

City Council Minutes

March 5, 2019

Regular Meeting  
City Hall Council Chambers

Tuesday, March 5, 2019  
6:00 p.m.

The regular meeting was called to order by Chairman Beverly Uhlenhake. The City Clerk called the roll:

Councilor Morelli-present  
Councilor O’Connell-present  
Councilor Ferris-present

Councilor Goss-present  
Chairman Uhlenhake-present

Chairman Uhlenhake declared a quorum present. City Manager Stephen Bost was present, City Solicitor Jonathan Pottle was absent.

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

Chairman Uhlenhake read the notice for the regular meeting.

TO: Joseph Ferris, Jerry Goss, Kevin O’Connell, Thomas Morelli 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, March 5, 2019 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/Beverly Uhlenhake  
Mayor and Chairman of the City Council  
Or \_\_\_\_\_  
Majority of the City Council

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

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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	S.Bost	City Manager	03/03/19	
Thomas Morelli	E. Willey	Sargent	03/01/19	17:26
Beverly Uhlenhake	R. Hogan	City Clerk	03/01/19	2:00 pm
Jerry Goss	E. Willey	Sargent	03/01/19	17:12
Kevin O’Connell	A. Treadwell	Adm. Asst.	03/01/19	4:30 pm

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March 5, 2019

**CITY COUNCIL REGULAR MEETING**  
**Tuesday, March 5, 2019 6:00 P.M.**  
**Brewer City Hall Council Chambers**

- I. Call to Order.** (Mayor Uhlenhake)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America.** (Mayor Uhlenhake)
- A. Minutes of January 22, 2019 Regular Meeting** (Councilor Goss)
- B. Awards, Petitions and Public Comments.**
  - 1. (2019-B002) RESOLVE Resolution of Respect for Richard P. Hawkins (Councilor Ferris)
  - 2. (2019-B005) RESOLVE Recognize Gordon Stitham for 30 years of service to the Brewer Housing Authority (Councilor Goss)
- C. Consent Calendar.**
  - 1. (2019-A011) ORDER Accept windstorm disaster reimbursement and appropriate for use to construct replacement cold storage building at the landfill (Councilor Morelli)
  - 2. (2019-A012) ORDER Authorize appropriation of reserve funds to cover unanticipated recycling expense (Councilor O'Connell)
- D. Monthly Reports.** (Councilor O'Connell)
- E. Nominations, Appointments, Elections.**
- F. Unfinished Business.**
  - 1. (2019-C001) Amend Chapter 24 Entitled "Land Use Code" of the City of Brewer Charter, Codes and Ordinances, Table of Contents and Article 4, Performance Standards, Section 405 Automobile Graveyard, Automobile Recycling Facility and Junkyards. (Councilor Goss)
- G. New Business.**
- H. New Items with Leave of Council.**
- I. ADJOURN.**

# City Council Minutes

March 5, 2019

## A. Minutes of February 12, 2019 Regular Meeting (Councilor Goss)

**ACTION:** Councilor Goss moved that the minutes be accepted and placed on file. The motion was seconded and passed with unanimous vote.

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## B. Awards, Petitions and Public Comments.

2019-B002

February 12, 2019

**TITLE:** RESOLVE, RESOLUTION OF RESPECT FOR RICHARD P. HAWKINS

Filed January 28, 2019

By Joseph L. Ferris

WHEREAS, on the 21<sup>st</sup> day of January 2019, death brought to a close the full and active life of Richard P. Hawkins of Brewer; and

WHEREAS, Richard was a graduate of Houlton High School in the Class of 1950 before continuing his education at Ricker College, graduating with a degree in Accounting; and

WHEREAS, one of Richard's proudest achievements was the purchase of Hamel Fuels in 1981 which he successfully operated as President and CEO for 20 years, and

WHEREAS, Richard served his community in numerous ways including President of the Greater Bangor Open Golf Tournament, President of the Brewer Economic Development Corporation, a director of the Bangor Chamber of Commerce, Board of Governors of the Penobscot Valley Country Club and was a Director of Eastern Maine Development Association; and

WHEREAS, Richard's involvement continued within his profession, serving as Chairman of the Board of Directors of Maine Oil Dealers Association as well as Director Emeritus of Maine Oil Dealers Association.

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

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

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

Councilor Ferris read the resolve into the record and presented the Hawkins family with the resolve and copies for the family members.

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Councilor Ferris stated that he got to know Dick Hawkins when he joined the Brewer Economic Development Corp. many years ago. Councilor Ferris remembers that Dick was a very positive guy, outstanding in whatever he did, always fun to be with, very smart and he will definitely be missed.

Councilor O'Connell stated that Mr. Hawkins was just such a gentleman of a man who had a goal in life just to make this earth better; he was a class act of a guy who everyone will miss.

Councilor Goss said he did not know Dick as a business man but as a human being; he said Dick always had a kind word in every conversation they had. Councilor Goss very much looked forward to their conversations because he always knew that they were going to be pleasant and fun and he will remember that.

City Manager Stephen Bost stated that he knew Dick for a little over 20 years and he cannot name very many people that have a more positive attitude. He said that Dick would spread a positive outlook wherever he went; recalling a fun routine he had here at City Hall, he would pay his taxes and then come up to the Managers office and state that Steve could now make payroll because his taxes were paid, that fun will be sorely missed.

The motion was passed unanimously.

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2019-B005

March 5, 2019

TITLE: RESOLVE, RECOGNIZE GORDON STITHAM FOR 30 YEARS OF SERVICE TO THE BREWER HOUSING AUTHORITY

Filed February 27, 2019  
By Jerry Goss

WHEREAS, Gordon Stitham will officially retire as Executive Director of the Brewer Housing Authority as of March 29, 2019; and

WHEREAS, as of February 13, 2019 Gordon Stitham reached the milestone of 30 years of dedicated service to the City of Brewer as an employee and leader of the Brewer Housing Authority; and

WHEREAS, in 1989, Gordon began his career as the Financial Assistant for the Brewer Housing Authority and in 2008 became the Executive Director where he remained until his retirement; and

WHEREAS, Gordon has been instrumental in the construction of Chamberlain Place, the Brewer Community Center, and the rehabilitation of Somerset Place; and

WHEREAS, Gordon has also served on the Board of Directors for the Ellen M. Leach Memorial Home and the American Red Cross.

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NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of Brewer, herewith recognizes and commends Gordon Stitham for 30 years of outstanding dedicated service to the citizens of the City of Brewer as a trusted and valued employee of the Brewer Housing Authority; and

FURTHER, RESOLVED, that this resolution be spread upon the permanent records of the City of Brewer in testimony of the appreciation held for Gordon Stitham by the citizens and officials of the City of Brewer, Maine.

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

Councilor Goss read the resolve into the record and presented the resolve to Gordon Stitham.

Councilor Goss presented a challenge coin to Gordon and challenged him to pass it along to someone, challenging them to follow in his footsteps. Councilor Goss shared a story about Gordon and how he secured a loan to keep the Housing Authority afloat during a recent government shutdown; that is the type of thing that Gordon quietly does to keep the Housing Authority running smoothly.

Gordon thanked the Council, the City, the Department heads and everyone that made his job easier every day, stating that he could not have done it without them, and he is now excited to move on.

Councilor Ferris gave kudos to Gordon and his Board stating that at times he thought they took on a lot and he wasn't sure if they could handle it all but they most certainly did and did a wonderful job.

Councilor O'Connell stated that the Council is proud of what Gordon has done over the last 3 decades and the effects will be felt for a very long time.

Chairman Uhlenhake commended Gordon on all his projects but especially Somerset Place stating that he should think of it as a crowning achievement. She congratulated Gordon and his staff on a job well done.

The motion passed unanimously.

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## C. Consent Calendar.

2019-A011

March 5, 2019

TITLE: ORDER, ACCEPT WINDSTORM DISASTER REIMBURSEMENT FUNDS AND APPROPRIATE FOR USE TO CONSTRUCT REPLACEMENT COLD STORAGE BUILDING AT THE LANDFILL

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March 5, 2019

Filed February 27, 2019

By Thomas Morelli

WHEREAS, during an extraordinary wind event in October of 2017, the City's Landfill Cold Storage Building was damaged beyond repair; and

WHEREAS, the City of Brewer recently received partial reimbursement from FEMA for costs incurred due to storm damage, including loss of this storage building, and will be receiving additional reimbursement related to the disaster from the State; and

WHEREAS, the Engineering Department has prepared plans and specifications and solicited competitive bids for replacement of this building, the results of which are attached; and

WHEREAS, in addition to the contractor's cost to construct the building, the City anticipates incurring costs to prepare the site and finish certain building elements not included in the bid documents;

NOW, THEREFORE, BE IT ORDERED that the City Manager or his designee is authorized to execute a contract with Aaron Gardner dba Gardner Concrete of Bangor, Maine (the low bidder) in an amount not to exceed \$60,000 (the lump sum bid amount plus approximately 10% for unanticipated contingencies) for the construction of the Landfill Cold Storage Building per City of Brewer Plans and Specifications dated February 1, 2019; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to expend up to an additional \$6,000 to prepare the site and finish building elements;

FURTHER ORDERED, that all costs related to the replacement storage building be charged to Special Revenue Account 0200000-520000-53019 (FY18 FEMA Windstorm Expense – Landfill Building);

FURTHER ORDERED, that the Brewer City Council hereby accepts the October 2017 windstorm disaster reimbursements from FEMA and the State and authorizes the appropriation and expenditure of up to \$66,000 of these funds on the project described herein.

**Statement of Fact**

This order authorizes the expenditure of up to \$66,000 for construction of a replacement Landfill Cold Storage Building, which was destroyed during the October 2017 windstorm. The project will be funded with windstorm disaster reimbursements received from the State and FEMA.

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2019-A012

March 5, 2019

TITLE: ORDER, AUTHORIZE APPROPRIATION OF RESERVE FUNDS TO COVER UNANTICIPATED RECYCLING EXPENSE

Filed February 27, 2019

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By Kevin J.M. O'Connell

WHEREAS, the City's approved FY2019 budget anticipated recyclables entering the Coastal Resources of Maine advanced waste processing and recycling facility in Hampden, Maine starting October 2018; and

WHEREAS, the Coastal plant will not begin accepting materials until spring 2019; and

WHEREAS, due to this delay, the City has been incurring a higher cost to process its single stream recycling than it anticipated in the budget; and

WHEREAS, in anticipation of possible additional and unanticipated costs associated with the end of the City's 30-year contract with PERC in 2018 and the startup of the new Coastal facility, the City, in 2011, established a reserve fund to cover such costs;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the transfer, appropriation and expenditure of up to \$50,000 from the PERC Contract Expiration Reserve Fund (0200000-520000-67001) to the Public Works Recycling Fees account (0116711-501430) to cover unanticipated one-time recycling costs associated with the startup of the new Coastal Resources of Maine facility in Hampden, Maine.

**STATEMENT OF FACT**

The FY2019 budget anticipated Brewer recycling going to the Coastal Resources of Maine advanced waste processing and recycling facility in Hampden, Maine starting October 2018. The plant, however, will begin accepting materials this spring. This order authorizes the use of up to \$50,000 in PERC Contract Expiration Reserve funds to cover the unanticipated higher tip fee costs incurred as a result of the delay.

**ACTION:** Councilor O'Connell moved that the orders on the consent calendar have passage. The motion was seconded and passed unanimously.

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**D. Monthly Reports.**

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

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

There were none.

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**F. Unfinished Business**

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2019-C001

February 12, 2019

**ORDER**      **AMEND CHAPTER 24, ENTITLED “LAND USE CODE” OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, TABLE OF CONTENTS AND ARTICLE 4, PERFORMANCE STANDARDS, SECTION 405 AUTOMOBILE GRAVEYARD, AUTOMOBILE RECYCLING FACILITY AND JUNKYARDS.**

Filed February 6, 2019  
By Jerry Goss

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 as follows:

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**ARTICLE 4 PERFORMANCE STANDARDS**

405 Automobile Graveyard, Automobile Recycling Facility, ~~And~~ Junkyards, and Motor Vehicle Parking/Storage

ARTICLE 4 PERFORMANCE STANDARDS

**405**      **AUTOMOBILE GRAVEYARD, AUTOMOBILE RECYCLING FACILITY, ~~AND~~ JUNKYARDS, AND MOTOR VEHICLE PARKING/STORAGE**

No person or landowner shall allow any automobile graveyard, junkyard or automobile recycling facility, hereinafter referred to as facility, to be established, operated, maintained or suffered to exist without first obtaining Site Plan Review approval by the Planning Board, a non-transferable land use permit issued by the City Council in accordance with State licensing and local requirements, and complying with the following provisions:

**405.10 Motor Vehicles Parking and Storage of:** It shall be unlawful to store any vehicle which is unregistered or uninspected off premise from where the vehicle owner resides, without the City of Brewer Code Enforcement Office approval. No more than one unregistered or uninspected motor vehicle shall be parked, kept or stored at the premises where the vehicle owner resides, and no vehicle shall be, at any time, in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. This does not apply to collectors of vehicles generally identified as antique, rare or classic and to businesses which have received all required approvals and permits from the City of Brewer for the property upon which the vehicles are parked or stored.

**STATEMENT OF FACT**

This ordinance amendment is proposed to regulate the storing of junk vehicles off site of where the owner lives, which is an issue for tracking for fluid leaks or harboring any vermin.

The Planning Board held a public hearing on February 4, 2019 and unanimously made the recommendation to adopt this amendment.



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**ACTION:** Councilor Goss moved that the amendment be enacted; the motion was seconded.

Councilor Goss moved that the amendment be tabled. The motion was seconded. The motion passed unanimously.

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**G. New Business**

There were no items

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

No items

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**I. Adjourn.**

**ACTION:** Councilor Ferris moved that the meeting be adjourned. The motion was seconded and passed by a unanimous vote. The meeting adjourned at 6:20 p.m.

ADJOURNED, ATTEST: \_\_\_\_\_ Ronda J. Hogan

City Clerk

A TRUE COPY, ATTEST: \_\_\_\_\_ Brewer, Maine