

City Council Minutes
September 11, 2018

Regular Meeting
City Hall Council Chambers

Tuesday, September 11, 2018
6:00 p.m.

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

Councilor Vachon-present
Councilor O'Connell-present
Councilor Ferris-present

Councilor Uhlenhake-present
Chairman Goss-present

Chairman Goss declared a quorum present. City Manager Stephen Bost and City Solicitor Jonathan Pottle were also present.

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

Chairman Goss read the notice for the regular meeting.

TO: Joseph Ferris, Jerry Goss, Kevin O'Connell, Matthew Vachon and Beverly Uhlenhake
MEMBERS OF THE BREWER CITY COUNCIL you are hereby notified a regular meeting of the City Council will be held on Tuesday, September 11, 2018 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider and act on the items on the attached agenda.

s/Jerry Goss
Mayor and Chairman of the City Council
Or _____
Majority of the City Council

a true copy, attest: s/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	J. Everett	Officer	9/7/18	18:14
Matthew Vachon	R. Hogan	C.C.	9/7/18	4:15pm
Beverly Uhlenhake	J. Everett	Officer	9/7/18	18:07
Jerry Goss	J. Everett	Officer	9/7/18	17:32
Kevin O'Connell	R. Hogan	C.C.	9/7/18	4:15pm

CITY COUNCIL REGULAR MEETING
Tuesday, September 11, 2018 6:00 P.M.
Brewer City Hall Council Chambers

- I. Call to Order.** (Mayor Goss)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America.** (Mayor Goss)
- A. Minutes of August 14, 2018 Regular Council Meeting.** (Councilor O'Connell)
- B. Awards, Petitions and Public Comments.**
 - 1. (2018-B030) Resolution of Respect for Donald W. Pushard (Councilor Goss)
 - 2. Proclamation: Recovery Month in the City of Brewer (Councilor Goss)
- C. Consent Calendar.**
 - 1. (2018-A144) ORDER Commit sewer assessment to Treasurer for collection (Councilor Ferris)
 - 2. (2018-A145) ORDER Commit water assessment to Treasurer for collection (Councilor Vachon)
 - 3. (2018-A146) ORDER Accept donations to the Brewer Parks and Recreation Department for the fall soccer program (Councilor O'Connell)
 - 4. (2018-A147) ORDER Determination that right-of-way acquired in 1965 for a temporary cul-de-sac at the end of Atlantic Avenue has been abandoned (Councilor Vachon)
 - 5. (2018-A148) ORDER Authorize the City Manager, or his designee, to complete the demolition of the building located at 112 South Main Street (Councilor Ferris)
 - 6. (2018-A149) ORDER Accept donations to the Brewer Parks and Recreation Department for Brewer Days (Councilor Vachon)
 - 7. (2018-A150) ORDER Authorize paving for the Parkway South parking lot project (Councilor O'Connell)
 - 8. (2018-A151) ORDER Authorize purchase materials for the Parkway South parking lot project (Councilor Uhlenhake)
 - 9. (2018-A152) ORDER Accept grant funds from Department of Homeland Security for fire cardiac equipment (Councilor Ferris)
 - 10. (2018-A153) ORDER Accept FY2019 donations to the Brewer Public Library (Councilor Vachon)
 - 11. (2018-A154) ORDER Approve and carry forward encumbrance of appropriated, but not expended, FY2018 funds for approved projects (Councilor O'Connell)
 - 12. (2018-A155) ORDER Authorize purchase of safety equipment for the Riverwalk Trail (Councilor Uhlenhake)
 - 13. (2018-A156) ORDER Issue Green Point a renewal on their automobile recycling permit at 206 Green Point Road (Councilor Ferris)
 - 14. (2018-A157) ORDER Authorize Consent Agreement for Docket No. BANDC-CV-68 (Rule 80K, Land Use Violation; 20 Crescent Street) (Councilor Vachon; Councilor O'Connell)

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D. Monthly Reports. (Councilor Uhlenhake)

E. Nominations, Appointments, Elections.

1. (2018-A158) ORDER Appoint Valerie J. Moon as City Assessor for the City of Brewer (Councilor Vachon)

F. Unfinished Business.

1. (2018-C007) Amend Chapter 19 (Traffic Code), Article 3, Section 315, Schedule F (Accessible Parking), North Main Street, Line Items #1 and #2. (Councilor Ferris)

G. New Business

H. New Items with Leave of Council.

I. ADJOURN.

A. Minutes of September 11, 2018 Regular 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, Public Comments

2018-B030

September 11, 2018

TITLE: RESOLVE, RESOLUTION OF RESPECT FOR DONALD W. PUSHARD

Filed August 8, 2018
By Jerry Goss

WHEREAS, on the 2nd day of August 2018, death brought to a close the full and active life of Donald W. Pushard of Brewer; and

WHEREAS, Donald was a graduate of Lewiston High School and served his country in the U.S. Army stationed in Heilbronn, Germany; and

WHEREAS, on October 29, 1960 he married Claudette Masse, the love of his life and raised two children with her in Brewer; and

WHEREAS, in 1962 Donald became a patrolman for the Lewiston Police Department before joining the Maine State Police where he was assigned the Greater Bangor Area and was chosen 1985 Trooper of the Year; and

WHEREAS, even after retirement, Donald was active as the first manager of the Tourist Information Centers on I-95 in Hampden, a hospice volunteer with St. Joseph Home Health and Hospice, and enjoyed woodworking and photography.

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

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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 Donald W. Pushard by the citizens and officials of the City of Brewer, Maine.

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

Chairman Goss read the resolve into the record and presented the resolution to Phil Pushard, Donald's son, and his family.

Phil Pushard, the son of Donald Pushard thanked the Council and said he really appreciates the recognition the Council has showed to his father. He shared that his mom could not be in attendance because she has left the state to live with her daughter, but she wanted to say thank you say and how much the resolve means to her.

Councilor Ferris commented that back when he was a young lawyer and working traffic matters, the State Police was always represented by Don and he was no nonsense, sharp, very professional and knew the Code better than the judges and applied it. Councilor Ferris stated that Don was a nice man and he will definitely be missed.

Councilor O'Connell stated that it takes a special man to be a hospice volunteer and that Donald Pushard was and will definitely be missed.

The resolve was adopted by unanimous vote.

PROCLAMATION Recovery Month

WHEREAS, the 2016 U.S. Surgeon General's Report: Facing Addiction in America illustrates that substance use problems remains a major social and economic problem in the United States, punctuated during the past six years with dramatic increases in deaths related to opioid overdose; and

WHEREAS, President Donald Trump has declared the opiate crisis in the U. S. a national emergency; and

WHEREAS, substance use disorders affect 20.8 million Americans; and

WHEREAS, the annual economic impact of substance abuse is estimated at \$442 billion; and

WHEREAS, stigma is the biggest barrier to effective policy, service delivery, and community support for those afflicted; and

WHEREAS, the City of Brewer believes in concerted investments into the realms of Enforcement, Education, Treatment, and Recovery in order to reduce the demand for illicit substances to improve the quality of life for those directly impacted by substance abuse disorders and the community as a whole; and

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WHEREAS, substance use prevention, intervention, treatment and recovery services are proven to be effective, as well as the importance of peer support within the recovery community; and

WHEREAS, the Bangor Area Recovery Network (BARN) is known as a leading voice for the recovery community at a local, regional and state level; and

WHEREAS, the City of Brewer has supported BARN since its inception and has collaborated to establish recovery support services for the citizens of Brewer/Bangor area.

NOW, THEREFORE, I, JERRY W. GOSS, Mayor of the City of Brewer, do hereby proclaim the month of September two thousand eighteen as

RECOVERY MONTH

IN WHITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brewer to be imprinted this eleventh day of September Two Thousand and Eighteen.

Signed this eleventh day of September 2018

Jerry W. Goss, Mayor

ACTION: Chairman Goss read the proclamation and said it would be placed in the minutes of the meeting.

Chairman Goss presented the proclamation to BARN representative Chris Martin. Mr. Martin thanked Chairman Goss and the Council for all of their support.

PUBLIC COMMENTS

Doug Dividio, 106 State Street, thanked the City Manager for their previous meeting but stated that he forgot to mention a few things. First, he would like to see an endangered animal zoo in the City; second, he would like to see a large recreational complex in our area/city and lastly he would like the Council to consider the idea of building sea planes again, he sees no reason for all the airplane building to be done out west. Mr. Dividio thanked the City Manager again and also stated that he loved Brewer Days, especially the car show.

Chairman Goss congratulated Ken Hanscom and the Brewer Parks & Recreation Department for a wonderful job done during Brewer Days.

Chairman Goss requested a moment of silence for the ones we lost on September 11, 2001.

C. Consent Calendar

ACTION: Councilor Uhlenhake removed orders 2018-A147 and 2018-A155 from the consent calendar. Councilor Ferris removed order 2018-A157 from the consent calendar.

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

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passage. The motion was seconded and passed by unanimous vote.

2018-A144

September 11, 2018

TITLE: ORDER, COMMIT SEWER ASSESSMENT TO TREASURER
FOR COLLECTION

Filed September 5, 2018
By Joseph L. Ferris

WHEREAS, under Chapter 31 of the Sewer and Pre-treatment Ordinance of the City of Brewer, a sewer charge is assessed to users.

NOW, THEREFORE, the Brewer City Council does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$616,730.38** at the established rate, as provided by Title 30-A MRSA §3406 and Title 38 M.R.S. §1208 and as such sections may be amended from time to time; and

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

EVENT	COMMITMENT	COMMENTS
September 2018	\$605,695.93	
June 2018	\$721.75	
July 2018	\$872.92	
August 2018	\$9,439.78	
TOTAL	\$616,730.38	

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2018-A145

September 11, 2018

TITLE ORDER COMMIT WATER ASSESSMENT TO TREASURER
FOR COLLECTION

Filed September 5, 2018
By Matthew Vachon

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

NOW, THEREFORE, the Brewer City Council does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$658,355.63** at the established rate, as provided by Title 30-A MRSA §3406 and Title 38 M.R.S. §1208 and as such sections may be amended from time to time; and

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

EVENT	COMMITMENT	COMMENTS
September 2018	\$651,819.80	
June 2018	\$1,707.40	
July 2018	\$3,778.35	
August 2018	\$1,050.08	
TOTAL	\$658,355.63	

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2018-A146

September 11, 2018

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PARKS
AND RECREATION DEPARTMENT FOR THE FALL
SOCCER PROGRAM

Filed August 29, 2018
By Kevin O'Connell

WHEREAS, the Brewer Parks & Recreation Department has received donations of \$100.00 from Twin City Tire for support of the Fall Soccer Program; 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 the Fall Soccer Program.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council herewith accepts this donation and directs that the donation be receipted to account 0107123-300328; and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of this money from account 0117121-506130 (Fall/Program League).

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 the Fall Soccer Program.

2018-A147

September 11, 2018

TITLE: ORDER DETERMINATION THAT RIGHT OF WAY
ACQUIRED IN 1965 FOR A TEMPORARY
CUL-DE-SAC AT THE END OF ATLANTIC AVENUE
HAS BEEN ABANDONED

Filed August 28, 2018
By Matthew Vachon

WHEREAS, the right of way for Atlantic Avenue was deeded to the City of Brewer in December 1965 and accepted as a public way in January 1966; and

WHEREAS, the conveyance of the right of way to the City of Brewer included a "Temporary Turnaround", or cul-de-sac, that was intended to expire and revert to the grantor if and when Atlantic Avenue was extended; and

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WHEREAS, the cul-de-sac was never constructed, and Atlantic Avenue has not been extended;
and

WHEREAS, the owner of the property encumbered by the paper cul-de-sac (Fransway Realty, LLC) has requested that the City declare that the area within the cul-de-sac has been abandoned, which allows the construction of a new parking lot adjacent to Atlantic Avenue for the purpose of accommodating an expansion of the UPS operation; and

WHEREAS, the Brewer Planning Board approved a site plan application by Fransway Realty, LLC at its August 2018 meeting for the construction of the new parking lot; and

WHEREAS, Fransway Realty, LLC has proposed to design, construct and deed to the City of Brewer, a Permanent Easement providing a suitable “hammerhead” type turnaround at the end of Atlantic Avenue in substitution for the abandoned cul-de-sac; and

WHEREAS, the City Engineer and the Public Works Director have reviewed the layout and location of the proposed hammerhead turnaround and deemed it sufficient for the purpose of turning a city plow truck.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby declares that pursuant to 23 M.R.S. § 3028(2), the area encompassed by a 60’ radius at the end of Atlantic Avenue as defined in the Deed from Epstein and Kurson to the City of Brewer dated 12-30-1965 and recorded at the Penobscot County Registry of Deeds in Book 2034, Pages 379-380 has been abandoned pursuant to common law due to lack of public use for a period in excess for 20 years; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is hereby authorized to sign any and all documents necessary to carry out this Order.

Statement of Fact

This Order declares that an unbuilt paper cul-de-sac at the end of Atlantic Avenue (see attached pdf) has been abandoned by law. This paper cul-de-sac has been deemed by City staff to be of no value and is an obstruction to the development of the adjacent property. As substitution for the cul-de-sac, the owner of the adjacent property (Fransway Realty, LLC) has proposed to construct a suitable turnaround for plow trucks or other vehicles.

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

Councilor Uhlenhake stated that she would be abstaining from voting.

The order passed with a vote of 4-0-1.

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TITLE: ORDER, AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO
COMPLETE THE DEMOLITION OF THE BUILDING
LOCATED AT 112 SOUTH MAIN STREET

Filed September 5, 2018
By Joseph L. Ferris

WHEREAS, the City acquired the title to the property situated at 112 South Main Street in Brewer by virtue of matured real estate tax liens and sewer liens; and

WHEREAS, the City has obtained a Consent Decree and Judgment from the District Court awarding the City full title to the property at 112 South Main Street (Docket No. BANDC-RE-17-15), which is a final judgment; and

WHEREAS, City Staff have concluded that the building located at 112 South Main Street is not safe and the rehabilitation of the structure would not be cost effective; and

WHEREAS, the building has now undergone an environmental review and all hazardous materials have been removed or abated; and

WHEREAS, our Public Works Department is available and capable of handling the demolition and disposal work for this property.

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to execute any and all actions necessary for the demolition and disposal of the structure in order to return the property to vacant parcel.

Statement of Fact

The building on this property is unsafe and should be demolished. It is the plan of the City to keep and maintain this property until such time as the greatest and best use can be determined to promote the redevelopment of this property in order to support improvements on the waterfront and the neighborhood.

2018-A149

September 11, 2018

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

Filed August 21, 2018
By Matthew Vachon

WHEREAS, the Brewer Parks & Recreation Department has received donations of \$500.00 from Sun Tan City - Supercuts, \$500.00 from Eastern Maine Healthcare Systems and \$50.00 from Camden National Bank for support of Brewer Days; and

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

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council herewith accepts this donation and directs that the donation be receipted to account 0200000-320000-71002; and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of this money from account 0200000-520000-71002 (Brewer Days Expense).

Statement of Fact

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

2018-A150

September 11, 2018

TITLE: ORDER, AUTHORIZE PAVING FOR THE PARKWAY SOUTH
PARKING LOT PROJECT

Filed August 28, 2018
By Kevin O'Connell

WHEREAS, the City is currently under contract with Hopkins Paving for our annual resurfacing projects; and

WHEREAS, on May 29, 2018 the Brewer City Council authorized the construction of a parking lot on behalf of the Brewer High School District in an amount not to exceed \$137,000 to be repaid by the District over a period of years; and

WHEREAS, the new parking lot being build adjacent to the Community School on Parkway South will require approximately 585 tons of pavement; and

WHEREAS, it is very unlikely that an independent bid for the paving of the parking lot would result in more favorable pricing.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council agrees to extend our current contract with Hopkins Paving to including the new parking; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to Hopkins Paving an amount up to \$50,000 for the for the paving of the binder and surface on the parking lot project; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to the account 0500000-100480-53018, an account set up for the purchase of materials for this project; and

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

Statement of Fact

This order covers the purchase of all machine placed pavement required for the construction of the new parking lot. A hard price cannot be set due to not knowing the exact tonnage that will be used and the fluctuation of the asphalt escalator.

2018-A151

September 11, 2018

TITLE: ORDER, AUTHORIZE PURCHASE MATERIALS FOR THE PARKWAY
SOUTH PARKING LOT PROJECT

Filed August 28, 2018

By Beverly Uhlenhake

WHEREAS, on May 29, 2018 the Brewer City Council authorized the construction of a parking lot on behalf of the Brewer High School District in an amount not to exceed \$137,000 to be repaid by the District over a period of years; and

WHEREAS, quotes were solicited, received and evaluated for the purchase of gravel to be used in the construction of the new parking lot adjacent to the Brewer Community School on Parkway South; and

WHEREAS, Clisham Construction of Winterport, Maine provided the City with the lowest unit price of the four (4) quotes received on acceptable gravels for the project.

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to Clisham Construction in the amount of \$22,124.00 for the purchase of base and surface gravel for the parking lot project; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to the account 0500000-100480-53018, an account set up for the purchase of materials for this project; and

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

Statement of Fact

This order covers the purchase of all gravels needed to construct the new parking lot located on Parkway South across from the Community School. Due to time constraints a formal bid was not conducted however, nine (9) known suppliers were solicited for quotes.

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2018-A152

September 11, 2018

TITLE: ORDER, ACCEPT GRANT FUNDS FROM DEPARTMENT OF
HOMELAND SECURITY FOR FIRE CARDIAC EQUIPMENT

Filed September 6, 2018
By Joseph L. Ferris

WHEREAS, the City of Brewer Fire Department, in conjunction with our four automatic aid towns of Orrington, Holden, Dedham and Eddington, applied for and was awarded \$201,091 by the U.S. Department of Homeland Security Assistance to Firefighters Grant program to purchase five cardiac monitors and 21 automated external defibrillators (AEDs), a grant that the Town of Eddington has agreed to administer; and

WHEREAS, the Brewer Fire Department will be receiving one cardiac monitor (estimated cost \$35,000) and five AEDs (estimated cost \$2,200 each) to replace its outdated cardiac monitor and two existing AEDs; and

WHEREAS, the three additional AEDs will allow the City to equip Fire trucks that don't currently carry this important lifesaving equipment; and

WHEREAS, the grant requires a 10% local cost match, which will be covered by the trade in value of the retired equipment.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts these grant funds and the equipment purchased with them; and

BE IT FURTHER ORDERED, that the City Council hereby declares the Fire Department's existing cardiac monitor and two AEDs surplus and authorizes the City Manager or his designee to trade in the equipment to meet the City's local match requirement.

Statement of Fact

The US Department of Homeland Security recently awarded a \$201,091 Assistance to Firefighter Grant to the City of Brewer and the Towns of Orrington, Holden, Dedham and Eddington. This order accepts the one cardiac monitor and five AEDs that Brewer will receive as a result of this grant award and declares existing cardiac monitor and two AEDs surplus and authorizes their trade-in to meet the City's 10% local cash match.

2018-A153

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TITLE: ORDER, ACCEPT FY2019 DONATIONS TO THE BREWER PUBLIC

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LIBRARY.

Filed September 6, 2018
By Matthew Vachon

WHEREAS, the Brewer Public Library receives unrestricted monetary contributions from donors throughout the year; and

WHEREAS, most donors wish their contributions to supplement and support either the programming budget or book budget at the Library; and

WHEREAS, it is the recommendation and request of the Library Director that the upcoming FY2019 donations be appropriated and expended as requested by donors.

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts all unrestricted FY2019 contributions and memorial donations to the City of Brewer Public Library and authorizes their deposit into account 0107204-300420 (Library Contributions/Donations); and

BE IT FURTHER ORDERED, that the Council authorizes the appropriation and expenditure of these accepted donations from account 0117201-502750 (Library Books) or account 0117201-506150 (Library Special Events) as specified by the donor.

STATEMENT OF FACT

This order is a blanket acceptance of unrestricted FY2019 contributions to the City of Brewer Public Library and authorizes the expenditure of these contributions to support the Library programming budget and the purchase of new books. Any restricted gifts or gifts requiring new expenditures would require separate Council action.

2018-A154

September 11, 2018

TITLE: ORDER, APPROVE AND CARRY FORWARD ENCUMBRANCE OF APPROPRIATED, BUT NOT EXPENDED, FY2018 FUNDS FOR APPROVED PROJECTS

Filed September 6, 2018
By Kevin O'Connell

ORDERED, That the City Council herewith authorizes and approves the carry forward of funds in the following accounts from the end of Fiscal Year 2018 to Fiscal Year 2019 as follows:

Account #	Description	Carry Forward
0115201-502300	Assessor – Computer Software	\$22,880.00

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0115400-501000	Legal Services – Kelleher Land Use	\$444.50
0115400-501001	Legal Services – Emp & Union Negotiations	\$12,279.50
0115400-501005	Legal Services – Emera Appeal	\$754.04
0115601-500860	Technology – CGCIO Recertification	\$1,069.00
0115601-501150	Technology – HCP Network Support	\$5,000.00
0115601-502300	Technology – Computer Supplies & Expenses	\$1,632.00
0115601-503100	Technology – HCP PC Replacement Plan	\$999.00
0116100-504100	General Protections – Equip Maint & Repair	\$32,469.00
0116500-501110	Transit Operating Expense- The Bus	\$38,846.00
0116631-501030-66003	Public Works – SW PH2, Consulting Services	\$6,033.20
0116701-501420	Public Works - Residential Waste Tipping Fee	\$429.10
0117000-500810	Legal Services – Maine DOL, Unemployment	\$300.07
0117101-502400	Park & Rec – Cleaning & Sanitary Supplies	\$175.00
General Fund Total		\$123,310.41
0717502-502310	Water Admin – Computer Supplies & Expenses	\$144.00
0817502-502310	Sewer Admin – Computer Supplies & Expenses	\$144.00
Water & Sewer Fund Total		\$288.00

Statement of Fact:

This annual order authorizes funds appropriated for specific uses in the prior fiscal year but not expended to be carried forward to the current fiscal year.

2018-A155

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TITLE: ORDER, AUTHORIZE PURCHASE OF SAFETY EQUIPMENT FOR
THE RIVERWALK TRAIL

Filed September 6, 2018
By Beverly Uhlenhake

WHEREAS, since it opened in 2013, the City’s Riverwalk Trail has been a source of pride and enjoyment for the citizens of Brewer and the region as well as a focal point and generator of economic activity on the waterfront; and

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WHEREAS, construction of Phase II of the Riverwalk Trail will be completed this fall and will draw even more people to the City's waterfront and downtown area; and

WHEREAS, maintaining the safety and accessibility of the trail is integral to Brewer citizens' enjoyment of the facility and to maximizing the economic development opportunities that can be realized from this investment; and

WHEREAS, to preserve a safe and accessible trail, the Brewer Police Department has recommended the purchase of two pieces of equipment: a permanent radar sign for South Main Street to help slow traffic on this heavily traveled road and a UTV (utility terrain vehicle) to patrol and respond to incidents on the trail; and

WHEREAS, costs for the solar powered radar sign are estimated at approximately \$7,500; and

WHEREAS, three quotes were obtained and costs to purchase and equip with emergency gear the Kawasaki UTV KAF 820 KJF as well as a shed to house the vehicle are estimated at \$22,500; and

WHEREAS, costs to prepare the location for the shed, including sitework, a concrete slab and electrical are estimated at \$10,000; and

WHEREAS, expenses associated with the waterfront trail are an eligible, state-approved use of TIF funds;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith authorizes the appropriation and expenditure of up to \$40,000 in tax increment financing special revenue funds from CIP account 0150121-551102 (Waterfront Trail) to purchase and install the safety equipment specified above.

Statement of Fact

With Phase II of the Riverwalk Trail about to open and draw even more people to the City's waterfront area, this order authorizes the use of \$40,000 in TIF funds to purchase equipment to preserve and enhance trail safety and accessibility. It authorizes the installation of a radar sign on South Main Street to slow traffic and the purchase of an emergency equipped Kawasaki Mule side by side and a shed in which to house it.

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

Councilor Uhlenhake moved that the order be amended by complete substitution. The motion passed unanimously.

The order, as amended, passed unanimously.

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TITLE: ORDER, ISSUE GREEN POINT A RENEWAL OF THEIR
AUTOMOBILE RECYCLING PERMIT AT 206 GREEN POINT
ROAD.

Filed September 6, 2018
by Joseph L. Ferris

WHEREAS, Green Point has applied to the City of Brewer for renewal of their automobile recycling permit for its business located at 206 Green Point Road (Assessor's Tax Map 7, Lots 23 and 26); and

WHEREAS, with the application the applicant has submitted annual sworn statements that the facility complies with the standards of operation applicable at the time of issuance of the permit; and

WHEREAS, upon reviewing the application, Brewer City Staff and the City Council finds no cause to not issue said permit.

NOW, THEREFORE, BE IT ORDERED, that a non-transferable permit to operate and maintain an automobile recycling business at 206 Green Point Road be issued to Green Point for a five-year term commencing October 1, 2018 and expiring September 30, 2019.

Statement of Fact

This is a renewal of a 5-year permit issued in 2013 for Green Point Corp. at 206 Green Point Road to recycle automobiles.

2018-A157

September 11, 2018

TITLE: ORDER, AUTHORIZE CONSENT AGREEMENT FOR
DOCKET NO. BANDC-CV-68
(Rule 80K, Land Use Violation; 20 Crescent Street)

Filed September 7, 2018
By Matthew Vachon &
Kevin O'Connell

WHEREAS, the City of Brewer filed a Land Use Enforcement Action under Rule 80K of the Maine Rules of Civil Procedure regarding property in Brewer having an address of 20 Crescent Street; and

WHEREAS, the Brewer Code Enforcement Officer is authorized to represent and prosecute Rule 80K actions in the name of the City of Brewer; and

WHEREAS, the Brewer Code Enforcement Officer, with support from the City Solicitor, has engaged in discussions to resolve this enforcement action, which contemplate execution of a consent agreement and requesting the Court to issue a Consent Decree; and

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WHEREAS, the Brewer Code Enforcement Officer, with support from the City Solicitor, requests that the Council authorize the Code Enforcement Officer to finalize a consent agreement to resolve the above enforcement action and to take any other necessary and appropriate actions to resolve this matter.

NOW, THEREFORE, BE IT ORDERED, the Brewer Code Enforcement Officer or his designee is hereby authorized to execute a consent agreement to resolve Docket No. BANDC-CV-68, and to take such other reasonable and necessary steps to resolve the aforescribed enforcement action.

Statement of Fact

This Order authorizes the Code Enforcement Officer to resolve a pending land use enforcement action regarding property having an address of 20 Crescent Street, according to terms and conditions negotiated by the Code Enforcement Officer with assistance of the City Solicitor.

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

Councilor Ferris asked for clarification of the order. City Solicitor Jonathan Pottle gave information to the Council to further explain the order before them.

The order passed unanimously.

D. Monthly Reports

ACTION: Councilor Uhlenhake 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 order have passage. The motion was seconded.

Chairman Goss welcomed Valerie to the City of Brewer and the Brewer family. Valerie thanked the Council. City Manager, Stephen Bost, welcomed Valerie and shared with the Council a little bit about Ms. Moon's work history.

The order passed unanimously.

2018-A158

September 11, 2018

TITLE: ORDER, APPOINT VALERIE J. MOON FOR THE POSITION OF
CITY ASSESSOR.

Filed September 7, 2018
By Matthew Vachon

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WHEREAS, the City has conducted an extensive search to find a suitable candidate to fill the position of Assessor; and

WHEREAS, the City Manager has made a conditional offer to Valerie J. Moon, of Surry, Maine, and that offer has been accepted; and

WHEREAS, the City has conducted a background and reference check, the results of which confirm that Ms. Moon is a quality candidate for this position; and

WHEREAS, it is the recommendation of the City Manager that the City Council appoint Valerie Moon to the position of City Assessor; and

WHEREAS, the City Council needs to appoint a new City Assessor.

NOW, THEREFORE, BE IT ORDERED, that Valerie J. Moon is herewith appointed to the position of City Assessor for the City of Brewer effective immediately.

Statement of Fact

The City Assessor, Steve Weed resigned to take the Assessor's position with the Town of Bar Harbor. The City Manager conducted a state and national search for qualified individuals to serve as the next City Assessor. Valerie Moon was the most qualified applicant and came with great recommendations from previous employers, business associates and state officials who routinely audit Maine Towns & Cities.

F. Unfinished Business

ACTION: Councilor Ferris moved that the amendment be enacted. The motion was seconded.

The amendment passed unanimously.

2018-C007

August 14, 2018

TITLE: AMEND CHAPTER 19 (TRAFFIC CODE), ARTICLE 3, SECTION 315, SCHEDULE F (ACCESSIBLE PARKING), NORTH MAIN STREET, LINE ITEMS #1 AND #2

Filed July 18, 2018
By Joseph L. Ferris

BE IT ORDAINED by the Brewer City Council that the Brewer City Traffic Code shall be amended by changing Chapter 19, Article 3, Section 315, Schedule F, NORTH MAIN STREET, by removing in their entirety line items 1 & 2 and replacing them with new line item #1:

(1) One parking space adjacent to the property at 98 North Main street.

Statement of Fact

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This ordinance change addresses two accessible parking spaces that are in sections of North Main Street where parking is no longer allowed at any time. It also adds a new accessible parking space, per a new business owner's request, in front of 98 North Main Street, formerly Dave's Barber Shop.

G. New Business

There were no items.

H. New Items with Leave of Council

ACTION: Chairman Goss polled the Council. The vote was unanimous.

Councilor O'Connell moved that the order have passage. The motion was seconded.

The order passed unanimously.

2018-A159

September 11, 2018

TITLE: ORDER, ACCEPT FUNDS FROM THE STATE OF MAINE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) MICRO-ENTERPRISE PROGRAM FOR WALTZING MATILDA.

Filed September 11, 2018
By Kevin O'Connell &
Jerry Goss

WHEREAS, the City of Brewer applied to the Department of Economic and Community Development for a Community Development Block Grant (CDBG) Micro-Enterprise Grant to help relocate Waltzing Matilda USA's manufacturing operations from New York to Maine; and

WHEREAS, the proceeds of the grant would be used to relocate and install equipment and purchase new equipment for Waltzing Matilda USA's new Brewer location; and

WHEREAS, the City of Brewer was successful in its application and will be receiving \$50,000 in grant funds, to be loaned to Waltzing Matilda as a forgivable loan;

NOW, THEREFORE, BE IT ORDERED that the City of Brewer, by vote of its City Council, herewith accepts the CDBG Micro-Enterprise Grant award of \$50,000, and directs the funds be receipted to account 0600057-360000-57020 (CDBG Waltzing Matilda Grant Revenue); and

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BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0600057-560000-57020 (CDBG Waltzing Matilda Grant Expense).

Statement of Fact

This order accepts the \$50,000 CDBG Micro-Enterprise Grant and authorizes the City of Brewer to loan the grant money to Waltzing Matilda USA as a forgivable loan.

I. Adjourn.

Chairman Goss said he would accept a motion for adjournment.

ACTION: Councilor Ferris moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting adjourned at 6:37 p.m.

ADJOURNED, ATTEST: _____ Ronda J. Hogan
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine