Director and Chair of the City Council from time to time shall execute such bonds or notes as may be required to provide for exchanges or transfers of bonds or notes as heretofore authorized, all such bonds or notes to bear the original signature of the City Treasurer/ Finance Director and Chair of the City Council, and in case any officer of the City whose signature appears on any bond or note shall cease to be such officer before the delivery of said bond or note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof; and

ORDERED THAT, upon each exchange or transfer of bonds or notes, the City and transfer agent shall make a charge sufficient to cover any tax, fee, or other governmental charge required to be paid with respect to such transfer or exchange, and subsequent to the first exchange or transfer, the cost of which shall be borne by the City, the cost of preparing new bonds or notes upon exchanges or transfers thereof shall be paid by the person requesting the same; and

ORDERED THAT, in lieu of physical certificates of the bonds and notes hereinbefore authorized, the City Treasurer/ Finance Director be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such bonds and notes in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing paragraphs regarding physical transfer of bonds, and the City Treasurer/ Finance Director be and hereby is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in her opinion, appropriate in order to qualify the bonds for and participate in the Depository Trust Company Book-Entry Only System; and

ORDERED THAT the bonds and notes issued in anticipation thereof be issued on either a taxable or a tax-exempt basis, or a combination thereof, as determined by the City Treasurer/ Finance Director; and

ORDERED THAT, if the bonds or notes, or any part of them are issued on a tax exempt basis, the officers executing such bonds or notes be and hereby are individually authorized and directed to covenant and certify on behalf of the City that no part of the proceeds of the issue and sale of the bonds or notes authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such bonds or notes to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"); and

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ORDERED THAT, if the bonds or notes, or any part of them are issued on a tax exempt basis, the officers executing such bonds or notes be and hereby are individually authorized to covenant and agree, on behalf of the City, for the benefit of the holders of such bonds or notes, that the City will file any required reports and take any other action that may be necessary to ensure that interest on the bonds or notes will remain exempt from federal income taxation and that the City will refrain from any action that would cause interest on the bonds or notes to be subject to federal income taxation; and

ORDERED THAT, if the bonds or notes, or any part of them are issued on a tax exempt basis, the City Treasurer/ Finance Director be and hereby is authorized and empowered to take all such action as may be necessary to designate the bonds or notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code; it being the City Council's intention that, to the extent permitted under the Code, the bonds or notes be Section 265(b) designated and that the City Treasurer/ Finance Director with advice of bond counsel, make the required Section 265(b) election with respect to such bonds to the extent that the election may be available and advisable as determined by the City Treasurer/ Finance Director; and

ORDERED THAT, the officers executing the bonds or notes be and hereby are individually authorized to covenant, certify, and agree, on behalf of the City, for the benefit of the holders of such bonds or notes, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by Rule 15c2 12 of the Securities and Exchange Commission, if applicable, are met; and

ORDERED THAT the investment earnings on the proceeds of the bonds, if any, and the excess proceeds of the bonds (including premium), if any, be and hereby are appropriated for the following purposes, to be selected by the City Treasurer/ Finance Director in her sole discretion:

1. To any costs of the Projects listed on Attachment A;
2. If the bonds are issued on a tax exempt basis, in accordance with applicable terms and provisions of the Arbitrage and Use of Proceeds Certificate delivered in connection with the sale of the bonds including, to the extent permitted thereunder, to the City's General Fund;
3. To pay debt service on the bonds; and

ORDERED THAT, if the actual cost of any Project differs from the estimated cost of such Project, whether due to completion, delay or abandonment of the Project for any other reason, the City Treasurer/ Finance Director is authorized, in her discretion to reallocate proceeds of the bonds or notes to any other listed Project or to any other project or improvement that the City Council has approved or may in the future approve as part of the City's capital improvement plan; and

ORDERED THAT, the City Treasurer/ Finance Director, Chair of the City Council, Clerk, and other proper officials of the City be, and hereby are, authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things, and to execute, deliver, file, approve, and record all such financing documents, contracts, agreements, assignments, certificates, and other documents as may be necessary or advisable, with the advice of counsel for the City, including but not limited to a bond purchase agreement, a preliminary official statement and official statement if

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the bonds are underwritten in a public sale or a loan agreement with the United States Department of Agriculture – Rural Development (or such other suitable lender as the City Treasurer/ Finance Director shall determine) in usual and customary form, to carry out the provisions of this Order in connection with the issuance of the bonds, the issuance, execution, sale, and delivery by the City of the bonds and notes and the execution and delivery of the documents, as may be necessary or desirable; and

ORDERED THAT, if the City Treasurer/ Finance Director, Chair of the City Council, or Clerk are for any reason unavailable to approve and execute the bonds or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act; and

ORDERED THAT, if any of the officers or officials of the City who have signed or sealed the bonds and notes hereinbefore authorized shall cease to be such officers or officials before the bonds or notes so signed and sealed shall have been actually authenticated or delivered by the City, such bonds or notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds notes had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such bonds or notes, shall be the proper officers and officials of the City, although at the nominal date of such bonds or notes any such person shall not have been such officer or official; and

ORDERED THAT if, following issuance of some but less than all of the bonds authorized hereby, the City Treasurer/ Finance Director determines, in her sole discretion, that the remaining authorized but unissued bonds will not be issued in furtherance of the Projects, then the City Treasurer/ Finance Director may so note on the financial books and records of the City, in the form and manner as she shall determine to be appropriate, that such authorized but unissued bonds will not be issued following which notation the remaining unissued bonds shall not thereafter be issued and the authority established pursuant to this Order to issue such remaining unissued bonds shall be extinguished and of no further force and effect; and

ORDERED THAT, during the term any of the bonds are outstanding, the City Treasurer/ Finance Director is hereby authorized, in the name and on behalf of the City, to issue and deliver refunding bonds on either a current or advance refunding basis, to refund some or all of the bonds then outstanding, and to determine the date, form, interest rate, maturities (not to exceed 30 years from the date of issuance of the original bonds) and all other details of such refunding bonds, including the form and manner of their sale and award. The City Treasurer/ Finance Director is hereby further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the City Treasurer/ Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk; and

Attachment A

List of Projects - \$4,200,000 Bonds

1. Concrete Rehabilitation at Waste Water Treatment Plant

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2. Aeration Upgrade to Fine Bubble
3. Oak Grove Pump Station Replacement
4. Riverview Terrace Pump Station Replacement
5. Hauled Wastewater Aerated Holding Tank including aerated storage tank and blower equipment/tank cover/construction costs
6. Headworks Automation

Statement of Fact

This order authorizes the City to issue \$4.2 million in bonds to support various sewer capital improvements, to issue bond anticipation notes in advance of receiving the bond funds if needed, and to allow Council to reallocate the funds to additional projects (subject to approval by USDA Rural Development) should any listed above come in under budget or be abandoned.

2017-A179

November 21, 2017

TITLE: ORDER, AUTHORIZE EXECUTION OF A GRANT
 AGREEMENT AND ACCEPTANCE OF A GRANT
 FROM USDA RURAL UTILITIES SERVICE IN THE
 AMOUNT OF \$1,400,000.00

filed November 16, 2017
by Jerry Goss

ORDERED, that the City Council of the City of Brewer does authorize its City Manager and its Clerk, or their designees, to execute and deliver a RUS Bulletin 1780-12, "Water and Waste System Grant Agreement", on behalf of the City of Brewer substantially in the form attached hereto with such changes and additions as they in their discretion may deem necessary or appropriate; and

FURTHER ORDERED, that the City of Brewer, acting through its appropriate officers as designated in its Charter, Codes and Ordinances, will take all necessary and appropriate steps to carry out the transactions contemplated by the Grant Agreement approved at this meeting. (Agreement Attached)

Statement of Fact

This order authorizes the City to accept and execute the necessary documents for up to \$1.4 million in grant funds from USDA Rural Development for capital upgrades and improvements to the City's water pollution control facility and sewer infrastructure.

2017-A180

November 21, 2017

TITLE ORDER, CERTIFY AFFORDABLE HOUSING INFORMATION

Filed November 16, 2017
By Beverly Uhlenhake

City Council Minutes

November 21, 2017

WHEREAS, as required by the City's Certificate of Approval for the Highland Community Affordable Housing Development District (District) issued by the Maine State Housing Authority and the provisions of 30-A M.R.S.A Chapter 206 Section 5250-E, the City Council must certify annually that the City continues to meet the public purpose of the District and that the rental units within the District have remained affordable as well as account for any sale of property within the District; and

WHEREAS, both affordable housing facilities within the District—Somerset Place Senior Housing and Village Centre Apartments—have attested to the City that their rental units remain affordable and no sale of property has occurred; and

WHEREAS, the District continues to serve its public purpose by having expanded affordable housing within the City and contributed to the betterment of the health and welfare of Brewer's residents;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council herewith certifies the public purpose of the Highland Community Affordable Housing Development District and the affordability of the rental units within it and authorizes the City Manager or his designee to submit the required annual report to the Maine State Housing Authority.

Statement of Fact

This order fulfills a requirement of the City's affordable housing district approval and certifies that the district (consisting of Somerset Place and Village Centre) continues to meet its affordability requirements and to serve a public purpose.

ACTION: Councilor Uhlenhake moved that the order be tabled. The motion was seconded and passed by unanimous vote.

2017-A181

November 21, 2017

TITLE: ORDER, AUTHORIZE AGREEMENT WITH JONATHAN C. COUTTS, PERSONAL REPRESENTATIVE FOR THE ESTATE OF LAUREEN CHURCHILL COUTTS, FOR PAYMENT OF TAX AND SEWER LIENS, PAST DUE SEWER AND WATER BILLS, AND CURRENT AND FUTURE TAXES, SEWER AND WATER ON PROPERTY LOCATED AT 64 PARKWAY NORTH

Filed November 16, 2017

By Joseph L. 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 Jonathan C. Coutts, Personal Representative for The Estate of Laureen Churchill Coutts, ("Jonathan Coutts") wherein Jonathan Coutts is permitted to reacquire the property at 64 Parkway North (Tax Map 40, Lot 150), which has been acquired by the City by virtue of foreclosing City of Brewer tax collector liens, provided Jonathan Coutts pays to the City of Brewer all outstanding tax and sewer obligations relating to the property per the terms of the payment agreement; and

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FURTHER, 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

In April 2017, the Council authorized a repayment agreement with Laureen Churchill Coutts for 64 Parkway North. Unfortunately, Ms. Coutts passed away within a month of signing the agreement and making her first payment. The courts have assigned her son Jonathan as Personal Representative for Ms. Coutts' Estate. He seeks to reacquire the property through repayment. The total owed on the property is \$13,727, which includes taxes from 2015 through 2018 as well as six quarters of sewer.

2016-B023

November 21, 2017

TITLE: RESOLVE, RATIFY THE BREWER WATER POLLUTION CONTROL FACILITY COLLECTIVE BARGAINING CONTRACT.

Filed November 16, 2017
by Jerry Goss

WHEREAS, a collective bargaining agreement between the City of Brewer and Council No. 93, AFSCME, Local Union No. 656-04 has recently been negotiated; and

WHEREAS, the negotiators for both sides have recommended that this collective bargaining agreement be ratified by their representative parties;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council herewith ratifies this agreement and authorizes the City Manager, or his designee, to execute the document on behalf of the City of Brewer; and

FURTHER RESOLVED, that the City Clerk file the City's copy of the original contracts in the City's record archives.

2017-A182

November 21, 2017

TITLE: ORDER, POSTPONE THE DECISION ON A HARDSHIP/POVERTY MATTER, TITLE 36, M.R.S.A. §841(2)(A), UNTIL THE NEXT REGULAR MEETING OF THE BREWER CITY COUNCIL

Filed November 17, 2017
By Beverly Uhlenhake

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D. Monthly Reports.

ACTION: Councilor Goss 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.

ACTION: Councilor Vachon moved that the resolves be adopted and the orders have passage. The motion was seconded and passed by a unanimous vote.

2017-B017

November 21, 2017

TITLE: RESOLVE, DECLARE THE RESULTS OF THE NOVEMBER 7, 2017 CITY OF BREWER ANNUAL MUNICIPAL ELECTION AND THE STATE OF MAINE REFERENDUM ELECTION.

filed November 9, 2017, 2017
by Matthew Vachon

WHEREAS, The City of Brewer Annual Municipal Election and the State of Maine Referendum Election were held on November 7, 2017; and

WHEREAS, Brewer election officials tabulated the results for the vote in the City of Brewer and the City Clerk has verified these results;

NOW, THEREFORE, BE IT RESOLVED, that the City Council declares the results for the City of Brewer Annual Municipal Election and the State of Maine Referendum Election as follows:

**CITY OF BREWER, MAINE
RETURN OF VOTES CAST**

At a legal meeting of the inhabitants of consolidated ward one in the City of Brewer, qualified by the Constitution and Laws of the State of Maine to vote for Representatives and Referendum, held on November 7, 2017 the said inhabitants gave in their vote for one member of the City Council for a 3 year term, two members of the School Committee for 3 year terms, one member of the School Committee for a 1 year term and one member of the High School Trustees for a 5 year term and the same were received, sorted, counted, declared and registered in open ward meeting, by the Warden who presided, and in the presence of the Ward Clerk and City Clerk, who formed a list of the whole number of ballots given in, and of the persons voted for, and made a record thereof as follows:

FOR ONE MEMBER OF THE CITY COUNCIL (3 YEAR TERM)

Joseph L. Ferris had 1736

FOR TWO MEMBERS OF THE SCHOOL COMMITTEE (3 YEAR TERMS)

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Kathleen Cooney	had	505
Trudy Irene Scee	had	698
Cynthia Small	had	936
John Candors	had	731

FOR ONE MEMBER OF THE SCHOOL COMMITTEE (1 YEAR TERM)

Zachary Arey	had	651
Mark Farley	had	1,048

FOR HIGH SCHOOL DISTRICT TRUSTEE (5 YEAR TERM)

Ruth-Marie Spellman	had	1740
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Total Ballots Cast: 2100

A true copy, attest: _____

Ronda J. Hogan
City Clerk, City of Brewer, Maine
November 8, 2017

2017-B018

November 21, 2017

TITLE: RESOLVE, ACCEPT THE RESIGNATION OF JANET MCINTOSH
AS ASSOCIATE MEMBER OF THE PLANNING BOARD
OF THE CITY OF BREWER

filed October 18, 2016
by Beverly Uhlenhake

WHEREAS, Janet McIntosh has submitted a letter of resignation as Associate Member of the Brewer Planning Board; and

WHEREAS, the City Council must vote to accept these resignations and declare vacancies for associate members;

NOW, THEREFORE, BE IT RESOLVED, that the City Council herewith accepts the resignation of Janet McIntosh as Associate Member of the Brewer Planning Board and declares that a vacancy will exist on the Planning Board for an Associate Member.

2017-A171

November 21, 2017

TITLE ORDER: APPOINT JANE HINKLEY AS AN ASSOCIATE PLANNING
BOARD MEMBER TO FILL A VACANT UNEXPIRED TERM

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Filed October 18, 2017
By Jerry Goss

ORDERED, that Jane Hinckley, 5 Woodridge Road, is herewith appointed to the Planning Board of the City of Brewer to fill a current vacant unexpired term; and

ORDERED, that Ms. Hinckley's term will commence December 1, 2017 and expire March 31, 2020.

Statement of Fact:

This is an appointment that has been made to fill vacant unexpired term on the Planning Board.

2017-A172

November 21, 2017

TITLE ORDER: APPOINT MARILYN LAVELLE AS A COMMISSIONER OF THE HOUSING AUTHORITY OF THE CITY OF BREWER TO FILL A VACANCY.

Filed November 14, 2017
By Joseph L. Ferris

ORDERED, that Marilyn Lavelle, 116 Eastern Avenue is herewith appointed to the Board of Commissioners of the Housing Authority of the City of Brewer to fill a currently vacant unexpired term; and

ORDERED, that Ms. Lavelle's term will commence December 1, 2017 and expire March 31, 2021; and

Statement of Fact:

This is an appointment that has been made to fill an unexpired term on the Housing Authority Commissioners Board.

F. Unfinished Business. (no items)

G. New Business.

ACTION: Councilor Vachon moved that the proposed ordinance amendment be certified and one copy be filed with the City Clerk for posting. The motion was seconded and passed unanimously.

2017-C018

November 21, 2017

Title: AMEND CHAPTER 19 OF THE CITY OF BREWER ORDINANCE, ARTICLE 5, SECTION 506, SCHEDULE 3.

Filed October 12, 2017
By Matthew Vachon

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Be it ordained by the Brewer City Council that the Brewer City Traffic Code shall be amended by changing Chapter 19, Article 5, Section 506, Schedule 3, by adding:

(59) The southernmost intersection of Longmeadow Drive and Washington Street, with the vehicular traffic stopping on Longmeadow Drive.

Statement of Fact

This ordinance amendment adds a stop sign to the southernmost end of Longmeadow Drive at Washington Street per the request of a resident in the area, due to safety concerns that have developed over the years.

ACTION: Councilor Uhlenhake moved that the proposed ordinance amendment be certified and one copy be filed with the City Clerk for posting. The motion was seconded and passed unanimously.

2017-C019

November 21, 2017

Title: AMEND CHAPTER 24, ENTITLED "LAND USE CODE" OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ARTICLE 4, PERFORMANCE STANDARDS, SECTION 410 CONVERSIONS – SINGLE FAMILY TO MULTI-FAMILY, SECTION 411, DAY CARE, SECTION 415 HOME OCCUPATIONS, AND SECTION 416 IN-LAW APARTMENT.

Filed October 23, 2017

By Beverly Uhlenhake

Be it ordained by the City of Brewer in City Council assembled that Chapter 24, of the Charter, Codes and Ordinances of the City of Brewer, entitled "Land Use Code" shall be amended by adding the following subsections to Article 4:

ARTICLE 4 PERFORMANCE STANDARDS

410 CONVERSIONS - SINGLE FAMILY TO MULTI-FAMILY

410.6 Converted buildings shall meet the life safety requirements contained in Chapter 30 Housing Code, Article 1 Section 101.19 Residential house & multi-family housing vacant more than 12 months and new additions, of the City of Brewer Charter, Codes, and Ordinances.

411 DAY CARE

411.7 LIFE SAFETY REQUIREMENTS

1. A minimum of one illuminated exit sign with emergency lights at main entrance of business.
2. A minimum of one fire extinguisher at main entrance of business.

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3. Hard wired interconnected combination smoke and carbon monoxide detectors shall be located on all levels of the building.
4. Windows and any exterior opening on a second floor and higher that creates a hazard and/or window sills that is less than 24 inches from the floor must have proper fall protections.

415 HOME OCCUPATIONS

415.13 LIFE SAFETY REQUIREMENTS

1. A minimum of one illuminated exit sign with emergency lights at main entrance of business.
2. A minimum of one fire extinguisher at main entrance of business.
3. Hard wired interconnected combination smoke and carbon monoxide detectors shall be located on all levels of the building.
4. Windows and any exterior opening on a second floor and higher that creates a hazard and/or window sills that is less than 24 inches from the floor must have proper fall protections.

416 IN-LAW APARTMENT

416.8 Buildings with in-law apartments shall meet the life safety requirements contained in Chapter 30 Housing Code, Article 1 Section 101.19 Residential house & multi-family housing vacant more than 12 months and new additions, of the City of Brewer Charter, Codes, and Ordinances.

STATEMENT OF FACT:

This ordinance is being changed so that we might better protect our residents especially our young people. There are a lot of new in-home daycares opening up and we want to protect all the people by making sure that proper fire exits are clearly marked and that there is a hard-wired smoke and carbon detector on all floors that are interconnected, and fall protection on windows which are less than the required 24 inches above the floor.

The Planning Board held a public hearing on September 26, 2017 and made the recommendation to adopt these amendments.

ACTION: Councilor Ferris moved that the proposed ordinance amendment be certified and one copy be filed with the City Clerk for posting. The motion was seconded and passed unanimously.

City Council Minutes

November 21, 2017

Title: AMEND CHAPTER 30, ENTITLED "HOUSING CODE" OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ARTICLE 1.

Filed October 23, 2017

By Joseph L. Ferris

Be it ordained by the City of Brewer in City Council assembled that Chapter 30, of the Charter, Codes and Ordinances of the City of Brewer, entitled "Housing Code" shall be amended by adding the following subsection to Article 1:

101.19 Residential house & multi-family housing vacant more than 12 months and new additions

All houses vacant for more than 12 months must install hard wired interconnected combination smoke and carbon monoxide detectors on all levels. Creating additional living spaces to existing level must add a hard wired smoke and carbon monoxide detectors that is interconnect to existing levels. Proper fire protection between two separate living quarters must be installed to meet NFPA 101 life safety code. Any living quarters over 20 feet in height must have adequate egress to a rescue platform, one per bedroom. Any windows or opening on a second floor and higher that creates a hazard and or window sill that is less than 24 inches from the floor must have proper fall protections.

STATEMENT OF FACT:

This ordinance is being changed so that we might better protect our residents especially our young people. There are a lot of new in-home daycares opening up and we want to protect all the people by making sure that proper fire exits are clearly marked and that there is a hard-wired smoke and carbon detector on all floors that are interconnected, and fall protection on windows which are less than the required 24 inches above the floor.

H. New Items with Leave of Council.

There were no items

I. ADJOURN.

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

ACTION: Councilor Uhlenhake moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting adjourned at 6:12 p.m.

ADJOURNED, ATTEST: _____ Ronda J. Hogan
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine